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Will China Split Taiwan?

After the Passing of the "Anti-Secession Law"

Kay Möller

By passing an "Anti-Secession Law" in March 2005, China's National People's Congress could have contributed to a further polarization of Taiwan's political landscape. In late March, the island's main opposition party made an attempt to wrench back the initiative on mainland policy by negotiating a broadening of economic and other relations in Peking. In Taipei, the administration of Taiwan's president, Chen Shuibian, castigated the initiative as a sellout of national interests and launched a review of the entire economic relationship with the People's Republic of China (PRC). Both the government and the opposition are running considerable risks with a Taiwanese population that is at the same time opposed to the "Anti-Secession Law" and supportive of a decrease in tensions across the Taiwan Strait.

On April 5, 2005, Chen instructed the cabinet to investigate "unauthorized" mainland contacts and to review economic relations with China and their impact on national security.

Chen thus reacted to a so-called "ten points consensus" signed on March 30 by the deputy leader of Taiwan's biggest opposition party, Kuomintang (KMT), and the head of the PRC State Council's Office for Taiwan Affairs. In this document, Peking declared its readiness to enter into negotiations on, among other things, direct cargo charter flights, agricultural imports, university fees for students from Taiwan, as well as contact between local governments on both sides. On the same occasion, China invited the KMT's president, Lien Chan, to visit the mainland, an invitation that was subsequently accepted.

On April 6, Taiwan's minister of justice launched an investigation as to whether the KMT head of delegation, by putting his signature to the "ten points consensus" without official authorization, had committed high treason and violated a 1992 law on relations across the Taiwan Strait.

Just one month earlier, Chen Shuibian had met James Soong, leader of the smaller oppositional People First Party (PFP), and the two leaders had published a joint declaration on the intensification of economic, cultural, and academic exchanges with China. In this context, the launching of direct cargo links was mentioned as a first step toward the establishment of direct trade, transport, and communication links

with the PRC (in the meantime, Soong has been invited to visit the mainland, too).

Taiwan between Aspirations for Independence and Arrangement

China's "Anti-Secession Law" of March 14, 2005, is based on a "unification law" drafted by the Communist Party of China's (CPC) "Leading Group for Taiwan Affairs" under the chairmanship of head of party and state, Hu Jintao, in early 2003. At the time, Peking wanted to respond to Chen Shuibian's August 2002 characterization of the bilateral relationship as one between two countries and his support for a referendum possibly leading to a declaration on independence. Following his reelection in March 2004 and having come under US pressure, Chen had backed down from both the independence referendum and the two-countries formula and said he would limit constitutional revisions planned for 2008 to more technical aspects of the island republic's political system. The CPC leadership nevertheless continued to mistrust the president of the Democratic Progressive Party (DPP), the charter of which calls for a legalization of the island republic's de facto independence. Faced with a rising nationalism at home that they themselves had helped to stimulate, Hu Jintao thus felt unable to withdraw the draft. In September 2004, the CPC's Central Committee agreed on an approach that combines patient negotiation with preparations for war. The following month, Chen Shuibian proposed to resume the cross-Strait dialogue on the basis of the so-called Hong Kong consensus of 1992. At the time, both sides had met in Hong Kong and agreed on the general validity of a "one China principle" while leaving it open to interpretation. Since his first election to the presidency in March 2003, Chen had refused to accept this principle as a point of departure for negotiations and has been ignored by the Chinese side ever since.

Following the launching of the 2004 parliamentary election campaign, Chen Shuibian resumed his policy of low-level provocations vis-à-vis the mainland. In November, he declared his intention to substitute "Taiwan" for "China" in the names of state enterprises and representative offices in third countries. The pro-independence camp consisting of the DPP and the smaller and more radical Taiwan Solidarity Union (TSU) nevertheless once again missed an absolute majority of seats, and Chen resigned as DPP president. Earlier, opinion polls had shown that some 60 percent of citizens preferred the status quo to both independence in the short or long term (22 percent) and unification with China in the short or long term (13.6 percent.) At the same time, three-quarters of respondents pronounced themselves against the Hong Kong formula "one country, two systems" propagated by Peking and the inequality of parties implied therein.

The KMT had for some time advocated the solution of deferring the sovereignty issue to future generations while calling for a broadening of economic and other mainland contacts. In January 2005, this approach was vindicated when six KMT members of parliament traveled to Peking and came to an agreement with the Chinese side about direct charter flights for Taiwanese businesspeople who wanted to return home for Chinese new year celebrations (normally, flights between Taiwan and the mainland have to pass through Hong Kong). Technical details were subsequently negotiated between the respective state-owned airlines, sparing the Taiwanese government an embarrassing demotion to observer status.

The "Anti-Secession Law"

China's March 2005 "Anti-Secession Law," while not signaling any substantial change (since the late 1970s, Peking had practiced a combination of offers for negotiation and threats with the use of force), even hinted at possible atmospherical progress in avoiding the title "unification law" as well as deadlines for unification; negotiations

were to be held on a basis of equality, and the Hong Kong formula was not even mentioned. However, in case of unspecified secessionist tendencies or a complete breakdown of negotiations, the PRC government was obliged to resort to "non-peaceful means."

The DPP qualified the law as a "declaration of war," and on March 26, Chen Shuibian led a mass demonstration against it, albeit without addressing the crowd. The Bush administration made its previously private criticism of the law public once both houses of Congress had expressed their concern.

Given these developments, the KMT, in sending an official delegation to China for the first time since 1949, took a considerable risk and immediately found itself accused by the DPP of having lent itself to the mainland as a propagandistic tool.

At the same time, the Taiwanese leadership had to avoid creating the impression of having lost initiative on the PRC altogether. It thus once again appealed to Peking to engage in direct talks even though the timing was not "favorable."

The Polarization of Taiwanese Politics and Its Consequences

Chen Shuibian's April 5 initiative signals his intention to benefit from the negative public reception of the "Anti-Secessionist Law" during the campaign for the forthcoming election of the National Assembly, a kind of upper house that would have to consent to constitutional amendments voted by parliament. Since the late 1990s, the mainland policies of the DPP and the KMT have increasingly converged with the latter coming under pressure to acknowledge the strengthening of a distinct Taiwanese identity as a consequence of the democratization process begun in 1987. In 2003 Chen, by advocating referendums and constitutional change, had found a new campaign theme that once again secured him the presidency the following year. However, two referendums held simultaneously with the presidential election (one on increases to the defense budget and the other one on a proposal for confidence building with the mainland) missed the quorum, and the subsequent parliamentary elections emphasized voters' preference for the preservation of the status quo. By clearly distancing himself from the KMT's conciliatory approach vis-à-vis Peking, Chen would be running a great risk to himself.

At the same time, he has sent a signal to the PRC, who will be in charge in Taiwan until 2008, while possibly contributing to a sharpening of the KMT's internal power struggle for the succession of Chairman Lien Chan (one of the most promising candidates, the mayor of Taipei, Ma Ying-jeou, had openly criticized the "Anti-Secession Law," in contrast with most of his colleagues).

The Role of Third Parties

This picture has been further complicated by third party involvement. The United States remains Taiwan's major military reassurance and, occasional statements to the contrary notwithstanding, is almost obliged under domestic law to intervene in the case of a Chinese attack. However, the Bush administration presently finds itself confronted with more urgent concerns in the Middle East and on the Korean peninsula. It has therefore supported the stabilization through bilateral agreement of the status quo in the Taiwan Strait. As long as this does not materialize, American policy will continue to oscillate between criticism of either Peking or Taipei, thus contributing to the polarization of the island's political landscape.

It is thus that the United States has registered a rapid modernization of China's navy and airforce as well as the steady strengthening of an arsenal of—presently—some 600 conventionally armed short-range missiles threatening Taiwan. Since 2001, Washington has broadened its military cooperation with Taipei so as to improve the interoperability of both forces. However,

the Pentagon has been concerned about a mainland surprise attack and has called on Taiwan to raise its defense spending with a view to purchasing American arms or arms procured in a third country with US assistance. Thus far, the Taiwanese opposition has opposed such steps for cost reasons.

In the meantime, even parties that had tried to avoid an involvement in the past have recently been discussing crisis scenarios. Washington's success in February 2005 in making Japan officially refer to Taiwan as a common strategic concern has further contributed to Sino-Japanese tensions. Within the European Union, the passing of the "Anti-Secession Law" has meant a setback for France and Germany who had been lobbying for the lifting of the EU's 1989 arms embargo against China. Analysts now do not expect this to happen before 2006, and lifting the embargo will coincide with a marked strengthening of the EU's 1998 code of conduct on arms exports that had been discussed for some time. Depending on resulting Japanese or European policies, in Taiwan either camp can feel vindicated.

Peking, too, is thus running a risk. The present combination of "Anti-Secession Law" and avoidance of semi-official contacts is a less than whole-hearted response to the Taiwanese voters' sense of insecurity and will not be more than a temporary setback for proponents of independence. Temporary, because the next generation of voters will make even louder demands for international recognition of the island's successful democratization. And because China, by unleashing aggressive nationalism among its citizens, would have to postpone its own "rise" by decades.

Recommendations

Given these developments, German and European policies have to consider political and security implications of the Taiwan problem that they have thus far shunned in the interest of their economic relationships with the PRC. In this context, mere appeals for a peaceful settlement are no longer sufficient. The democratic dynamics of Taiwan's politics must be acknowledged. Lastly, the transatlantic and European-Japanese dialogues on China and Taiwan should be revitalized, if only because Washington and Tokyo, in the event of escalating conflict, would have to bear a burden that Europe still seems determined to avoid.

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