

中華人民共和國和美利堅合眾國

聯合公報*

應中華人民共和國總理周恩來的邀請，美利堅合眾國總統理查德·尼克松自一九七二年二月二十一日至二月二十八日訪問了中華人民共和國。陪同總統的有尼克松夫人、美國國務卿威廉·羅杰斯、總統助理亨利·基辛格博適和其他美國官員。

尼克松總統于二月二十一日會見了中國共產黨主席毛澤東。兩位領導人就中美關係和國際事務認真、坦率地交換了意見。

訪問中，尼克松總統和周恩來總理就美利堅合眾國和中華人民共和國關係正常化以及雙方關心的其他問題進行了廣泛、認真和坦率的討論。此外，國務卿威廉·羅杰斯和外交部長姬鵬飛也以同樣精神進行了會談。

尼克松總統及其一行訪問了北京，參觀了文化、工業和農業項目，還訪問了杭州和上海，在那裡繼續同中國領導人進行討論，並參觀了類似的項目。

中華人民共和國和美利堅合眾國領導人經過這麼多年一直沒有接觸之後，現在有機會坦率地互相介紹彼此對各種問題的觀點，對此，雙方認為是有益的。他們回顧了經歷著重大變化和巨大動盪的國際形勢，闡明了各自的立場和態度。

中國方面聲明：那裡有壓迫，那裡就有反抗。國家要獨立，民族要解放，人民要革命，已成為不可抗拒的歷史潮流。國家不分大小，應該一律平等，大國不應欺負小國，強國不應欺負弱國。中國決不做超級大國，並且反對任何霸權主權和強權政治。中國方面表示：堅決支持一切被壓迫人民和被壓迫民族除爭取自由、解放的鬥爭，各國人民有權按照自己的意願，選擇本國的社會制度，有權維護本國獨立、主權和領土完整，反對外來侵略、干涉、控制和顛覆。一切外國軍隊都應撤回本國去。中國方面表示：堅決支持越南、查莫、柬埔寨三國人民為實現自己的目標所作的努力，堅決支持越南南方共和臨時革命政府的七點建議以及在今年二月對其中兩個關鍵問題的說明和印度支那人民最高級會議聯合聲明；堅決支持朝鮮民主主義人民共和國政府一九七一年四月十二日提出的朝鮮和平統一的八點方案和取消“聯合國韓國統一復興委員會”的主張；堅決反對日本軍國主義的復活和對外擴張，堅決支持日本人民要求建立一個獨立、民主、和平和中立的日本的願望；堅決主張印度和巴基斯坦按照聯合國關於印巴問題的決議，立即把自己的軍隊全部撤回到本國境內以及查莫和克什米爾停火線的各

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自一方，堅決支持巴基斯坦政府和人民維護獨立、主權的鬥爭以及查莫和克什米爾人民爭取自決權的鬥爭。

美國方面聲明：為了亞洲和世界的和平，需要對緩和當前的緊張局勢和消除衝突的基本原因作出努力。美國將致力於建立公正而穩定的和平。這種和平是公正的，因為它滿足各國人民和各國爭取自由和進步的願望。這種和平是穩定的，因為它消除外來侵略的危險。美國支持全世界各國人民在沒有外來壓力和干預的情況下取得個人自由和社會進步。美國相信，改善具有不同意態形態的國與國之間的聯繫，以便減少由於事故、錯誤估計或誤會而引起的對峙的危險，有助於緩和緊張局勢的努力。各國應該互相尊重並願進行和平競賽，讓行動作出最後判斷。任何國家都不應自稱一貫正確，各國都要準備為了共同的利益重新檢查自己的態度。美國強調：應該允許印度支那各國人民在不受外來干涉的情況下決定自己的命運；美國一貫的首要目標是談判解決。越南共和國和美國在一九七二年一月二十七日提出的八點建議提供了實現這個目標的基礎；在談判得不到解決時，美國預計在符合印度支那每個國家自決這一目標的情況下以這個地區最終撤出所有美國軍隊。美國將保持其與大韓民國的密切聯繫和對它的支持；美國將支持大韓民國為謀求在朝鮮半島緩和緊張局勢和增加聯繫的努力。美國最高度地珍視同日本的友好關係，並將繼續發展現存的緊密紐帶。按照一九七一年十二月廿一日聯合國安全理事會的決議，美國贊成印度和巴基斯坦之間的停火繼續下去，並把全部軍事力量撤至本國境內以及查莫和克什米爾停火線的各自一方；美國支持南亞各國人民和平地、不受軍事威脅地建設自己的未來的權力，而不使這個地區成為大國競爭的目標。

中美兩國的社會制度和對外政策有著本質的區別。但是，雙方同意，各國不論社會制度如何，都應根據尊重各國主權和領土完整、不侵犯別國、不干涉別國內政、平等互利、和平共處的原則來處理國與國之間的關係。國際爭端因在此基礎上予以解決，而不訴諸武力和武力威脅。美國和中華人民共和國準備在它們的相互關係中實行這些原則。

考慮到國際關係的上述這些原則，雙方聲明：

- - 中美兩國關係走向正常化是符合所有國家的利益的；
- - 雙方都希望減少國際軍事衝突的危險；
- - 任何一方都不應該在亞洲 - 太平洋地區謀求霸權，每一方都反對任何其他國家或國家集團建立這種霸權的努力；
- - 任何一方都不準備代表任何第三方進行談判，也不準備同對方達成針對其他國家的協議或諒解。

雙方都認為，任何大國與另一大國進行勾結反對其他國家，或者大國在世界上劃分利益範圍，那都是違背世界各國人民利益的。

雙方回顧了中美兩國之間長期存在的嚴重爭端。中國方面重申自己的立場；台灣問題是阻礙中美兩國關係正常化的關鍵問題；中華人民共和國政府是中國的唯一合法政府；台灣是中國的一個省，早已歸還祖國；解放台灣是中國內政，別國無權干涉；全部美國武裝力量和軍事設施必須從台灣撤走。中國政府堅決反對任何旨在製造“一中一台”，“一個中國、兩個政府”、“兩個中國”、“台灣獨立”和鼓吹“台灣地位未定”的活動。

美國方面聲明：美國認識到，在台灣海峽兩邊的所有中國人都認為只有一個中國，台灣是中國的一部份。美國政府對這一立場不提出異議。它重申它對由中國人自己和平解決台灣問題的關心。考慮到這一前景，它確認從台灣撤出全部美國武裝力量和軍事設施的最終目標。在此期間，它將隨著這個地區緊張局勢的緩和逐步減少它在台灣的武裝力量和軍事設施。

雙方同意，擴大兩國人民之間的瞭解是可取的。為此目的，它們就科學、技術、文化、體育和新聞等方面的具體領域進行了討論。在這些領域中進行人民之間的聯繫和交流將是互相有利的。雙方各自承諾對進一步發展這種聯繫和交流提供便利。

雙方把雙邊貿易看作是另一個可以帶來互利的領域，並一致認為平等互利的經濟關係是符合兩國人民的利益的。它們同意為逐步發展兩國間的貿易提供便利。

雙方同意，它們將通過不同渠道保持接觸，包括不定期地派遣美國高級代表前來北京，就促進兩國關係正常化進行具體磋商並繼續就共同關心的問題交換意見。

雙方希望，這次訪問的成果將為兩國關係開闢新的前景。雙方相信，兩國關係正常化不僅符合中美兩國人民的利益，而且會對緩和亞洲及世界緊張局勢作出貢獻。

尼克松總統、尼克松夫人及美方一行對中華人民共和國政府和人民給予他們有禮貌的款待，表示感謝。

一九七二年二月二十八日

THE JOINT U.S.-CHINA COMMUNIQUE, SHANGHAI,
February 27, 1972

President Richard Nixon of the United States of America visited the People's Republic of China at the invitation of Premier Chou En-lai of the People's Republic of China from February 21 to February 28, 1972. Accompanying the President were Mrs. Nixon, U.S. Secretary of State William Rogers, Assistant to the President Dr. Henry Kissinger, and other American officials.

President Nixon met with Chairman Mao Tse-tung of the Communist Party of China on February 21. The two leaders had a serious and frank exchange of views on Sino-U.S. relations and world affairs.

During the visit, extensive, earnest and frank discussions were held between President Nixon and Premier Chou En-lai on the normalization of relations between the United States of America and the People's Republic of China, as well as on other matters of interest to both sides. In addition, Secretary of State William Rogers and Foreign Minister Chi Peng-fei held talks in the same spirit.

President Nixon and his party visited Peking and viewed cultural, industrial and agricultural sites, and they also toured Hangchow and Shanghai where, continuing discussions with Chinese leaders, they viewed similar places of interest.

The leaders of the People's Republic of China and the United States of America found it beneficial to have this opportunity, after so many years without contact, to present candidly to one another their views on a variety of issues. They reviewed the international situation in which important changes and great upheavals are taking place and expounded their respective positions and attitudes.

The U.S. side stated: Peace in Asia and peace in the world requires efforts both to reduce immediate tensions and to eliminate the basic causes of conflict. The United States will work for a just and secure peace: just, because it fulfills the aspirations of peoples and nations for freedom and progress; secure, because it removes the danger of foreign aggression. The United States supports individual freedom and social progress for all the peoples of the world, free of outside pressure or intervention. The United States believes that the effort to reduce tensions is served by improving communication between countries that through accident, miscalculation or misunderstanding. Countries should treat each other with mutual respect and be willing to compete peacefully, letting performance be the ultimate judge. No country should claim infallibility and each country should be prepared to re-examine its own attitudes for the common good. The United States stressed that the peoples of Indochina should be allowed to determine their destiny without outside intervention;

its constant primary objective has been a negotiated solution; the eight-point proposal put forward by the Republic of Vietnam and the United States on January 27, 1972 represents a basis for the attainment of that objective; in the absence of a negotiated settlement the United States envisages the ultimate withdrawal of all U.S. forces from the region consistent with the aim of selfdetermination for each country of Indochina. The United States will maintain its close ties with and support for the Republic of Korea; the United States will support efforts of the Republic of Korea to seek a relaxation of tension and increased communication in the Korean peninsula. The United States places the highest value on its friendly relations with Japan; it will continue to develop the existing close bonds. Consistent with the United Nations Security Council Resolution of December 21, 1971, the United States favors the continuation of the ceasefire between India and Pakistan and the withdrawal of all military forces to within their own territories and to their own sides of the ceasefire line in Jammu and Kashmir; the United States supports the right of the peoples of South Asia to shape their own future in peace, free of military threat, and without having the area become the subject of great power rivalry.

The Chinese side stated: Wherever there is oppression, there is resistance. Countries want independence, nations want liberation and the people want revolution--this has become the irresistible trend of history. All nations, big or small, should be equal; big nations should not bully the small and strong nations should not bully the weak. China will never be a superpower and it opposes hegemony and power politics of any kind. The Chinese side stated that it firmly supports the struggles of all the oppressed people and nations for freedom and liberation and that the people of all countries have the right to choose their social systems according to their own wishes and the right to safeguard the independence, sovereignty and territorial integrity of their own countries and oppose foreign aggression, interference, control and subversion. All foreign troops should be withdrawn to their own countries.

The Chinese side expressed its firm support to the peoples of Vietnam, Laos and Cambodia in their efforts for the attainment of their goal and its firm support to the seven-point proposal of the Provisional Revolutionary Government of the Republic of South Vietnam and the elaboration of February this year on the two key problems in the proposal, and to the Joint Declaration of the Summit Conference of the Indochinese Peoples. It firmly supports the eight-point program for the peaceful unification of Korea put forward by the Government of the Democratic People's Republic of Korea on April 12, 1971, and the stand for the abolition of the "U.N. Commission for the Unification and Rehabilitation of Korea." It firmly opposes the revival and outward expansion of Japanese militarism and firmly supports the Japanese people's desire to build an independent, democratic, peaceful and neutral Japan. It firmly maintains that India and Pakistan should, in accordance with the United Nations resolutions on the India-Pakistan question, immediately withdraw all their forces to their respective territories and to their own sides of the ceasefire line in Jammu and Kashmir and firmly supports the Pakistan Government and people in their struggle to

preserve their independence and sovereignty and the people of Jammu and Kashmir in their struggle for the right of selfdetermination.

There are essential differences between China and the United States in their social systems and foreign policies. However, the two sides agreed that countries, regardless of their social systems, should conduct their relations on the principles of respect for the sovereignty and territorial integrity of all states, non-aggression against other states, non-interference in the internal affairs of other states, equality and mutual benefit, and peaceful coexistence. International disputes should be settled on this basis, without resorting to the use or threat of force. The United States and the People's Republic of China are prepared to apply these principles to their mutual relations.

With these principles of international relations in mind the two sides stated that:

- * progress toward the normalization of relations between China and the United States is in the interests of all countries:
- * both wish to reduce the danger of international military conflict;
- * neither should seek hegemony in the Asia-Pacific region and each is opposed to efforts by any other country or group of countries to establish such hegemony; and
- * neither is prepared to negotiate on behalf of any third party or to enter into agreements or understandings with the other directed at other states.

Both sides are of the view that it would be against the interests of the peoples of the world for any major country to collude with another against other countries, or for major countries to divide up the world into spheres of interest.

The two sides reviewed the long-standing serious disputes between China and the United States. The Chinese reaffirmed its position: The Taiwan question is the crucial question obstructing the normalization of relations between China and the United States; the Government of the People's Republic of China is the sole legal government of China; Taiwan is a province of China which has long been returned to the motherland; the liberation of Taiwan is China's internal affair in which no other country has the right to interfere; and all U.S. forces and military installations must be withdrawn from Taiwan. The Chinese Government firmly opposes any activities which aim at the creation of "one China, one Taiwan," "one China, two governments," "two Chinas," and "independent Taiwan" or advocate that "the status of Taiwan remains to be determined."

The U.S. side declared: The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China. The United States

Government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes.

The two sides agreed that it is desirable to broaden the understanding between the two peoples. To this end, they discussed specific areas in such fields as science, technology, culture, sports and journalism, in which people-to-people contacts and exchanges would be mutually beneficial. Each side undertakes to facilitate the further development of such contacts and exchanges.

Both sides view bilateral trade as another area from which mutual benefit can be derived, and agreed that economic relations based on equality and mutual benefit are in the interest of the peoples of the two countries. They agree to facilitate the progressive development of trade between their two countries.

The two sides agreed that they will stay in contact through various channels, including the sending of a senior U.S. representative to Peking from time to time for concrete consultations to further the normalization of relations between the two countries and continue to exchange views on issues of common interest.

The two sides expressed the hope that the gains achieved during this visit would open up new prospects for the relations between the two countries. They believe that the normalization of relations between the two countries is not only in the interest of the Chinese and American peoples but also contributes to the relaxation of tension in Asia and the world.

President Nixon, Mrs. Nixon and the American party expressed their appreciation for the gracious hospitality shown them by the Government and people of the People's Republic of China.

附錄二

中華人民共和國和美利堅合眾國 關於建立外交關係的聯合公報^{*}

一九七九年一月一日

中華人民共和國和美利堅合眾國商定自一九七九年一月一日起互相承認並建立外交關係。

美利堅合眾國承認中華人民共和國政府是中國的唯一合法政府。在此範圍內，美國人民將同台灣人民保持文化、商務和其他非官方關係。

中華人民共和國和美利堅合眾國重申上海公報中雙方一致同意的各項原則，並再次強調。

- 雙方都希望減少國際軍事衝突的危險。
- 任何一方都不應該在亞洲 - 太平洋地區以及世界上任何地區謀求霸權，每一方都反對任何其他國家或國家集團建立這種霸權的努力。
- 任何一方都不準備代表任何第三方進行談判，也不準備同對方達成針對其他國家的協議或諒解。
- 美利堅合眾國政府承認中國的立場，即只有一個中國，台灣是中國的一部份。
- 雙方認為，中美關係正常化不僅符合中國人民和美國人民的利益，而且有助於亞洲和世界的和平事實。

中華人民共和國和美利堅合眾國將於一九七九年三月一日互派大使並建立大使館。

^{*} <http://ait.org.tw/en/twinfo> (AIT 網站)

JOINT COMMUNIQUE ON THE ESTABLISHMENT OF DIPLOMATIC RELATIONS
BETWEEN THE UNITED STATES OF AMERICA AND THE PEOPLE'S REPUBLIC OF CHINA
JANUARY 1, 1979

(The communique was released on December 15, 1978, in Washington and Peking.)

The United States of America and the People's Republic of China have agreed to recognize each other and to establish diplomatic relations as of January 1, 1979.

The United States of America recognizes the Government of the People's Republic of China as the sole legal Government of China. Within this context, the people of the United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan.

The United States of America and the People's Republic of China reaffirm the principles agreed on by the two sides in the Shanghai Communique and emphasize once again that:

- * Both wish to reduce the danger of international military conflict.
- * Neither should seek hegemony in the Asia-Pacific region or in any other region of the world and each is opposed to efforts by any other country or group of countries to establish such hegemony.
- * Neither is prepared to negotiate on behalf of any third party or to enter into agreements or understandings with the other directed at other states.
- * The Government of the United States of America acknowledges the Chinese position that there is but one China and Taiwan is part of China.
- * Both believe that normalization of Sino-American relations is not only in the interest of the Chinese and American peoples but also contributes to the cause of peace in Asia and the world.

The United States of America and the People's Republic of China will exchange Ambassadors and establish Embassies on March 1, 1979.

附錄三

臺灣關係法^{*}

簡稱

第一條：本法律可稱為「臺灣關係法」

政策的判定及聲明

第二條：

(A) 由於美國總統已終止美國和臺灣統治當局（在一九七九年一月一日前美國承認其為中華民國）間的政府關係，美國國會認為有必要制訂本法：

（1）有助於維持西太平洋地區的和平、安全及穩定；

（2）授權繼續維持美國人民及臺灣人民間的商務、文化及其他各種關係，以促進美國外交政策的推行。

(B) 美國的政策如下：

（1）維持及促進美國人民與臺灣之人民間廣泛、密切及友好的商務、文化及其他各種關係；並且維持及促進美國人民與中國大陸人民及其他西太平洋地區人民間的同種關係；

（2）表明西太平洋地區的和平及安定符合美國的政治、安全及經濟利益，而且是國際關切的事務；

（3）表明美國決定和「中華人民共和國」建立外交關係之舉，是基於臺灣的前途將以和平方式決定這一期望；

（4）任何企圖以非和平方式來決定臺灣的前途之舉 -- 包括使用經濟抵制及禁運手段在內，將被視為對西太平洋地區和平及安定的威脅，而為美國所嚴重關切；

（5）提供防禦性武器給臺灣人民；

（6）維持美國的能力，以抵抗任何訴諸武力、或使用其他方式高壓手段，而危及臺灣人民安全及社會經濟制度的行動。

(C) 本法律的任何條款不得違反美國對人權的關切，尤其是對於臺灣地區一千八百萬名居民人權的關切。茲此重申維護及促進所有臺灣人民的人權是美國的目標。

美國對臺灣政策的實行

第三條：

(A) 為了推行本法第二條所明訂的政策，美國將使臺灣能夠獲得數量足以使其維持足夠的自衛能力的防衛物資及技術服務；

(B) 美國總統和國會將依據他們對臺灣防衛需要的判斷，遵照法定程序，來決定提供上述防衛物資及服務的種類及數量。對臺灣防衛需要的判斷應包括美國軍事當局向

* <http://ait.org.tw/en/twinfo> (AIT 網站)

總統及國會提供建議時的檢討報告。

(C) 指示總統如遇臺灣人民的安全或社會經濟制度遭受威脅，因而危及美國利益時，應迅速通知國會。總統和國會將依憲法程序，決定美國應付上述危險所應採取的適當行動。

法律的適用和國際協定

第四條：

(A) 缺乏外交關係或承認將不影響美國法律對臺灣的適用，美國法律將繼續對臺灣適用，就像一九七九年元月一日之前，美國法律對臺灣適用的情形一樣。

(B) 前項所訂美國法律之適用，包括下述情形，但不限於下述情形：

(1) 當美國法律中提及外國、外國政府或類似實體、或與之有關之時，這些字樣應包括臺灣在內，而且這些法律應對臺灣適用；

(2) 依據美國法律授權規定，美國與外國、外國政府或類似實體所進行或實施各項方案、交往或其他關係，美國總統或美國政府機構獲准，依據本法第六條規定，遵照美國法律同樣與臺灣人民進行或實施上述各項方案、交往或其他關係（包括和臺灣的商業機構締約，為美國提供服務）。

(3) (a) 美國對臺灣缺乏外交關係或承認，並不消除、剝奪、修改、拒絕或影響以前或此後臺灣依據美國法律所獲得的任何權利及義務（包括因契約、債務關係及財產權益而發生的權利及義務）。

(b) 為了各項法律目的，包括在美國法院的訴訟在內，美國承認「中華人民共和國」之舉，不應影響臺灣統治當局在一九七八年十二月卅一日之前取得或特有的有體財產或無體財產的所有權，或其他權利和利益，也不影響臺灣當局在該日之後所取得的財產。

(4) 當適用美國法律需引據遵照臺灣現行或舊有法律，則臺灣人民所適用的法律應被引據遵照。

(5) 不論本法律任何條款，或是美國總統給予「中華人民共和國」外交承認之舉、或是臺灣人民和美國之間沒有外交關係、美國對臺灣缺乏承認、以及此等相關情勢，均不得被美國政府各部門解釋為，依照一九五四年原子能法及一九七八年防止核子擴散法，在行政或司法程序中決定事實及適用法律時，得以拒絕對臺灣的核子輸出申請，或是撤銷已核准的輸出許可證。

(6) 至於移民及國籍法方面，應根據該法二〇二項(b)款規定對待臺灣。

(7) 臺灣依據美國法律在美國法院中起訴或應訴的能力，不應由於欠缺外交關係或承認，而被消除、剝奪、修改、拒絕或影響。

(8) 美國法律中有關維持外交關係或承認的規定，不論明示或默示，均不應對臺灣適用。

(C) 為了各種目的，包括在美國法院中的訴訟在內，國會同意美國和（美國在一九七九年元月一日前承認為中華民國的）臺灣當局所締結的一切條約和國際協定（包括多國公約），至一九七八年十二月卅一日仍然有效者，將繼續維持

效力，直至依法終止為止。

(D) 本法律任何條款均不得被解釋為，美國贊成把臺灣排除或驅逐出任何國際金融機構或其他國際組織。

美國海外私人投資保證公司

第五條：

(A) 當本法律生效後三年之內，一九六一年援外法案二二一項第二段第二款所訂國民平均所得一千美元限制。將不限制美國海外私人投資保證公司活動，其可決定是否對美國私人在臺投資計畫提供保險、再保險、貸款或保證。

(B) 除了本條(A)項另有規定外，美國海外私人投資保證公司在對美國私人在臺投資計畫提供保險、再保險、貸款或保證時，應適用對世界其他地區相同的標準。

美國在台協會

第六條：

(A) 美國總統或美國政府各部門與臺灣人民進行實施的各項方案、交往或其他關係，應在總統指示的方式或範圍內，經由或透過下述機構來進行實施：

- (1) 美國在台協會，這是一個依據哥倫比亞特區法律而成立的一個非營利法人
- (2) 總統所指示成立，繼承上述協會的非政府機構。

(以下將簡稱「美國在台協會」為「該協會」。)

(B) 美國總統或美國政府各部門依據法律授權或要求，與臺灣達成、進行或實施協定或交往安排時，此等協定或交往安排應依美國總統指示的方式或範圍，經由或透過該協會達成、進行或實施。

(C) 該協會設立或執行業務所依據的哥倫比亞特區、各州或地方政治機構的法律、規章、命令，阻撓或妨礙該協會依據本法律執行業務時，此等法律、規章、命令的效力應次於本法律。

該協會對在臺美國公民所提供的服務

第七條：

(A) 該協會得授權在臺雇員：

- (1) 執行美國法律所規定授權之公證人業務，以採錄證詞，並從事公證業務；
- (2) 擔任已故美國公民之遺產臨時保管人；
- (3) 根據美國總統指示，依照美國法律之規定，執行領事所獲授權執行之其他業務，以協助保護美國人民的利益。

(B) 該協會雇員獲得授權執行之行為有效力，並在美國境內具有相同效力，如同其他人獲得授權執行此種行為一樣。

該協會的免稅地位

第八條：該協會、該協會的財產及收入，均免受美國聯邦、各州或地方稅務當局目前或嗣後一切課稅。

對該協會提供財產及服務、以及從該協會獨得之財產及服務

第九條

(A) 美國政府各部門可依總統所指定條件，出售、借貸或租賃財產（包括財產利益）給該協會，或提供行政和技術支援和服務，供該協會執行業務。

此等機構提供上述服務之報酬，應列入各機構所獲預算之內。

(B) 美國政府各部門得依總統指示的條件，獲得該協會的服務。當總統認為，為了實施本法律的宗旨有必要時，可由總統頒佈行政命令，使政府各部門獲得上述服務，而不顧上述部門通常獲得上述服務時，所應適用的法律。

(C) 依本法律提供經費給該協會的美國政府各部門，應和該協會達成安排，讓美國政府主計長得查閱該協會的帳冊記錄，並有機會查核該協會經費動用情形。

臺灣機構

第十條：

(A) 美國總統或美國政府各機構依據美國法律授權或要求，向臺灣提供，或由臺灣接受任何服務、連絡、保證、承諾等事項，應在總統指定的方式及範圍內，向臺灣設立的機構提供上述事項，或由這一機構接受上述事項。此一機構乃總統確定依臺灣人民適用的法律而具有必需之權力者，可依據本法案代表臺灣提供保證及採取其他行動者。

(B) 要求總統給予臺灣設立的機構相同數目的辦事處及規定的全體人數，這是指與一九七九年一月一日以前美國承認為中華民國的台灣當局在美國設立的辦事處及人員相同而言。

(C) 根據臺灣給予美國在臺協會及其適當人員的特權及豁免權，總統已獲授權給予臺灣機構及其適當人員有效履行其功能所需的此種特權及豁免權（要視適當的情況及義務而定）。

公務人員離職受雇於協會

第十一條：

(A) (1) 依據總統可能指示的條件及情況，任何美國政府機構可在一特定時間內，使接受服務於美國在臺協會的任何機構職員或雇員脫離政府職務。

(2) 任何根據上述(1)節情況離開該機構而服務於該協會的任何職員或雇員，有權在終止於協會的服務時，以適當的地位重新為原機構(或接替的機構)雇用或復職，該職員或雇員並保有如果未在總統指示的期間及其他情況下離職所應獲得的附帶權利、特權及福利。

(3) 在上述(2)項中有權重新被雇用或復職的職員或雇員，在繼續不斷為該協會服務期間，應可繼續參加未受雇於該協會之前所參加的任何福利計劃，其

中包括因公殉職、負傷或患病的補償；衛生計劃及人壽保險；年度休假、病假及其他例假計劃；美國法律下任何制度的退休安排。此種職員或雇員如果在為該協會服務期間，及重為原機構雇用或復職之前死亡或退休，應視為在公職上死亡或退休。

(4) 任何美國政府機構的職員或雇員，在本法案生效前享准保留原職而停薪情況進入該協會者，在服務期間將獲受本條之下的各項福利。

(B) 美國政府任何機構在臺灣雇用外國人員者，可將此種人員調往該協會，要自然增加其津貼、福利及權利，並不得中斷其服務，以免影響退休及其他福利，其中包括繼續參加調往該協會前，法律規定的退休制度。

(C) 該協會的雇用人員不是美國政府的雇用的人員，其在代表該協會時，免於受美國法典第十八條二〇七項之約束。

(D) (1) 依據一九五四年美國國內稅法九一一及九一三項，該協會所付予雇用人員之薪水將不視為薪資所得。該協會雇用人員所獲之薪水應予免稅，其程度與美國政府的文職人員情況同。

(E) 除了前述(A) (3) 所述範圍，受雇該協會所作的服務，將不構成社會安全法第二條所述之受雇目的。

有關報告之規定

第十二條：

(A) 國務卿應將該協會為其中一造的任何協定內容全文送交國會。但是，如果總統認為立即公開透露協定內容會危及美國的國家安全，則此種協定不應送交國會，而應在適當的保密命令下，送交參院及眾院的外交委員會，僅於總統發出適當通知時才得解除機密。

(B) 為了(A)段所述的目的，「協定」一詞包括(1) 該協會與臺灣的治理當局或臺灣設立之機構所達成的任何協定；(2) 該協會與美國各機構達成的任何協定。

(C) 經由該協會所達成的協定及交易，應接受同樣的國會批准、審查、及認可，如同這些協定是經由美國各機構達成一樣，該協會是代表美國政府行事。

(D) 在本法案生效之日起的兩年期間，國務卿應每六個月向眾院議長及參院外交委員會提出一份報告，描述及檢討與臺灣的經濟關係，尤其是對正常經濟關係的任何干預。

規則與章程

第十三條：授權總統規定適於執行本法案各項目的的規則與章程。在本法案生效之日起三年期間，此種規則與章程應立即送交眾院議長及參院外交委員會。然而，此種規則章程不得解除本法案所賦予該協會的責任。

國會監督

第十四條：

(A) 眾院外交委員會，參院外交委員會及國會其他適當的委員會將監督 -- (1) 本法案各條款的執行；(2) 該協會的作業及程序；(3) 美國與臺灣繼續維持關係的法律及技術事項；(4) 有關東亞安全及合作的美國政策的執行。

(B) 這些委員會將適當地向參院或眾院報告監督的結果。

定義

第十五條：為本法案的目的 (1) 「美國法律」一詞，包括美國任何法規、規則、章程、法令、命令、美國及其政治分支機構的司法程序法；(2) 「臺灣」- 詞將視情況需要，包括臺灣及澎湖列島，這些島上的人民、公司及根據適用於這些島嶼的法律而設立或組成的其他團體及機構，一九七九年一月一日以前美國承認為中華民國的臺灣治理當局，以及任何接替的治理當局（包括政治分支機構、機構等）。

第十六條：除了執行本法案各條款另外獲得的經費外，本法案授權國務卿在一九八〇會計年度撥用執行本法案所需的經費。此等經費已獲授權保留運用，直到用盡為止。

條款的可分性

第十七條：如果本法案的任何條款被視為無效，或條款對任何人或任何情況的適用性無效，則本法案的其他部份，以及此種條款適用於其他個人或情況的情形，並不受影響。

生效日期

第十八條：本法案應於一九七九年一月一日生效。

TAIWAN RELATIONS ACT

Public Law 96-8 96th Congress

An Act

To help maintain peace, security, and stability in the Western Pacific and to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Taiwan Relations Act".

FINDINGS AND DECLARATION OF POLICY

- SEC. 2. (a) The President- having terminated governmental relations between the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, the Congress finds that the enactment of this Act is necessary--
 - (1) to help maintain peace, security, and stability in the Western Pacific; and
 - (2) to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan.
- (b) It is 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 and all other peoples of the Western Pacific area;
 - (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 People's Republic of China 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, including by boycotts or embargoes, 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.
- (c) Nothing contained in this Act shall contravene the interest of the United States in human rights, especially with respect to the human rights of all the approximately eighteen million inhabitants of Taiwan. The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.

IMPLEMENTATION OF UNITED STATES POLICY WITH REGARD TO TAIWAN

- SEC. 3. (a) In furtherance of the policy set forth in section 2 of this Act, the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.
- (b) The President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with procedures established by law. Such determination of Taiwan's defense needs shall include review by United States military authorities in connection with recommendations to the President and the Congress.
- (c) The President is directed to inform the Congress promptly of any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom. The President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger.

APPLICATION OF LAWS; INTERNATIONAL AGREEMENTS

- SEC. 4. (a) The absence of diplomatic relations or recognition shall not affect the application of the laws of the United States with respect to Taiwan, and the laws of the United States shall apply with respect to Taiwan in the manner that the laws of the United States applied with respect to Taiwan prior to January 1, 1979.
- (b) The application of subsection (a) of this section shall include, but shall not be limited to, the following:
 - (1) Whenever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with such respect to Taiwan.
 - (2) Whenever authorized by or pursuant to the laws of the United States to conduct or carry out programs, transactions, or other relations with respect to foreign countries, nations, states, governments, or similar entities, the President or any agency of the United States Government is authorized to conduct and carry out, in accordance with section 6 of this Act, such programs, transactions, and other relations with respect to Taiwan (including, but not limited to, the performance of services for the United States through contracts with commercial entities on Taiwan), in accordance with the applicable laws of the United States.
 - (3)(A) The absence of diplomatic relations and recognition with respect to Taiwan shall not abrogate, infringe, modify, deny, or otherwise affect in any way any rights or obligations (including but not limited to those involving contracts, debts, or property interests of any kind) under the laws of the United States heretofore or hereafter acquired by or with respect to Taiwan.
 - (B) For all purposes under the laws of the United States, including actions in any court in the United States, recognition of the People's Republic of China shall not affect in any way the ownership of or other rights or interests in properties, tangible and intangible, and other things of value, owned or held on or prior to December 31, 1978, or thereafter acquired or earned by the governing authorities on Taiwan.

- (4) Whenever the application of the laws of the United States depends upon the law that is or was applicable on Taiwan or compliance therewith, the law applied by the people on Taiwan shall be considered the applicable law for that purpose.
- (5) Nothing in this Act, nor the facts of the President's action in extending diplomatic recognition to the People's Republic of China, the absence of diplomatic relations between the people on Taiwan and the United States, or the lack of recognition by the United States, and attendant circumstances thereto, shall be construed in any administrative or judicial proceeding as a basis for any United States Government agency, commission, or department to make a finding of fact or determination of law, under the Atomic Energy Act of 1954 and the Nuclear Non-Proliferation Act of 1978, to deny an export license application or to revoke an existing export license for nuclear exports to Taiwan.
- (6) For purposes of the Immigration and Nationality Act, Taiwan may be treated in the manner specified in the first sentence of section 202(b) of that Act.
- (7) The capacity of Taiwan to sue and be sued in courts in the United States, in accordance with the laws of the United States, shall not be abrogated, infringed, modified, denied, or otherwise affected in any way by the absence of diplomatic relations or recognition.
- (8) No requirement, whether expressed or implied, under the laws of the United States with respect to maintenance of diplomatic relations or recognition shall be applicable with respect to Taiwan.
- (c) For all purposes, including actions in any court in the United States, the Congress approves the continuation in force of all treaties and other international agreements, including multilateral conventions, entered into by the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and in force between them on December 31, 1978, unless and until terminated in accordance with law.
- (d) Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.

OVERSEAS PRIVATE INVESTMENT CORPORATION

- SEC. 5. (a) During the three-year period beginning on the date of enactment of this Act, the \$1,000 per capita income restriction in insurance, clause (2) of the second undesignated paragraph of section 231 of the reinsurance, Foreign Assistance Act of 1961 shall not restrict the activities of the Overseas Private Investment Corporation in determining whether to provide any insurance, reinsurance, loans, or guaranties with respect to investment projects on Taiwan.
- (b) Except as provided in subsection (a) of this section, in issuing insurance, reinsurance, loans, or guaranties with respect to investment projects on Taiwan, the Overseas Private Insurance Corporation shall apply the same criteria as those applicable in other parts of the world.

THE AMERICAN INSTITUTE OF TAIWAN

- SEC. 6. (a) Programs, transactions, and other relations conducted or carried out by the President or any agency of the United States Government with respect to Taiwan shall, in

the manner and to the extent directed by the President, be conducted and carried out by or through--

- (1) The American Institute in Taiwan, a nonprofit corporation incorporated under the laws of the District of Columbia, or
- (2) such comparable successor nongovernmental entity as the President may designate, (hereafter in this Act referred to as the "Institute").
- (b) Whenever the President or any agency of the United States Government is authorized or required by or pursuant to the laws of the United States to enter into, perform, enforce, or have in force an agreement or transaction relative to Taiwan, such agreement or transaction shall be entered into, performed, and enforced, in the manner and to the extent directed by the President, by or through the Institute.
- (c) To the extent that any law, rule, regulation, or ordinance of the District of Columbia, or of any State or political subdivision thereof in which the Institute is incorporated or doing business, impedes or otherwise interferes with the performance of the functions of the Institute pursuant to this Act; such law, rule, regulation, or ordinance shall be deemed to be preempted by this Act.

SERVICES BY THE INSTITUTE TO UNITED STATES CITIZENS ON TAIWAN

- SEC. 7. (a) The Institute may authorize any of its employees on Taiwan--
 - (1) to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to perform within the United States;
 - (2) To act as provisional conservator of the personal estates of deceased United States citizens; and
 - (3) to assist and protect the interests of United States persons by performing other acts such as are authorized to be performed outside the United States for consular purposes by such laws of the United States as the President may specify.
- (b) Acts performed by authorized employees of the Institute under this section shall be valid, and of like force and effect within the United States, as if performed by any other person authorized under the laws of the United States to perform such acts.

TAX EXEMPT STATUS OF THE INSTITUTE

- SEC. 8. (a) The Institute, its property, and its income are exempt from all taxation now or hereafter imposed by the United States (except to the extent that section 11(a)(3) of this Act requires the imposition of taxes imposed under chapter 21 of the Internal Revenue Code of 1954, relating to the Federal Insurance Contributions Act) or by State or local taxing authority of the United States.
- (b) For purposes of the Internal Revenue Code of 1954, the Institute shall be treated as an organization described in sections 170(b)(1)(A), 170(c), 2055(a), 2106(a)(2)(A), 2522(a), and 2522(b).

FURNISHING PROPERTY AND SERVICES TO AND OBTAINING SERVICES FROM THE INSTITUTE

- SEC. 9. (a) Any agency of the United States Government is authorized to sell, loan, or lease property (including interests therein) to, and to perform administrative and technical support functions and services for the operations of, the Institute upon such terms and

conditions as the President may direct. Reimbursements to agencies under this subsection shall be credited to the current applicable appropriation of the agency concerned.

- (b) Any agency of the United States Government is authorized to acquire and accept services from the Institute upon such terms and conditions as the President may direct. Whenever the President determines it to be in furtherance of the purposes of this Act, the procurement of services by such agencies from the Institute may be effected without regard to such laws of the United States normally applicable to the acquisition of services by such agencies as the President may specify by Executive order.
- (c) Any agency of the United States Government making funds available to the Institute in accordance with this Act shall make arrangements with the Institute for the Comptroller General of the United States to have access to the; books and records of the Institute and the opportunity to audit the operations of the Institute.

TAIWAN INSTRUMENTALITY

- SEC. 10. (a) Whenever the President or any agency of the United States Government is authorized or required by or pursuant to the laws of the United States to render or provide to or to receive or accept from Taiwan, any performance, communication, assurance, undertaking, or other action, such action shall, in the manner and to the extent directed by the President, be rendered or Provided to, or received or accepted from, an instrumentality established by Taiwan which the President determines has the necessary authority under the laws applied by the people on Taiwan to provide assurances and take other actions on behalf of Taiwan in accordance with this Act.
- (b) The President is requested to extend to the instrumentality established by Taiwan the same number of offices and complement of personnel as were previously operated in the United States by the governing authorities on Taiwan recognized as the Republic of China prior to January 1, 1979.
- (c) Upon the granting by Taiwan of comparable privileges and immunities with respect to the Institute and its appropriate personnel, the President is authorized to extend with respect to the Taiwan instrumentality and its appropriate; personnel, such privileges and immunities (subject to appropriate conditions and obligations) as may be necessary for the effective performance of their functions.

SEPARATION OF GOVERNMENT PERSONNEL FOR EMPLOYMENT WITH THE INSTITUTE

- SEC. 11. (a)(1) Under such terms and conditions as the President may direct, any agency of the United States Government may separate from Government service for a specified period any officer or employee of that agency who accepts employment with the Institute.
- (2) An officer or employee separated by an agency under paragraph (1) of this subsection for employment with the Institute shall be entitled upon termination of such employment to reemployment or reinstatement with such agency(or a successor agency) in an appropriate position with the attendant rights, privileges, and benefits with the officer or employee would have had or acquired had he or she not been so separated, subject to such time period and other conditions as the President may prescribe.
- (3) An officer or employee entitled to reemployment or reinstatement rights under paragraph (2) of this subsection shall, while continuously employed by the Institute with no break in continuity of service, continue to participate in any benefit program in which

such officer or employee was participating prior to employment by the Institute, including programs for compensation for job-related death, injury, or illness; programs for health and life insurance; programs for annual, sick, and other statutory leave; and programs for retirement under any system established by the laws of the United States; except that employment with the Institute shall be the basis for participation in such programs only to the extent that employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, are currently deposited in the program's or system's fund or depository. Death or retirement of any such officer or employee during approved service with the Institute and prior to reemployment or reinstatement shall be considered a death in or retirement from Government service for purposes of any employee or survivor benefits acquired by reason of service with an agency of the United States Government.

- (4) Any officer or employee of an agency of the United States Government who entered into service with the Institute on approved leave of absence without pay prior to the enactment of this Act shall receive the benefits of this section for the period of such service.
- (b) Any agency of the United States Government employing alien personnel on Taiwan may transfer such personnel, with accrued allowances, benefits, and rights, to the Institute without a break in service for purposes of retirement and other benefits, including continued participation in any system established by the laws of the United States for the retirement of employees in which the alien was participating prior to the transfer to the Institute, except that employment with the Institute shall be creditable for retirement purposes only to the extent that employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, are currently deposited in the system's fund or depository.
- (c) Employees of the Institute shall not be employees of the United States and, in representing the Institute, shall be exempt from section 207 of title 18, United States Code.
- (d)(1) For purposes of sections 911 and 913 of the Internal Revenue Code of 1954, amounts paid by the Institute to its employees shall not be treated as earned income. Amounts received by employees of the Institute shall not be included in gross income, and shall be exempt from taxation, to the extent that they are equivalent to amounts received by civilian officers and employees of the Government of the United States as allowances and benefits which are exempt from taxation under section 912 of such Code.
- (2) Except to the extent required by subsection (a)(3) of this section, service performed in the employ of the Institute shall not constitute employment for purposes of chapter 21 of such Code and title II of the Social Security Act.

REPORTING REQUIREMENT

- SEC. 12. (a) The Secretary of State shall transmit to the Congress the text of any agreement to which the Institute is a party. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President.

- (b) For purposes of subsection (a), the term "agreement" includes-
 - (1) any agreement entered into between the Institute and the governing authorities on Taiwan or the instrumentality established by Taiwan; and
 - (2) any agreement entered into between the Institute and an agency of the United States Government.
- (c) Agreements and transactions made or to be made by or through the Institute shall be subject to the same congressional notification, review, and approval requirements and procedures as if such agreements and transactions were made by or through the agency of the United States Government on behalf of which the Institute is acting.
- (d) During the two-year period beginning on the effective date of this Act, the Secretary of State shall transmit to the Speaker of the House and Senate House of Representatives and the Committee on Foreign Relations of Foreign Relations the Senate, every six months, a report describing and reviewing economic relations between the United States and Taiwan, noting any interference with normal commercial relations.

RULES AND REGULATIONS

- SEC. 13. The President is authorized to prescribe such rules and regulations as he may deem appropriate to carry out the purposes of this Act. During the three-year period beginning on the effective date speaker of this Act, such rules and regulations shall be transmitted promptly to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate. Such action shall not, however, relieve the Institute of the responsibilities placed upon it by this Act.'

CONGRESSIONAL OVERSIGHT

- SEC. 14. (a) The Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and other appropriate committees of the Congress shall monitor-
 - (1) the implementation of the provisions of this Act;
 - (2) the operation and procedures of the Institute;
 - (3) the legal and technical aspects of the continuing relationship between the United States and Taiwan; and
 - (4) the implementation of the policies of the United States concerning security and cooperation in East Asia.
- (b) Such committees shall report, as appropriate, to their respective Houses on the results of their monitoring.

DEFINITIONS

- SEC. 15. For purposes of this Act-
 - (1) the term "laws of the United States" includes any statute, rule, regulation, ordinance, order, or judicial rule of decision of the United States or any political subdivision thereof; and
 - (2) the term "Taiwan" includes, as the context may require, the islands of Taiwan and the Pescadores, the people on those islands, corporations and other entities and associations created or organized under the laws applied on those islands, and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and any successor governing

authorities (including political subdivisions, agencies, and instrumentalities thereof).

AUTHORIZATION OF APPROPRIATIONS

- SEC. 16. In addition to funds otherwise available to carry out the provisions of this Act, there are authorized to be appropriated to the Secretary of State for the fiscal year 1980 such funds as may be necessary to carry out such provisions. Such funds are authorized to remain available until expended.

SEVERABILITY OF PROVISIONS

- SEC. 17. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

EFFECTIVE DATE

- SEC. 18. This Act shall be effective as of January 1, 1979. Approved April 10, 1979.

附錄四

中華人民共和國和美利堅合眾國聯合公報*

一九八二年八月十七日

一．在中華人民共和國政府和美利堅合眾國政府發表的一九七九年一月一日建立外交關係的聯合公報中，美利堅合眾國承認中華人民共和國政府是中國唯一合法政府，並承認中國的立場，即只有一個中國，台灣是中國的一部份。在此範圍內，雙方同意，美國人民將同台灣人民繼續保持文化、商務和其他非官方關係。在此基礎上，中美兩國關係實現了正常化。

二．美國向台灣出售武器的問題在兩國談判建立的過程中沒有得到解決。雙方的立場不一致，中方聲明在正常化以後將再次提出這個問題。雙方認識到這一問題將會嚴重妨礙中美關係的發展，因而在趙紫陽總理與羅納德．里根總統以及黃華副總理兼外長與亞歷山大．黑格國務卿於一九八一年十月會見時以及在此以後，雙方並進一步就此進行了討論。

三．互相尊重主權和領土完整、互不干涉內政是指導中美關係的根本原則。一九七二年二月二十八日的上海公報確認了這些原則。一九七九年一月一日生效的建交公報又重申了這些原則。雙方強調聲明，這些原則仍是指導雙方關係所有方面的原則。

四．中國政府重申，台灣問題是中國的內政。一九七九年一月一日中國發表的告台灣同胞書宣布了爭取和平統一祖國的大政方針。一九八一年九月三十日中國提出的九點方針是按照這一大政方針爭取和平解決台灣問題的進一步重大努力。

五．美國政府非常重視它與中國的關係，並重申，它無意犯中國的主權和領土完整，無意干涉中國的內政，也無意執行 "兩個中國" 或 "一中一台" 的政策。美國政府理解並欣賞一九七九年一月一日中國發表的告台灣同胞書和一九八一年九月三十日中國提出的九點方針中所表明的中國爭取和平解決台灣問題的政策。台灣問題上出現的新形勢也為解決中美兩國在美國售台武器問題上的分歧提供了有利的條件。

六．考慮到雙方的上述聲明，美國政府聲明，它不尋求執行一項長期向台灣出售武器的政策，它向台灣出售的武器在性能和數量上將不超過中美建交後近幾年供應的水

* <http://ait.org.tw/en/twinfo> (AIT 網站)

平，它準備逐步減少它對台灣的武器出售，並經過一段時間導致最後的解決。在這樣的聲明時，美國承認中國關於徹底解決這一問題的一貫立場。

七．為了使美國售台武器這個歷史遺留的問題，經過一段時間最終得到解決，兩國政府將盡一切努力，採取措施，創造條件，以利於徹底解決這個問題。

八．中美關係的發展不僅符合兩國人民的利益，而且也有利於世界和平與穩定。雙方決心本著平等互利的原則，加強經濟、文化、教育、科技和其他方面的聯繫，為繼續發展中美兩國政府和人民之間的關係共同作出重大努力。

九．為了使中美關係健康發展和維護世界和平、反對侵略擴張，兩國政府重申上海公報和建交公報中雙方一致同意的各項原則。雙方將就共同關心的雙邊問題和國際問題保持接觸並進行適當的磋商。

U.S.-PRC JOINT COMMUNIQUE, August 17, 1982

1. In the Joint Communiqué on the Establishment of Diplomatic Relations on January 1, 1979, issued by the Government of the United States of America and the Government of the People's Republic of China, the United States of America recognized the Government of the People's Republic of China as the sole legal government of China, and it acknowledged the Chinese position that there is but one China and Taiwan is part of China. Within that context, the two sides agreed that the people of the United States would continue to maintain cultural, commercial, and other unofficial relations with the people of Taiwan. On this basis, relations between the United States and China were normalized.

2. The question of United States arms sales to Taiwan was not settled in the course of negotiations between the two countries on establishing diplomatic relations. The two sides held differing positions, and the Chinese side stated that it would raise the issue again following normalization. Recognizing that this issue would seriously hamper the development of United States-China relations, they have held further discussions on it, during and since the meetings between President Ronald Reagan and Premier Zhao Ziyang and between Secretary of State Alexander M. Haig, Jr., and Vice Premier and Foreign Minister Huang Hua in October 1981.

3. Respect for each other's sovereignty and territorial integrity and non-interference each other's internal affairs constitute the fundamental principles guiding United States-China relations. These principles were confirmed in the Shanghai Communiqué of February 28, 1972 and reaffirmed in the Joint Communiqué on the Establishment of Diplomatic Relations which came into effect on January 1, 1973. Both sides emphatically state that these principles continue to govern all aspects of their relations.

4. The Chinese government reiterates that the question of Taiwan is China's internal affair. The Message to the Compatriots in Taiwan issued by China on January 1, 1979, promulgated a fundamental policy of striving for Peaceful reunification of the Motherland. The Nine-Point

Proposal put forward by China on September 30, 1981 represented a Further major effort under this fundamental policy to strive for a peaceful solution to the Taiwan question.

5. The United States Government attaches great importance to its relations with China, and reiterates that it has no intention of infringing on Chinese sovereignty and territorial integrity, or interfering in China's internal affairs, or pursuing a policy of "two Chinas" or "one China, one Taiwan." The United States Government understands and appreciates the Chinese policy of striving for a peaceful resolution of the Taiwan question as indicated in China's Message to Compatriots in Taiwan issued on January 1, 1979 and the Nine-Point Proposal put forward by China on September 30, 1981. The new situation which has emerged with regard to the Taiwan question also provides favorable conditions for the settlement of United States-China differences over the question of United States arms sales to Taiwan.

6. Having in mind the foregoing statements of both sides, the United States Government states that it does not seek to carry out a long-term policy of arms sales to Taiwan, that its arms sales to Taiwan will not exceed, either in qualitative or in quantitative terms, the level of those supplied in recent years since the establishment of diplomatic relations between the United States and China, and that it intends to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution. In so stating, the United States acknowledges China's consistent position regarding the thorough settlement of this issue.

7. In order to bring about, over a period of time, a final settlement of the question of United States arms sales to Taiwan, which is an issue rooted in history, the two governments will make every effort to adopt measures and create conditions conducive to the thorough settlement of this issue.

8. The development of United States-China relations is not only in the interest of the two peoples but also conducive to peace and stability in the world. The two sides are determined, on the principle of equality and mutual benefit, to strengthen their ties to the economic, cultural, educational, scientific, technological and other fields and make strong joint efforts for the continued development of relations between the governments and peoples of the United States and China.

9. In order to bring about the healthy development of United States China relations, maintain world peace and oppose aggression and expansion, the two governments reaffirm the principles agreed on by the two sides in the Shanghai Communique and the Joint Communique on the Establishment of Diplomatic Relations. The two sides will maintain contact and hold appropriate consultations on bilateral and international issues of common interest.