

## The Modernization of Taiwan's National Security Council

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The National Security Council (NSC) is an apparatus for the top executive to “formulate, coordinate and oversee security and defense policy” in order to “enhance effectiveness by developing strategies, guidance, mobilizing resources and overseeing implementation.”

<sup>1</sup> Conceptually, the NSC in Taiwan, as in the United States,<sup>2</sup> has two meanings: The National Security *Council* and the NSC *staff*. The *Council* itself is a president-chaired, formal meeting with statutory attendees. The NSC *staff* consists of the secretary general of the NSC and some senior officials – all are president-appointed or invited. They act as the president’s policy staff responsible for various tasks (12) in national security realm.

The modernization of the NSC in Taiwan began in 1993 and became a cohesive and responsible institution in approximately 2002/2003. While the role of the NSC in Taiwan’s national security policy process becomes more significant, its rather clandestine management and operations render it difficult for outsiders to make a correct description, let alone insightful judgment. Take, for example, a recent report about a secret channel established by Su Chi during his term as the secretary general of the NSC,<sup>3</sup> which, in my view, only reveals a consistency in Taiwan NSC operations. It was not Su’s invention anyway. Such an indirect, invisible communication channel between top leaders across the Strait via their most trusted intimate also existed in the Lee Teng-hui and Chen Shui-bian administrations. Considering the political sensitivity, its details were tightly protected from public scrutiny.

### Role, Mission, and Organization

Former President Lee Teng-hui launched several vital amendments of the Constitution and reshaped the government in the 1990s. The 1991 Constitutional Amendment and the Organization Act of the National Security Council (legislated in 1993; hereafter, the Act) provided the legal foundation for the NSC. The modernization of Taiwan’s NSC thus began. The full extent of these measures took almost a decade to materialize, and the interplay among many external and internal factors shaped what it appears like today.

During the 1993 legislation, a severe clash over the role and mission of the NSC erupted in the lawmaking body. Opposition to the Act had been finally ironed out, yet, resistance to the NSC’s legitimacy endured even to this day. Opposition to the legislation was largely caused by inconsistency in Lee’s constitutional reform itself. Many believed that the path of Lee’s sequential constitutional amendments would lead to a France-mode

dual-leadership system. Therefore, they urged that executive power should be concentrated on the premier, head of the Cabinet, not the president. The president-chaired NSC, in their views, would become a “superlative Executive Yuan (Cabinet)” and an impediment for the premier’s comprehensive control over the Cabinet. Nevertheless, the Act passed, but the sources of conflict remained. Though the Act stipulates that the NSC is to be overseen by the Legislative Yuan (Article 8), the secretary general of the NSC (compatible to National Security Advisor in the United States; hereafter, SG-NSC), in practice, refuses to be called upon by the Legislative Yuan, and insists that, being an element of the President’s Office and not a part of the Cabinet, his presence in the legislature for questioning will prejudice the presidency. Therefore, the relationship between the NSC and the legislature has never improved. For the legislators, the SG-NSC is one of the most unpopular figures in the administration. They are always suspicious of the legitimacy of any NSC operations and regard the assault against the “conceited” NSC as a short cut to challenge the president.

Nevertheless, the Act established the role, mission and organization of the contemporary NSC. The Act delineates the president’s prerogative in the realm of national security by defining the NSC as an advisory apparatus for the president in making national security decisions (Article 2) and the NSC’s resolution only as reference for the president’s own decision-making (Article 5). Later, in the 2003 Amendment, the realm of national security was further defined (or, confined) as national defense, foreign affairs, cross-Strait relations, and national emergency (Article 2, II).

The current NSC consists of 13 statutory attendees: the president (chairman), the vice president (acting chairman on president’s absence), eight Cabinet members (the premier, vice premier, the ministers of Interior, Foreign Affairs, National Defense, Treasury, and Economic, the chairman of the Mainland Affairs Council), the chief of the General Staff, SG-NSC, and the director of the National Security Bureau (NSB, equivalent of the Central Intelligence Agency in the United States, a direct subordinate under the NSC jurisdiction, Articles 3 and 4).<sup>4</sup>

“Each administration begins with a standard National Security Council-based interagency process.” A study on the U.S. national security policy making concluded, “decision making then starts to evolve in a predictable manner – participation in decision unit is narrowed, ad hoc and informal procedures play greater and greater role in the process, and the standard interagency process is bypassed or streamlined more and more often.”<sup>5</sup> The pattern is even more applicable in Taiwan. In Taiwan, the president-chaired formal NSC Meeting is hardly held. When the formal NSC Meeting itself fell into relative disuse,

the role of the NSC staff emerged. The NSC is staffed by nine to eleven senior officials: one SG-NSC, three deputies SG-NSC and five to seven senior advisors (Articles 6, 7 and 9). All are president-appointed or invited. While these NSC senior staffers exercise similar capacities as their U.S. counterparts, their status is much higher. The SG-NSC and deputy SG-NSC are treated as the premier- and vice premier-level officials. Senior advisors also enjoy minister standing.

Below these senior staffs, a thin layer of secretaries and clerks, all civil servants or military officers mainly for administrative routines, were assigned to the NSC. The 2003 Amendment authorized the NSC to expand an (13) additional, thick layer of assistants (Articles 11 and 12). A research assistants system has been built since then. Now, every NSC senior staff personally commands at least three to four assistants. More importantly, these assistants can be political appointees. By establishing staffs of President's NSC staff, not only the effectiveness of the NSC increases, the NSC also becomes the least bureaucrat-minded apparatus in Taiwan government with the largest number of political-appointed officials (nine to eleven) and assistants (at most, fifty two) comparing with other ministries and agencies (at most four political-appointed officials and six political-appointed assistants). The characteristics of "all the president's men" in the NSC become more obvious.

## **Personnel and Management**

Lee's NSC senior staff was a mixed personnel arrangement. Some were for specific tasks and often deeply involved in assisting Lee's decision-making. Some were appointed, apparently, for political rewards and played very limited role in providing advices to the president only on an occasional basis. Lee selected Shih Chi-yang, former Chairman of Mainland Affairs Council (MAC) and former Minister of Justice, as his first appointed SG-NSC (see Appendix) in 1993, obviously for pressing home the legislation. After Shih's success in his task, Lee replaced him by Ding Mau-Shih in 1994. Ding, a veteran diplomat from Ministry of Foreign Affairs (MoFA), served as the longest term of SG-NSC (1994-1999) in Lee administration. As the architect of Lee's diplomatic offensive and the key manager of the 1995/1996 missile crisis, Ding was the first figure in Taiwan to have sufficient authority vis-à-vis ministries and agencies compatible to the title of SG-NSC. The NSC, with Ding's expertise, soon expanded its operations beyond the previous defense and intelligence terrain.

Yet, the internal management within the NSC was another thing. Michael Swaine correctly pointed out that the NSC in Lee era was "significant primarily as a source of

individual advice and expertise to the president.”<sup>6</sup> Initially, Lee’s NSC senior staffers were his trusted loyalists or close friends and they were indeed very senior in terms of the appointee’s age and experience. Due to their seniority and intimacy with Lee, the NSC senior staff looked like a group of individual colleagues than a team with a clear chief-subordinate relationship. A unique NSC management style – “eight plus one; all equals” mode – thus had developed in Lee’s term and lasted till 2002. Every one of Lee’s NSC senior staff had direct and independent access to the President. SG-NSC Ding could hardly have a say about what his eight heavy-weight colleagues did.

The NSC management style in Lee era lasted till 2002/2003 when Chen appointed two significant DPP politicians as his SG-NSC: Chiou I-jen and Kang Ning-hsiang. Chiou, first-rated coordinator and Chen’s most trusted NSC staff,<sup>7</sup> inserted a “spindle-of-the-wheel” management style into the NSC to replace previous “eight plus one, all equals” practice. All advices for the president from NSC staff began going through SG-NSC first. All NSC operations were acknowledged, if not commanded, by SG-NSC. Furthermore, in the sequential personnel reshuffles, the seniority consideration in appointing NSC senior officials was almost abandoned. The SG-NSC status as the chief manager in the NSC was thus firmly established at that point.

The 2003 Amendment for the NSC organization took effects in Kang’s term. The NSC was immediately enlarged by the introduction of political-appointed assistants. Also, Kang moved the entire NSC, once dispersed in different locations, into the President’s Office (occupying one fourth of the office floor space). With the enviable proximity to the president (only a few meters away), cohesiveness, and responsiveness, the modern, though not prefect, NSC in Taiwan was finally established and became an indispensable arm of the president’s national security policy-making.

Chiou was appointed as SG-NSC twice; his position was also vacated twice. However, as former President Chen’s most trusted staffer, the changing of his titles did not change his authority, and thus created a personalized “SG-NSC without portfolio” style. Chiou was authorized to handle some important responsibilities, such as Taiwan’s relations with the United States and Japan, secret diplomatic missions, military issues and related coordinating networks, and left the capacity of managing the NSC and other issues to his successors. Though this “SG-NSC without portfolio” style was designed to maintain the consistency of some critical national security policies and some procedures were taken to prevent *de jure* SG-NSC from being bypassed, it was seen as Chiou’s inappropriate *ultra vires*.

In 2008, President Ma Ying-jeou came into office with his new SG-NSC Su Chi. Su's personal relations with President Ma made Su a very powerful SG-NSC. Though most of Chen's national security policies were overthrown, the centralization management style was kept and even multiplied. Many in Su's NSC team were virtually his close friends. That facilitated Su to dominate the national security agenda and to press home his bold ideas. Su's NSC team thus was widely criticized as a homogeneous "band of brothers." As mentioned above, no SG-NSC was popular in the legislature; Su's unchecked authority made him more unpopular. He was embattled in the legislature on the American beef issue and found no sympathetic supports from the KMT legislators. Su was relieved in 2010 and (14) went back to university. Chiou's antecedent of "SG-NSC without portfolio" did not apply to him.

## **Operations and Boundaries**

In Taiwan, the formal NSC Meeting itself has already become a shadow body. Not only can the NSC functions be only undertaken by the NSC staff; but, under the president's authorization, NSC staffs also act in – or often by – the name of the president and, more importantly, for the stake of the president in assisting him in national security affairs. Their activities can largely be categorized into one general (advisory) and three specific (policing, coordinating, and executing) operations.

Advisory operations are the most fundamental tasks for the NSC staffs. Such operations are multi-facets ranging from face-to-face discussion with the president to submitting specific policy memos on their own initiatives or on the president's request.

To ensure some certain policies were implemented in the president's directions, the NSC senior staff takes the "policing" responsibilities to monitor the process of policy implementation at the Cabinet level. The "policing" tasks were most needed when the president could not have his favorite as the head of the ministry or agency. In return, the policing tasks often invited press leaks from the affected ministries and agencies as signals of protest.

Some Inter-agency coordination tasks are routine but need constant attention. Some are technical-oriented but require not to be overwhelmed by the bureaucrats. Some are particularly difficult when different vested interests from different ministries and agencies are at stake. In such conflict situation, the engagement of the president or his SG-NSC is necessary. During former President Chen's term, Chiou I-jen, as the SG-NSC or not, earned a reputation as a fair broker in splitting the difference among ministries and

agencies. It was a challenging task and remarkable success for Chiou particularly because the power base of his President often being weak.

The NSC staff is expected not to be involved in policy execution. Yet, the fact is that not only the NSC staff actively engages in policy execution – either handling the implementation single-handedly (such as some secret diplomacy cases) or leading an interagency team (the NSC’s pol-mil exercise was an example) – and the terrain of such involvements is also expanding. By comparison, the NSC is a small apparatus with very little budget – all under the heading of the President’s Office.<sup>8</sup> It is financially difficult for the NSC to have some “outdoors” activities other than advisory or coordinating tasks. Currently, all NSC “outdoors” activities sponsored by the annual budget of the NSB, MoFA, or MND, which under the audit of bureaucrats and the supervision (or sabotage) of the legislature.

The NSC involvement in American beef issue in current Ma administration exemplified a further territorial expansion of the NSC operations. President Ma determines to restore Taiwan’s economic prosperity and believes the only option is to deepen the cross-strait economic relations. Without an equivalent of national economic council in the President’s Office, Ma has had to insert two to three economic specialists into his NSC team, responsible for the coordination between traditional national security agencies and economic sector. In the signature of the Economic Cooperation Framework Agreement (ECFA), which would have significant political and economic impacts on cross-strait relations, Ma’s NSC played the leading role.

## **Conclusion**

Although some controversies remain unsolved – such as its relation with the legislature – remains unsolved, the NSC in Taiwan has evolved as a modernized institution in assisting the president’s national security policy-making. The NSC operations, of course, can be improved via some institutional measure. For example, the frequency of president-chaired formal NSC Meeting and the introduction of the president’s national security decision directives (NSDD) may raise the legitimacy, accountability and transparency of the NSC operations. Yet, the pivot of any meaningful improvement in NSC operations still lies on the president and his (or her) administration, whom the NSC is designed to serve. After all, NSC supremacy is the presidency supremacy; the NSC drawback is the president’s problems. Every president (or SG-NSC) in Taiwan learns and often corrects the mistakes that his (or her) predecessors committed. The price of lesson learning, however, is high enough: Chiou, Chen’s most trusted SG-NSC, is now facing

the investigation of alleged corruption in secret diplomacy missions; Su, Ma's intimate and his best SG-NSC, was forced to resign and almost retired from politics. Two highly prominent figures in Taiwan's contemporary national security circle earned no admirable hurrah when they left the NSC. (15)

APPENDRIX: The Evolution of Taiwan's NSC after 1993

President	SG-NSC Appointment	NSC Management Style	NSC Staff Operations
Lee Teng-hui (1988-2000)	Shih Chi-yang (1993) Ding Mau-Shih (1994) Yin Tsung-wen (1999)	"eight plus one: all equals" decentralized style	mainly advisory tasks crisis management traditional security focus (excluded military)
Chen Shui-bian (2000-2008)	<b>Chuang Ming-yao</b> (2000) <b>Ding Yu-zhou</b> (2001) Chiou I-jen (2002) Kang Ning-hsiang (2003) Chiou I-jen (2004)  Chen Tang-shan (2007) Chen Chung-shin (acting, 2008)	"spindle-of-the-wheel" centralization and personalization style	advisory, policing, coordination, and executing tasks crisis management traditional security focus (included military) and some non-traditional security issues
	Ma Ying-jeou (2008-)		

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<sup>1</sup> Thomas C. Bruneau, Florina Cristiana Matei, and Sak Sakoda, "National Security Councils: Their Potential Functions in Democratic Civil-Military Relations," *Defence and Security Analysis*, Vol. 25, No. 3 (2009), p. 265.

<sup>2</sup> Amy B. Zegaart, *Flawed by Design: The Evolution of the CIA, JCS, and NSC* (Stanford: Stanford University Press, 1999), p. 253, fn. 1.

<sup>3</sup> *China Post*, May 17, 2010, <http://www.chinapost.com.tw/taiwan/national/national-news/2010/05/17/256790/EX-NSC-chief.htm>.

<sup>4</sup> Two other attendees listed in the original membership of the Act were later excluded by the 2003 Amendment: the secretary general of President's Office (the equivalent of the chief of staff to the president in the U.S.) and the chief of military advisor of President's Office. Due to the traditional influence of the military and the intelligence service, both the chief of the General Staff and the director of the NSB are given full membership, which is different from the advisor status in the U.S. model.

<sup>5</sup> William W. Newmann, *Managing National Security Policy: The President and the Process* (Pittsburgh: University of Pittsburgh Press, 2003), p. 3.

<sup>6</sup> Michael Swaine, *Taiwan National Security, Defense Policy, and Weapon Procurement Process* (Santa Monica: RAND, 1999), p. 15.

<sup>7</sup> Chiou was former President Chen's most trusted national security staff. Compared with Chiou's two ex-military predecessors, Chuang Ming-yao (2000-2001) and Ding Yu-zhou (2001-2002) who met with Chen on weekly basis (see Shih-chun Wang, *Memoirs of Yu-Zhou Ding* (Taipei: Bookzone, 2004), p. 369. Original in Chinese); Chiou saw Chen every day.

<sup>8</sup> Shambaugh erroneously suggested that, "The NSC's functioning and budget is now subject to monitoring by the Legislative Yuan's Intelligence Committee. Large parts of this budget remain secret, but it must be reviewed and approved on an annual basis." (see David Shambaugh, "Taiwan's Security: Maintaining Deterrence and Political Accountability," in David Shambaugh edited, *Contemporary Taiwan* (Oxford: Clarendon Press, 1998), p. 245.) The Legislative Yuan has never had an "intelligence committee" and none of the NSC annual budget is categorized as "classified."