

G-SEC WORKING PAPER No.19

Decoding the Anti-Secession Law: The Analysis of the Conflicts across the Taiwan Strait

Pei-Ling Lee *

July, 2007

Abstract

On March 14, 2005, the third session of the Tenth National People's Congress of the People's Republic of China (PRC) passed the Anti-Secession Law. It was the first time that China legalized its policy against Taiwan independence movement. After this law was passed, it caused a series of demonstrations and criticisms in Taiwan. From China's standpoint, the Anti-Secession Law is the solution to the conflicts of the cross-Strait relationship. From Taiwan's view, however, the law itself is the cause of an oncoming conflict. In order to discuss the major conflicts and barriers to negotiation and cooperation between China and Taiwan, this paper, by using document and conversation analyses, will review the history and then analyze the current situation on the cross-Strait relationship. In addition, this paper will analyze the related articles and statements of the Anti-Secession Law for the purpose of investigating the transformation of the PRC government's "one China" policy, the development process of this law, the reactions to the Anti-Secession Law from Chinese and Taiwanese political leaders, and the possible effect of the enactment of this PRC law on cross-Strait relations.

Keywords: The Anti-Secession Law, the Taiwan Strait, the cross-Strait relationship.

* Doctorial candidate, School of Communication Studies, Bowling Green State University, Bowling Green, Ohio, USA.
Email: peilee@bgsu.edu

On March 14, 2005, the third session of the Tenth National People's Congress of the People's Republic of China (PRC) passed the Anti-Secession Law. It was the first time for China to formalize its Taiwan strategy, which can be applied to deal with the conflicts across the Taiwan Strait. The contents of this law include: (1) The PRC's concept of the "one China" policy. (2) The definition of the cross-Strait relationship. (3) The guidelines for improving the two-sides relations and seeking future reunification. (4) The possibility of using "non-peaceful means" against Taiwan's secession from China. The enactment of this law provoked a series of demonstrations and criticisms in Taiwan. For instance, the ruling party (DPP, Democratic Progressive Party) of the Republic of China (ROC, also known as Taiwan) and the ROC President, Chen Shui-bian, organized an "anti-Anti-Secession Law" demonstration on March 26, 2005 to express Taiwan's resistance to the Anti-Secession Law. From China's standpoint, the Anti-Secession Law is the way for the PRC government to solve the conflicts between China and Taiwan. From Taiwan's view, however, the law itself is the cause of an oncoming conflict. This paper, therefore, will review the history and the current situation across the Taiwan Strait in order to discuss the major conflicts as well as barriers to negotiation and cooperation of the two sides. In addition, this paper will analyze the related articles and statements of the Anti-Secession Law for the purpose of understanding the influences on the future cross-Strait relationship.

The Cross-Strait Relationship

The relationship between China and Taiwan is complicated and controversial. After the People's Republic of China (PRC) was founded in 1949, the PRC has claimed its sovereignty over Taiwan. Even though the meaning of "China" has been revised several times over different periods, the "one China" policy remains the basic guideline for the PRC government to deal with the Taiwan issue. Taiwan (the ROC government), on the other hand, has changed its mainland policy from seeking China's reunification to emphasizing Taiwanese political identity. When Lieberthal (2005) discussed the relationship of the two sides across the Taiwan Strait, he indicated that "one of the greatest dangers to international security today is the possibility of a military confrontation between China and Taiwan that leads to a war between China and the United States" (p. 53). In order to analyze the impacts of the Anti-Secession law on the cross-Strait relationship and even global security, this paper will, first, discuss the establishment of modern Chinese political systems and the historical background of the two sides. Then, the essay will move to the discussion of the current cross-Strait relationship, as well as the major conflicts and barriers to consultations between China and Taiwan.

Historical Background

The first democratic regime in China, the Republic of China (ROC), was founded in 1912 by Dr. Sun Yat-sen. The establishment of the ROC marked the end of more than two thousand years of monarchical rule in China. However, after the state was

established, the Chinese mainland was mired in domestic chaos because it was separated and occupied by different warlords. The central government in Nanjing and the ruling party (Kuomintang or KMT) had no power to control the situation. Therefore, China moved into the period of warlordism and suffered a series of civil wars by different armed forces including national army, warlords, and the Chinese Communist Party (CCP). After the ROC military leader, Chiang Kai-shek, suppressed warlords in 1928, the national army shifted its target and concentrated on warfare against the armed force of the CCP. However, the Xi'an Incident in 1936 led to the end of fighting between the CCP and the KMT. After Japan invaded China in 1937, the CCP army joined the Chinese national army to fight against Japan.

After World War II, the Chinese mainland did not gain enough time to recover. The CCP and the KMT quickly started the second period of civil war in China. The result of the second civil war caused the controversy of the sovereignty issue that has continued more than 50 years. In 1949, Mao Zedong and the CCP won the war against the KMT army and established the People's Republic of China (PRC) in Peking. Thus, the PRC government has ruled most territory of China and claimed its sovereignty over China. On the other hand, The KMT lost the war and retreated to Taiwan; however, it did not recognize the fall of the ROC. Until now, the regime in Taiwan still keeps the official name as the "Republic of China" rather than "Taiwan" or any other names.

The Changes of the Cross-Strait Relationship

After the Chinese mainland and Taiwan were ruled by different regimes (PRC vs. ROC), the relationship between the two sides of the Taiwan Strait can be separated into three periods (Peacetime Foundation of Taiwan, n.d.): (1) From 1949 to 1979, battles and sea warfare still continued between the PRC and the ROC. For instance, the PRC military attacked Kinmen in 1949, occupied Dachen island in 1954, and bombard Kinmen in 1958. Also, Chiang Kai-shek, the president of ROC at that time, originally planned to counterattack the Chinese mainland in 1962 but was stopped by the United States. (2) From 1979 to 1987, the two sides of the Strait had maintained a peacetime and did not confront each other. In Taiwan, the formal president Chiang Ching-kuo adopted a “three NO” policy: NO contact with the PRC regime, NO negotiate with the Chinese Communist Party, and NO compromise with the enemy. (3) From 1987 to present, the two sides have consulted and negotiated with each other. For instance, the Strait Exchange Foundation (SEF) was established in 1991 in Taiwan; the major goal of this non-governmental organization is to “assist the government to deal with related mainland affairs” (“Statement,” n.d.). In the same year, the PRC government established the Association for Relations Across the Taiwan Strait (ARATS) as a sister organization of SEF.

From 1991 to 1999, the relationship between the two sides rose and fell because of different political events. However, after the formal president of the ROC, Lee Teng-hui, announced the “special state-to-state relationship” theory in 1999, the communication

across the two sides has been at a standstill until now. After the current ROC president, Chen Shui-bian, was elected in 2000, the contacts and communication between SEF and ARATS has stayed clam and the circumstance of the two sides has remained unfriendly.

The Major Conflicts Between China and Taiwan

Taiwan's (ROC) Changes of the "One China" Policy.

The major conflict across the Taiwan Strait is the reunification issue; however, the points in dispute of reunification are different between China and Taiwan during different periods. During the Warfare Time (1949-1979), both the PRC and the ROC governments argued for being the only "legal regime" in China. From the ROC standpoint, the original articles of the ROC Constitution claimed that the Chinese mainland and Mongolia were still governed by the ROC. At that period, the ROC government insisted that the ROC was the "only China" of the world, and argued that the PRC usurped the Chinese mainland and state power. The ROC government therefore called the PRC as "the communist bandit." During the Period of No Contact Time (1979-1987), the ROC still held this kind of "one China" policy. However, this policy had gradually changed during Lee Teng-hui's two presidencies, and was finally abandoned after Lee announced the "special state-to-state relationship" theory in 1999.

Initially, Lee did not announce that the ROC wanted to give up the "one China" policy during his first term and most of the second term of presidency. Nevertheless, the meaning of "China" had slightly changed during Lee's presidencies. When Lee

governed the ROC, the ROC government recognized that the ROC did not govern the Chinese mainland, and the Mainland was ruled by another “political entity.” In other words, the ROC government under Lee’s rule recognized the existence of the PRC and did not treat it as an illegal regime anymore.

In 1991, Lee adopted the Guidelines for National Unification. According to this document, “the Mainland and Taiwan are both sides to be part of ‘China’ (Zhongguo). The two parties are alternatively referred to as ‘Taiwan ’ and ‘Mainland’ as governmental policies” (Chang, 2004, p.12-13). Lee also led six revisions of the ROC Constitution during his presidencies. Amendment II to the ROC Constitution indicates that Taiwan is the “free area” of China, and the ROC president can be only elected by the people who live in the free area.

In short, the statement of the Guidelines for National Unification (one China, two equal political entities) and the amendments of the ROC Constitution revealed the changes of the ROC mainland policy. From Lee Teng-hui’s presidencies, the ROC had emphasized the political status of equality rather than the competition of the “one China.” Therefore, the ROC government stated that “Taiwan and the mainland are both parts of China and the PRC is *not equivalent* to China” (Sheng, 2002, p. 17). Hence, the ROC government started to identify itself as “the ROC on Taiwan” during Lee’s second presidency. The claim of “the ROC on Taiwan” did shift the original meaning of the ROC’s “one China” policy because it recognized that the Chinese mainland and Taiwan are ruled by separate “political entities.” However, this claim did not exactly cross the

bottom line of the ROC’s “one China” policy because it maintained enough ambiguous space for each side to explain the meaning of “China.” Rhetorically, however, “the ROC on Taiwan” implied the tendency of separating the ROC sovereignty from the Chinese mainland and was the foundation of Lee’s “special state-to-state relationship” theory.

In 1999, the last year of Lee’s second term of presidency, he announced the “special state-to-state relationship” theory. It was the first time for the ROC government to view that the cross-Strait relations as a state-to-state or at least a special state-to state relationship. This statement was one important change in how the ROC government represented its national identity. In addition, this statement expressed Taiwan’s abandonment of the original “one China” policy.

Table 1

| Changes of the One China Policy in Taiwan | Presidents/Time |
|---|--|
| One China (ROC) | Chiang Kai-shek and Chiang Ching-kuo/ 1949-1988 |
| ↓ | |
| One China, two equal political entities | Lee Teng-hui’s first term of presidency/ early 1990s |
| ↓ | |
| The ROC on Taiwan | Lee Teng-hui’s “special state-to-state relationship” theory/ 1999 |
| ↓ | |
| The ROC is Taiwan | Chen Shui-bian/2000-current |

Table 1 shows the ROC's changes of the "one China" policy after it retreated to Taiwan. Based on Lee's statements of "the ROC on Taiwan" and the "special state-to-state" theory, the current ROC president, Chen Shui-bian, went a step further and claimed that with "Taiwan and China standing on opposite sides of the Strait, there is one country on each side" ("Present Chen," 2002). During Chen's presidencies, Chen has repeated this claim several times and clarified that the meaning of "one country on each side" is "the ROC is Taiwan." In fact, "the ROC is Taiwan" broke the ambiguous explanation of "one China" and departed the ROC's sovereignty from the Chinese mainland to Taiwan.

The Meaning of "One China": From the PRC standpoint.

During the Wartime Period, the PRC, like the ROC, claimed its representation of the only legal regime of China. They refused to recognize the existence of the ROC, and the slogan they used at that time was to "liberate Taiwan." In the 1970s, the PRC replaced the ROC gradually in terms of international relationships and activities. In 1971, the PRC substituted for the ROC's position in the United Nations. Also, the PRC and the United States built up the official diplomatic relationship in 1978. During that period, because the two sides of the Taiwan Strait held the "one China" policy, the PRC and ROC governments, therefore, applied this standard to their international policies. In other words, both the PRC and the ROC did not allow other countries to recognize a "two China" policy. Accordingly, when one side joins an international organization, the other side must choose to withdraw. For instance, when the PRC was accepted to join

the United Nations, the ROC gave up its position immediately. Because of their insistences of the “one China” policy, both sides started a series of competitions on diplomatic, armed, and economic levels. The competitions stated above have continued until now.

In the late 1970s, the authorities of the PRC started to claim to “solve the Taiwan problem peacefully” (e.g. Deng Xiaoping’s statement in 1979). In 1981, the chairperson of the National People’s Congress of the PRC, Ye Jianying, announced “Ye’s Nine Principles.” Ye’s principles actually included the central spirit of the “one country, two systems” that Deng Xiaoping stated in 1979. The idea of “one country, two systems” dominated China’s Taiwan strategy from the late 1970s to early 2000s. The “one country, two systems” policy presents a clear central government (PRC) vs. local government (Taiwan) claim. For instance, Principle 3 indicates:

After the country is reunifies, Taiwan can enjoy a high degree of autonomy as a special administrative region and it can retain its armed forces. The Central Government will not interfere with local affairs in Taiwan.¹

And Principle 6 again presents the sense of “central vs. local:”

When Taiwan’s local finance is in difficulty, the Central Government may subsidize it as is fit for the circumstances.

In 1995, Jiang Zemin, the former PRC President, announced “Jiang’s Eight-point Proposals.” This proposal did not depart from the frame of the PRC’s “one China” policy and the concept of “one country, two systems.” However, it mentioned the

¹ The English translations of principles and statements of “Ye’s Nine Principles” and “Jiang’s Eight-point Proposals” in this paper are from the website of Mainland Affairs Council, ROC. Retrieved June 24, 2007, from <http://www.mac.gov.tw/big5/tra/5.pdf>

guideline for negotiations, economic exchanges, non-governmental agreements, etc. of the two sides of the Taiwan Strait. Basically, Jiang's proposal again emphasized the desire of the PRC for seeking peaceful reunification but held the possibility of using military forces to deal with the Taiwan issue. This concept is also applied to the Anti-Secession Law.

In 2000, the PRC announced the white book of "One-China Principle and Taiwan Issue." This document demonstrated a new direction of the cross-Strait relationship called the "three-phrase statement on the one China issue" or "one China syllogism." The idea of this "syllogism" is "both sides of the Taiwan Strait recognize there is only one China; Taiwan is part of China; the PRC is the sole legitimate government of China" (Chuang, August 07, 2000). The "one China syllogism" in 2000 still followed the principle of the "one China, two system" and indicated that the PRC is the central government of China. In other words, the "one China" is equal to the PRC regime, and the Taiwan authority is identified as a local government. However, this kind of statement was not presented in the PRC's official document to the Taiwan issue after 2000. In 2002, the PRC Foreign Affairs minister, Tang Jiaxuan, announced the "second one China syllogism" in the UN. According to him, both sides of the Taiwan Strait should recognize that there is only one China, Taiwan and the mainland are parts of China, and the integrity of China's territory and sovereignty brooks no division. The major difference between the first and second "one China syllogism" is the third premise. The second one does not emphasize that the PRC is the sole legitimate

government of China, and this concept is also applied to the Anti-Secession Law.

In January 2005, Jia Qinglin, the Chairman of the 10th National Committee of the Chinese People's Political Consultative Conference, announced a "new one China syllogism:" both sides of the Taiwan Strait recognize that there is only one China; Taiwan and the mainland are parts of China; and even though the two sides has not reunified yet, the fact that Taiwan and the mainland are parts of China has never changed. Again, the major difference between the newest syllogism and old ones is the third premise. The most important issue of Jia's "China syllogism" is: it was the first time for the PRC to record that the two sides of the Taiwan Strait have not reunified yet. Of course, it does not mean that the PRC gives up its "one China" policy and recognizes the ROC sovereignty over Taiwan. However, this statement rhetorically implies that the PRC recognizes Taiwan is ruled by another "political entity."

In March 2005, right before the Anti-Secession Law was passed, the current PRC President, Hu Jintao announced "Hu's Four-point Proposals." Hu's announcement demonstrated that the PRC might adopt a more flexible strategy to deal with the Taiwan issue because he did not discuss the use of armed forces in dealing with the Taiwan issue. In addition, Hu did not touch the controversial standpoint of "central vs. local" between China and Taiwan. In short, the Anti-Secession Law is the conclusion of the PRC's "one China" policy. The concepts mainly draw from the "Jiang's Eight-point Proposals," the old and new "one China syllogism," and "Hu's Four-point Proposals." This law does not directly include Jia's statements in 2005 about the present situation of

the two sides and does not exactly abandon the sense of “central vs. local.” It, however, does not state that the PRC is the sole legitimate government of China. This kind of change reflects the flexibility of the PRC in dealing with the Taiwan issue and displays the desire of the PRC for seeking China’s future reunification.

The Analysis of the Anti-Secession Law

When Jiang Zemin stated the “Jiang’s Eight-point Proposals” in 1995, he already revealed China’s wish to negotiate and cooperate with Taiwan authorities. After ten years, the Anti-Secession Law even lists guidelines and details for future negotiation and cooperation between China and Taiwan. However, the two sides have never had any official political, governmental negotiation since 1949, and they had a series of competitions rather than cooperation in terms of economic, armed, and diplomatic activities. Recently, China and Taiwan have even stopped regular non-governmental contacts. Therefore, it is necessary to discuss the barriers on the cross-Strait relationship and to analyze whether the Anti-Secession Law is a good solution to the conflicts across the Taiwan Strait.

Barriers

According to Ury (1993), there are five barriers to cooperation: reaction of its own side, emotion of the other side, position of the other side, dissatisfaction of the other side, and power of the other side. The strategies and tactics that Ury discussed in this book, *Getting Past No*, focus more on the interpersonal or inter-group negotiation.

However, the major concept of the barriers and breakthrough strategy can still be applied to analyze the cross-Strait relationship.

From the discussion above, people can find that, at different periods, the conflicts between the two sides across the Taiwan Strait can be separated into three aspects: first, the conflict of China's sovereignty; second, different explanations of the "one China;" and last, different expectations to the reunification issue. When the two sides argued the representation of the sole legal regime of China, it was an impasse to the cross-Strait relationship because both sides treated the other as enemies. In other words, during the Wartime period, both China and Taiwan held a "legitimate vs. illegitimate" position and did not accept any possibility to recognize each other.

When Taiwan was ruled by former president Lee, the Guidelines for National Unification and the amendments of the ROC Constitution revealed a fact: the ROC government recognized that China has been separated and the Chinese mainland has been governed by the PRC regime since 1949. Also, when the ROC announced to end the Period of National Mobilization for Suppression of the Communist Rebellion in 1991, it indicated that the ROC suspended treating the PRC as an enemy. Of course, these actions did not mean that the ROC recognized the legitimacy of the PRC regime. However, they can be treated as a breakthrough to the cross-Strait relationship. Nevertheless, the PRC's reaction to Taiwan's changes did not satisfy what the ROC government and Taiwanese people expected. The PRC identified Taiwan's changes as the first step to achieve future independence. Therefore, "Jiang's Eight-point Proposals"

expressed that “We must firmly oppose any words or actions aimed at creating the ‘independence of Taiwan’ and propositions that run counter to the principle of one China such as ‘two split sides with separate administrations,’ ‘two China over a period of time’ and so on.” The first “one China syllogism” still held a sense of “central government vs. local government.” From the early 1990s, the two sides already presented huge differences in explaining the meaning of “one China.” From Taiwan’s standpoint, it did not insist that the ROC government has to be the only legal regime of China. In other words, the sense of “one China” is more like a “future China” or even a cultural China. The PRC government, on the contrary, insisted that the PRC regime is the sole representation of China, and accordingly treated Taiwan as a province of the PRC. The PRC, therefore, believed that Taiwan’s changes from its “one China” policy were seeking independence rather than reunification. Because of different explanations of “one China,” both sides insisted their standpoints and ignored emotion and dissatisfaction of the other side. In addition, the reactions that both sides took had reinforced the deadlock across the Taiwan Strait. Therefore, even though both sides mentioned their desires for seeking negotiation, cooperation, and reunification, the hostility to the other side had continued and consequently caused the ROC government to abandon its original “one China” policy.

Cooperation and Competition

According to Deutsch (2000), substitutability, attitudes, and inducibility are three elements to “understanding the social and psychological processes involved in creating

the major effects of cooperation and competition” (p. 23). Substitutability means how actions of one side can satisfy intentions of the other side; attitudes refer to the predisposition to respond positively to aspects that are favorable to them and vice versa; and inducibility means that the willingness of one side to accept another’s influence and to fit his or she expectations. From the discussion above, people can realize that both sides of the Taiwan Strait basically have negative influences on the aspects of substitutability, attitudes, and inducibility. The relationship between China and Taiwan therefore is more competitive than cooperative.

In the same article, Deutsch (2000) also indicated many components that may induce cooperation, such as perceiving similarity in attitudes, being willing to help each other, having an open communication style, being sensitive to common interests and deemphasizing to different interests, enhancing mutual power, and so on. The idea of finding common interests or common ground is one tactic to break barriers in a relationship or negotiation. On the cross-Strait relationship, the atmosphere was positive in the early 1990s when the Strait Exchange Foundation (SEF) in Taiwan and the Association for Relations Across the Taiwan Strait (ARATS) of the PRC established the “common consensus of the 1992 Wang-Koo talks” (Taiwan also calls it “the spirit of the 1992 Koo-Wang talks”). In a word, this common consensus or spirit can be explained as: “two sides ‘agree to disagree’ on their respective interpretation of the ‘one China’ concept and to leave this question aside” (Cabestan, 1996, p. 1267). Both SEF and ARATS therefore agreed, directly or indirectly, to table the controversies and

concentrated on non-political, administrative affairs.

However, the 1992 common consensus did not hold too long because China, at that time, still insisted that the PRC equals China, and Taiwan revealed a tendency to pursue “one China, one Taiwan” or “one China with separate administrations.” In the 1990s, China’s Taiwan strategy was hard and coercive. For instance, the missile crisis in 1996 was the way for China to react to Lee Teng-hui’s (the former ROC president) speech in the US in 1995 and to influence Taiwan’s presidential election in 1996. As Yu (1997) indicated, this missile test in 1996 “further eroded popular support for unification and drove more Taiwanese to support independence” (p. 19). In 2000, Taiwanese people elected Chen Shui-bian as the 10th ROC President, and Chen belongs to a political party that is seeking for Taiwan’s independence. After 2000, the PRC’s Taiwan policy has become flexible and has not emphasized the sense of “central vs. local.” However, the contacts between China and Taiwan have almost stopped after Chen has become the president. The PRC government has presented a highly distrustful attitude to Chen’s political tendency. For instance, China has identified Chen’s statements and political activities, such as “one side, one country”, establishing a new Constitution, or the 2004 referendum, as efforts seeking future independence. Therefore, the establishment of the Anti-Secession Law can be treated as one tactic for the PRC government to deal with Chen’s independent claims and the complicated Taiwan problem.

After the draft was submitted, the Anti-Secession Law attracted a lot of attention because it would demonstrate the PRC’s guidelines and bottom line to the conflicts

across the Taiwan Strait. Major criticisms from Taiwan to the Anti-Secession Law focused on Article 8, which clearly indicates that China shall employ non-peaceful means and other necessary measures when “the ‘ Taiwan independence’ secessionist forces should act under any name or by any means to cause the fact of Taiwan’s secession from China, or that major incidents entailing Taiwan’s secession from China should occur, or that possibilities for a peaceful reunification should be completely exhausted².” Because of Article 8, the Anti-Secession Law, therefore, is identified as a “War Law” that will legalize China’s attack to Taiwan by some Taiwanese critics.

The Anti-Secession Law, however, can be treated as a very important advance on the cross-Strait relationship. First, the “one China” concept in the Anti-Secession Law is based on the second “one China syllogism” and other related statements after that. Article 2 still treats Taiwan as a part of China; however, it did not state the PRC is the sole legal regime of China. Therefore, it manifests that the PRC decides to hold a more flexible strategy to deal with the Taiwan issue. Of course, it does not mean that the PRC recognizes the legitimacy of the ROC, but “not refusing the existence” can be treated as an improvement on the cross-Strait relationship.

Furthermore, Article 7 claims that “the state stands for the achievement of peaceful reunification through consultations and negotiations on an equal footing between the two sides of the Taiwan Straits.” The most important point in this statement is the word “equal footing;” it is the first time for the PRC to promise that the status between two

² The English translations of articles of the Anti-Secession Law are from the website of China Online. Retrieved June 24, 2007, from <http://chineseculture.about.com/od/governmentinfo/a/a002.htm>

sides is equal. It is a very interesting thing to see that the “one China” concept contained in the Anti-Secession Law is similar to what the ROC claimed in the Guidelines for National Unification in 1991. This similarity may be treated as common ground and then it also offers a great opportunity for future negotiation and cooperation between China and Taiwan.

Also, the Anti-Secession Law provides guidelines for promoting cross-Straits relations and future consultations and negotiations. This law clearly indicates that measures, steps, and phases of cross-Strait contacts can be flexible and negotiable. After the PRC passed this law in March 2005, for instance, it has taken action to contact Taiwanese people and several opposition parties in Taiwan. One example is that the PRC revoked the tariff on Taiwanese fruit in order to encourage Taiwanese farmers to sell fruit to the Chinese mainland. Traditionally, many Taiwanese farmers in Southern Taiwan are firm supporters of the current ruling party for seeking Taiwan independence. However, mainland China is a big, unavoidable market, especially when the PRC government offers such preference. According to the spirit of the Anti-Secession Law, the PRC’s flexible tactics would like to gain support from Taiwanese people and to isolate the current ROC government.

According to Yu’s (1997) article, China has developed a 4-steps strategy aimed at ensuring future China-Taiwan reunification in the long run: (1) to increase Taiwan’s economic dependence on China. (2) to diplomatically isolate Taiwan in order to prevent international cooperation of its future independence. (3) to obstruct arms sales to Taiwan

by any countries. (4) to hold the possibility of using force in case all steps above failed to stop Taiwan from seeking independence. The articles in the Anti-Secession Law actually present this 4-steps strategy. Taiwan, no matter on the levels of economy, armed forces, or international relationship, is comparatively powerless. The current government in Taiwan, based on its political claims, refuses to contact the PRC. However, from offering preferential treatments to Taiwanese people, the PRC is trying to contact Taiwanese people directly in order to establish a positive image of China.

However, Article 8 in the Anti-Secession Law states that China would not give up using coercive power to deal with the Taiwan question. The establishment of the Anti-Secession Law, therefore, was criticized as a two-sided strategy. Article 8 is also the most important reason that the Anti-Secession Law has attracted so much attention, because this article suggests the possibility of using forces to deal with the conflicts in the Taiwan Straits. The meaning of Article 8 in the Anti-Secession Law is ambiguous and broad. In other words, according to Jian (March 15, 2005), China keeps the right to define the meaning of the “fact” and “major incidents” of Taiwan’s secession from China, and the possibility for a peaceful reunification should be completely exhausted.

Because of Article 8, the Anti-Secession Law may not have a positive effect on improving the cross-Straits relationship. According to Deutsch (2000), the value of nonviolence is one norm for cooperation and constructive conflict resolution. Barash (1991) indicated nonviolence is “directly relevant not only to the prevention of war, but also to the establishment of social justice, environmental protection, and the defense of

human rights” (p. 573). However, in Ury’s (1993) suggestion, one side of negotiation may consider using power to warn, but not threaten, the other side to know the consequence.

Articles 5, 6, and 7 of the Anti-Secession Law, however, may reflect the effort of the PRC government to reduce the influence of announcing the use of armed forces. These articles indicate strategies and tactics that China plans to achieve peaceful reunification in the future. In short, the Anti-Secession Law concludes the PRC’s “one China” policy and includes both hard and soft approaches for the PRC to deal with the complicated Taiwan issue. If articles 5, 6, and 7 are soft approaches, Article 8 presents China’s bottom line on the cross-Strait relationship and can be treated as a warning to Taiwan. According to past experiences, however, China’s use of coercive force, such as the missile exercise in 1996, has not achieved its expectation but pushed Taiwanese people to support Taiwan’s independence. Nevertheless, it is hard to expect the consequence if China announced to give up using coercive ways to deal with the Taiwan question.

Conclusion

Is the Anti-Secession Law a good solution to solve the conflict in the Taiwan Straits? It is hard to provide an absolute answer; depending on where they come from and what political standpoints they hold, people may have totally different opinions about it. By taking Taiwan’s position, some articles, such as Articles 5 and 7, can be

treated as a great improvement to China's original Taiwan strategy because they offer the possibility of common grounds for future negotiation and cooperation. However, the most important thing of the Anti-Secession Law is the action of establishing this law. On the one hand, if China identifies Taiwan as taking any action to achieve secession from China, the Anti-Secession Law legalizes China's attack over Taiwan. On the other hand, this law also limits the PRC government to attack Taiwan without any other purposes. In addition, China's Taiwan strategies usually were revealed in the statements or speeches by important political leaders of the PRC government. Different leaders may have different thoughts, and this kind of revelation is hard for Taiwanese authorities to expect and predict China's Taiwan strategies. The advantage the ROC government can take from this law is to realize the PRC's measures and procedures of seeking peaceful reunification and its bottom line in order to prevent unnecessary conflicts and unexpected consequences.

Another implication of the Anti-Secession Law is its recognition of the current separate situation in the Taiwan Straits, even though this law does not include Jia Qinglin's statement about recognizing the present separation of the two sides across the Taiwan Straits. However, according to the broad, ambiguous definition of Article 8 in the Anti-Secession Law, if China does not attack Taiwan now, it means that China recognizes that, in present situation, Taiwan is not seeking any secession from China. In other words, the goal of this law is to achieve a future peaceful reunification, but it indirectly recognizes and allows the existence of two separate political entities across

the Taiwan Straits. Maintaining the status quo is the one option that has gained support by the majority in Taiwan. Article 7 of the Anti-Secession Law states that any consultations and negotiation for achieving peaceful reunification between the two sides will be based on an equal footing. Accordingly, this law actually has had a positive influence on maintaining the status quo in the Taiwan Straits.

According to PRC President's, Hu Jintao, statement in 2006, he claimed that the two sides should hold the "common consensus (spirit) in the 1992 talks" to seek future reunification. The former chairperson of the major Taiwanese opposition party (KMT), Lian Chan, suggested that China and Taiwan should consider signing a peaceful agreement that focuses on four aspects: first, Taiwan announcing to abandon seeking for Taiwan independence; second, China announcing to abandon using forces to deal with the Taiwan question; third, the status of "no independence, no attack" should be maintained for the next thirty to fifty years, and the future of the two sides should wait for future consultations; and last, through the integration of regional economic exchanges, the two sides can progressively solve the political conflicts across the Taiwan Straits (Lian, 2005). In fact, the Anti-Secession Law may not have an immediate effect on breaking barriers on the cross-strait relationship. However, it can still be considered as a breakthrough, or at least an option, to solve the conflicts between China and Taiwan.

References

- Barash, D. P. (1991). *Introduction to Peace Studies*. Belmont, CA: Wadsworth, Inc.
- Cabestan, J. P. (1996). "Taiwan's Mainland Policy: Normalization, Yes; Reunification, Later", *The China Quarterly*, Vol. 148, pp. 1260-1283.
- Chang, H. J. (2004). "Managing Identity by Naming 'China': An Analysis of the Taiwanese Government's Term of Address", Paper presented at the 90th National Communication Association, Chicago, IL, USA.
- Chuang, P. L. (2000, August, 07). "China and Taiwan Should Set Talks Aims", *Taipei Times*, pp. A8.
- Deutsch, M. (2000). "Cooperation and Competition", In M. Deutsch and P. T. Coleman, eds. *The handbook of conflict resolution*, San Francisco: Jossey-Bass Inc, pp. 21-40.
- Jiang, J. Y. (2005, March 15). "The Hard Approach: The Lawmaking of the Anti-Secession Law; The Soft Approach: Wen Gave Olive Branch", *Economic Daily News*, pp. A2.
- Lian, C. (2005, March 15). "The Two Sides Should Sign a Peaceful Agreement: No Independence, No violence for 30-50 years [Letter to the editor]", *United Daily News*, pp. A4.
- Lieberthal, K. (2005). "Preventing A War Over Taiwan", *Foreign Affairs*, Vol. 84, No. 2, pp. 53-63.
- Peacetime Foundation of Taiwan. (n.d.). "The Studies of Cross-Strait Relations", Retrieved June 24, 2007, from <http://www.peace.org.tw>

President Chen Delivers the Opening Address of the 29th Annual Meeting of the World

Federation of Taiwanese Association via Live Video Link. (2002, August 4).

Retrieved June 24, 2007, from <http://www.president.gov.tw/en>

Sheng, L. (2002). *China and Taiwan: Cross-Strait Relations Under Chen Shui-bian*.

Singapore: Institute of Southeast Asian Studies.

Statement of the Straits Exchange Foundation. (n.d.). Retrieved June 24, 2007, from

<http://www.sef.org.tw/>

Ury, W. (1993). *Getting Past No: Negotiating Your Way From Confrontation to*

Cooperation. New York: Bantam Books.

Yu, T. (1997). "Taiwanese Democracy Under Threat: Impact And Limit of Chinese

Military Coercion", *Pacific Affairs*, Vol. 70, No. 1, pp. 7-36.