

Conflict Prevention across the Taiwan Strait and the Making of China's Anti-Secession Law

Suisheng Zhao

**Professor and Executive Director
Center for China-US Cooperation
Graduate School of International Studies
University of Denver**

Abstract

China has developed a unique approach of conflict prevention characterized by *liangshou celue* (literally 'two hands') or a two pronged strategy. It is a stick and carrots approach, involving an oscillating pattern of military coercion and peaceful offense. After the fourth generation of Chinese leadership under Hu Jintao came to office, an Anti-Secession Law was passed by China's National People's Congress on March 14, 2005. Prescribing the conditions for military action against Taiwan, this law was described by some people in the West and Taiwan as a war authorization law, mainly driven by Chinese nationalism, to set a benchmark against nationalist pressure and show Chinese leaders' willingness to risk war across the Taiwan Strait at all cost. It thus not only signifies greater irrationality of China's policy toward Taiwan but also a change in the two pronged conflict prevention approach. Is Chinese nationalism a cause of international aggression, making China's policy toward Taiwan irrational and inflexible? Does the anti-secession law signal that Beijing is on a path that reduces its scope for rational choices? This paper will explore the making of the Anti-Secession Law to find answers to these questions.

To be presented at

**Comparing Different Approaches to Conflict Prevention and Management:
Korean Peninsula and the Taiwan Strait**

Stockholm, 16-17-2005

Although it has not reached the boiling point, Taiwan Strait remains one of the most dangerous places in the world because the possibility of a direct military confrontation between the United States and China over Taiwan is genuine. The consequences of the potential conflict are dire enough that conflict prevention and management has become a real challenge for each party involved.

The issue is whether or not Taiwan may gain a status of independent state. China has not allowed Taiwan to become an independent state because this move would threaten not only national security interest of China but also nationalist credentials of the communist regime. To deter Taiwan's drifting toward permanent independence, Beijing has never given up its threat of using non-peaceful or military means for national unification. Since China started reform and open up in the late 1970s, pragmatic Chinese leaders have set peace and development as China's overriding goals. For this purpose, they have attempted to prevent military conflict across the Taiwan Strait because they would not want to sacrifice China's modernization efforts as long as Taiwan does not constitutionally declare independence. As a result, China has developed a unique approach of conflict prevention characterized by *liangshou celue* (literally 'two hands') or a two-pronged strategy. It is a stick and carrot approach, involving an oscillating pattern of military coercion and peaceful offense. Coercive strategy relies primarily upon the use or the threat of use of force. It could be military actions aiming at the conquest of Taiwan or military brinkmanship using military force in an exemplary and demonstrative manner. Peaceful offense or inducement appeals to cross-strait political negotiations and economic and cultural exchanges to bind Taiwan's hands of seeking independence and to build goodwill and momentum for eventual national reunification.

Although this two-pronged approach has not prevented the Taiwan from moving gradually toward independence, it has served the dual purposes of preventing Taiwan from explicitly declaring independence and preventing war from eruption. After the fourth generation of Chinese leadership under Hu Jintao came to office, an Anti-Secession Law was passed by China's National People's Congress on March 14, 2005. Prescribing the conditions for military action against Taiwan, this law was described by

some people in the West and Taiwan as a war authorization law, mainly driven by Chinese nationalism, to set a benchmark against nationalist pressure and show Chinese leaders' willingness to risk war across the Taiwan Strait at all cost. It thus not only signifies greater irrationality of China's policy toward Taiwan but also a change in the two pronged conflict prevention approach.

Is Chinese nationalism a cause of international aggression, making China's policy toward Taiwan irrational and inflexible? Does the anti-secession law signal that Beijing is on a path that reduces its scope for rational choices? This paper will explore the making of the Anti-Secession Law to find answers to these questions.

Negative Responses to the Anti-Secession Law

Making the Anti-Secession Law, Beijing insisted that the move was aimed at keeping the peace across the Taiwan Strait. The *People's Daily* reported from Taipei after passage of the Anti-Secession Law, "Most of the people believe the Anti-Secession Law is a practical, firm, gentle, rational law, creating an opportunity to push on the relations across the Straits."¹ In reality, however, the law triggered massive protest in Taiwan and sharp criticism from the US government, as they see article 8 of the law about authorizing the use of "non-peaceful measures" as provocative at the moment. China paid a price abroad, "spoiling a strategy for relations with Taiwan, undercutting a drive to end Europe's arms embargo and reinforcing unease over the growth in Chinese military power."²

These negative responses were largely due to the fact that the passage of the law was ill-timed. It came after Taiwan's President Chen began to soften his stance and pledged not to declare independence nor change the island's official name during his second term at the 10-point declaration on cross-strait issues, made jointly with James Soong, Chairman of the opposition People First Party. He even accepted a deal brokered by the opposition KMT to launching the unprecedented non-stop charter flight across the Strait by both Taiwan and PRC carriers during the Chinese New Year since 1949.

¹ "Taiwan compatriots: Anti-Secession Law very practical," *People's Daily Online*, March 18, 2005.

² Edward Cody, "China's Law on Taiwan backfires," *Washington Post*, March 23, 2005.

The Anti-Secession Law, in this case, as US Secretary of State Condoleezza Rice said in an interview, “increased tension from the Taiwan Straits not diminished it,”³ as it brought a temporary halt to the relaxation across the Strait over the winter. While the most pro-independent Taiwan Solidarity Union (TSU) sent an “Anti-Annexation Law” to Taiwan’s Legislative Yuan, President Chen joined about a half million people in Taipei marching on March 26 to denounce the law in one of the largest political demonstrations. The furor over the anti-secession law and the march allowed Chen to woo back many angry independence advocates but was criticized by Beijing as creating “new tension across the Strait.”

The Anti-Secession Law also raised alarm bells from the US and Europe. Before announcing the law, China was gaining ground, both in the international community and in Taiwan and Chen was criticized as a trouble maker by more and more people in the Bush administration as Chen pushed the envelope with uncalled-for initiatives against Beijing. The anti-secession law switched the focus from Taipei to Beijing for changing the status quo “by introducing the new law authorizing the use of force against Taiwan just when relations looked ripe for repair.”⁴ In the meantime, the anti-secession law made it more difficult for the European Union to lift the arms embargo that many suggested could happen in the summer of 2005, in spite of strong US lobby. By underlining China's willingness to go to war over Taiwan, the law also set back China's multi-faceted diplomatic campaign to persuade the world, especially the East Asian region that its rise as a world power would be peaceful and would not constitute a threat to other nations.

In light of these negative responses, why was the Anti-Secession Law made and passed at this time? Was it because the rise of Chinese nationalism made the Chinese leadership less rational in making its Taiwan policy? To find answers to these questions,

³ “Secretary of State Condoleezza Rice at The Post,” *Washington Post*, March 25, 2005.

⁴ Catherine Armitage, “China warns 'malevolent' Taiwan,” *The Australian*, March 28, 2005.

let's start by a brief discussion of the recent rise of Chinese Nationalism and its Foreign Policy implications⁵.

Chinese Nationalism and Its International Orientations

Chinese nationalism is indeed in rise in recent years as the post-Mao leadership has rediscovered the value of nationalism to hold the country together after the decline of communist ideology. Its nationalist legitimacy was bolstered in the fighting for China's entry into the WTO, the maintenance of the MFN or the PNTR status in the US, the Olympic Games in Beijing, and stopping Taiwan independence. Nationalism has been resonated among Chinese intellectuals and popular society. Concerned that the Western countries would come to confront a rising China, some Chinese intellectuals have argued that nationalism would be indispensable and a rational choice to advance China's national interests.

This development has raised a question: whether or not an aggressive nationalism has or would emerge from China's "century of humiliation," making Chinese foreign policy irrational and inflexible.

Indeed, nationalism has played very different roles in Chinese history. It inspired generations of Chinese intellectuals fighting to resist imperialism and seeking ways for modernization. It also produced fear, hatred, and hostility toward foreigners. These different international orientations have been linked with different nationalist perspectives: nativism, anti-traditionalism, and pragmatism. Each is rooted in a different assessment of the sources of national weakness and advocates a distinctive approach to revitalize China.

Nativism sees foreign imperialist invasion and the subversion of indigenous Chinese virtues as the root of China's weakness and calls for a return to Chinese tradition and self-reliance. Anti-traditionalism sees China's tradition as the source of its weakness, calling for the adoption of foreign culture and models. Pragmatic nationalism takes a middle road and sees the lack of modernization as the source of China's weakness and

⁵ This part of discussion is based on my recent book (Suisheng Zhao, *A Nation-State by Construction: Dynamics of Modern Chinese Nationalism*, Stanford, CA: Stanford University Press, 2004).

would adopt whatever approach that can make China strong. As Deng Xiaoping said; "it doesn't matter if it is a black or white cat as long as it can catch rats."

The three perspectives of Chinese nationalism are often related to different international orientations. Nativism is often related to confrontational anti-foreignism. The most extreme example is the Boxer Rebellion in 1900. Anti-traditionalism is to accommodate to a "progressive" or "modern" world. One example is China's early effort to adopt the Soviet model and accommodate to the Soviet-led communist world. Another example is liberal anti-traditionalists' call in the 1980s to adopt Western models and accommodating to the Western world. Pragmatic nationalism is to adapt to the changing world but has nothing, or very little, to do with any ideology, either Marxism or liberalism. It is a national interest-driven doctrine/program.

All three perspectives of Chinese nationalism have influenced the thinking of Chinese communist leaders. Chinese foreign policy swung between the two extremes of confrontation and accommodation driven by either nativism or anti-traditionalism in the early decades of the PRC. After Deng launched economic reform, pragmatism has established as the dominant thinking of Chinese leaders.

Pragmatist nationalism sets economic prosperity as the overarching objective of China and the pathway for the CCP to stay in power. It is also the foundation for China's rising nationalistic aspirations. To pursue economic prosperity, peace and development is emphasized as China's major international goals. Although pragmatic nationalism is assertive in defending China's national security and uncompromising with foreign demands involving China's perceived vital interest, such as the preservation of national sovereignty and the reunification of Chin, pragmatic leaders have tried to avoid confrontational relations with the United States and other Western powers because it would not be in the interest of China's modernization.

From pragmatic perspective, nationalism is a double-edged sword. While the Communist government may use nationalism to compensate the declining communist ideology, it may also cause serious backlash and place the government in a hot spot facing challenges from both domestic and international sources.

Domestically, nationalism is both a means for legitimating the CCP rule and a means for the Chinese people to judge the performance of the state. If Chinese leaders could not deliver on their nationalist promise, they would become vulnerable to nationalistic criticism. As a matter of fact, the rising nationalism has run into a criticism of China's foreign policy, including the seemingly too "soft" stance toward Taiwan independence movement. Internationally, the rise of Chinese nationalism has coincided with a negative view of nationalism in the modern world. In this context, the new tide of Chinese nationalism has caused anxiety in Asia and the rest of the world in the recent years.

Balancing the positive and the negative sides, pragmatic leaders have been very ambivalent to promote nationalism and cautious to prevent the nationalist sentiment of Chinese people from getting out of hand. On the Taiwan issues, although nationalism has set the rhetoric, its policy has not been dictated by emotional nationalist rhetoric on the streets. Instead, it has been constructed based on prudence.

The Making of the Anti-Secession Law

Beijing's sovereignty claim over Taiwan and actions to stop Taiwan from becoming independent played a special role in maintaining nationalist legitimacy of the communist regime because territorial integrity and national unity has a symbolic value in Chinese nationalism. However, nationalism has not prevented Beijing's pragmatic leadership from adopting a peaceful strategy, rather than costly military action, as the most desirable approach. Although the Anti-secession Law was passed not at the best time, the law does little more than codify long-standing policy and does not expand the conditions under which force might be used.

Looking back at Beijing's threat of using force in the last decade, we have seen a typical pattern of talking tough but action prudently. During the crisis following President Lee Teng-hui's visit to the US in 1995, China threatened using military force by launching missiles close to Taiwan's coasts. However, it was proved only a military brinkmanship, using the threat of war to ensure peace across the Strait. The logic is that: China would have to wage a war against Taiwan if it declares independence; so military

threats would reduce the likelihood of a declaration of independence; and so military threats would make a war less likely.⁶

Another case was the threat during Taiwan's 2000 presidential election. One month before the election, Chinese published a white paper noticeably put forward the "*shange ruguo*" (Three Ifs) to clarify the premise for the mainland to use force against Taiwan. Before this White Paper, China had threatened military action only if Taiwan declared independence and/or in the event of foreign invasion of the island. The White Paper added the third "if", if Taiwan indefinitely refused the peaceful reunification through negotiations. Three days prior to the election, in his NPC news conference on March 15, Premier Zhu Rongji threatened the Taiwan voters that Taiwan independence forces' victory would spark a cross-strait war. At the end, however, although Beijing were unhappy to see its most unacceptable candidate, Chen Shuibian, elected as the president, weighing options, pragmatism prevailed as Beijing decided to refrain from using force. Instead, it formulated a Wait-and-See policy.

The Anti-Secession law is just another case of making war threat to win peace. It grew out of Beijing's frustration by President Chen's pushing the envelope, particularly his attempt to change the ROC constitution. Beijing has been mostly on the defensive and reactive position in the recent decade. When fourth generation of leadership under Hu Jintao came to office and began to consolidate their power, they looked for ways to change this passive position not only because rising Chinese nationalism has blamed Beijing's leaders for too soft toward Taiwan's independent movement but also because they became very concerned about the real danger of Taiwan's formal declaration of independence via a constitutional change.

Initially intended as a response to Taiwan's enactment of a Referendum Law in December 2003, China began talking about making an Anti-Secession Law after Chen won the marginal victory of re-election in March 2004 and announced a highly provocative zhengmin (name correction) campaign, such as changing the name of state-owned enterprises to emphasize "Taiwan" instead of "Republic of China" and inserting

⁶ You Ji, "Changing Leadership Consensus," in Suisheng Zhao, ed., *Across the Taiwan Strait: Mainland China, Taiwan, and the 1995-1996 Crisis*, Routledge, 1999.

the name "Taiwan" in official correspondence from the Foreign Ministry. Beijing was very worried that the December Legislative Yuan election would give Chen the majority necessary to move toward amending the constitution in 2006.

The pro-independence ruling pan-green coalition, led by President Chen Shuibian, however, failed to win the crucial Legislative Yuan elections. The defeat was interpreted as a signal by the majority in Taiwan to maintain the status quo rather than risking a war with the mainland by pressing for formal independence. Chen's position, therefore, began to soften. The law, however, widely publicized in state media, had worked its way through the party bureaucracy and was ready for the approval of the National People's Congress. The domestic political cost would be too high to stop the momentum.

Passing the Anti-Secession Law, however, Beijing certainly did not want to see it fuel tensions across the Straits. In spite of its setback, Beijing has tried to accentuate positive and eliminate the negative effects in its follow-on treatment of the Law. Just as the concerns over the statement of non-peaceful means were mounting, the leadership started plotting a series of initiatives to show its more benign side. A *People's Daily* editorial stressed that "This law fully embodies our consistent stand on striving for peaceful reunification with the utmost sincerity and the greatest effort" and that "it is not a law of war, but is a law for the peaceful reunification of the country." At a press conference, Wang Zaixi, Deputy Minister of the State Council Taiwan Affairs office, is larded with reassurances of peaceful intent by emphasizing that the passage of the Law does not mean the toughening of its attitude towards Taiwan and the law is meant to promote peaceful reunification rather than undermine bilateral relations. In a speech the day before the law was passed, Hu Jintao attempted to show his good will by expressing China's willingness to relax restrictions on agricultural imports from southern Taiwan. Weeks after the law was passed, Beijing undertook the historic reconciliation with Taiwan's main opposition parties, including its long-time foe, the Kuomintang. President Hu shook hands with KMT leaders in the Great Hall of the People in front of the international media, greatly easing global concerns sparked by passage of the law.

It is worth noting that although the Anti-Secession Law codifies China's determination to achieve national unification under the "one China" principle and the

military option is clearly included among the "non-peaceful measures" to deter Taiwan independence "under any name or by any means," the law does not add any new provisions or contents to past Beijing's policy positions in the past White Papers nor does it establish a time deadline for unification, after which military action would occur, as some Chinese officials in recent years had advocated. Against this background, the law is less threatening. Under the fictional assumption that Taiwan is already legally part of "one China," there is no ultimatum for reunification, only an interdict against a formal declaration of independence.

While many people have focused on the "non-peaceful means" statement, one needs to pay equal attention to the emphasis on the peaceful means as the most preferable approach to reach the long-standing objective of national unification, to be achieved through phased consultations, conducted on an equal footing as long as there is a "glimmer of hope" of success in reunification. It is interesting to see two last minute changes in the text before the law was finally passed. The wording of the third "or" that would compel China to employ "non-peaceful means" in Article Eight was originally "that *conditions* for a peaceful reunification should be completely exhausted." In the final text, it becomes "that *possibilities* for a peaceful reunification should be completely exhausted."⁷ According to a Chinese scholar, this change implies that China would "exhaust all possibilities to achieve peaceful unification." Article Two in the final text added a sentence that Taiwan being part of the PRC to Taiwan and the Mainland together making up "one China" and reconfirmed the position that talks between Beijing and Taiwan would be on an equal basis. That is why reading the text carefully, an *Asia Times Online* article indicated that "China's Anti-Secession Law is neither as inflammatory as many had feared nor as bombastic as Beijing's previous statements on cross-straits issues."⁸

In this case, it is reasonable to argue that the Anti-Secession Law not only does not signify greater irrationality of China's policy toward Taiwan but also may not shift

⁷ Ji Xin, "Taiwan Dongju Jiewu Chaonong Minyi" (Taiwan Authorities, Don't Distort The Public Opinions), *Renmin Ribao*, March 24, 2005, p. 3.

⁸ Bruce Klingner, "The Dragon Squeezes Taiwan," *Asia Times Online*, March 15, 2005.

the cross-strait balance in any fundamental way. As a *South China Morning News* reporter noted, the law “changes nothing in the cross-strait balance, and serves no practical legal purpose, domestically or internationally.”⁹ Although the existing Taiwan policy is now reinforced by Chinese law, it does not create any authority it did not exist and its effect on decision-making is not clear. As Ralph Cossa indicated, “Passing a law – in a country where the rule of law is applied selectively, often at the leadership’s whim – hardly makes an attack any more (or less) likely.”¹⁰

Taiwan’s Reaction

Although the incumbent DPP leaders made very negative responses to the passage of the Anti-Secession Law, the reactions from Taiwan were restraint. Whether or not realizing the rationality behind the making of the law, Taiwan’s leaders must understand that over-reactions from Taiwan may amount to further escalation, prompting China’s further reactions, thus producing a vicious chain action-reaction. The people of Taiwan have every right to express their opposition to the military threat prescribed by this law. However, as Richard Bush indicated, it is prudent for Taiwan’s leaders “to avoid steps that inflame the situation further or foreclose the possibility of more positive cross-Strait steps when and if the political atmosphere changes for the better.”¹¹ That is why US Secretary of State Rice said to the Chinese leadership, “you do an anti-secession law, then they react, then you react to that and they react to that and pretty soon we’re all up here.”¹² While the Anti-Secession law generated a drawback in the relationship, Taiwan’s leaders were aware that Beijing could not be pushed into a corner where the only option it was left was a military one. As a *South China Morning News* reporter indicated, “You do not need legislation to govern this divide while reason prevails, and when reason is gone, no legislation is going to make a difference, anyway.”

⁹ Anthony Lawrance , “Much ado about nothing,” SCMP, March 15, 2005.

¹⁰ Ralph A. Cossa, “Anti-Secession Law: Closing (or Opening) the Door?” PacNet 14A, March 28, 2005.

¹¹ Richard Bush, “Taiwan Should Exercise Restraint in Reacting to the Challenge of China’s Anti-Secession Law,” PacNet 14, March 28, 2005.

¹² “Secretary of State Condoleezza Rice at The Post,” *Washington Post*, March 25, 2005.

As a result, Taiwan's reaction was largely restrained. The DPP leaders were walking on a thin line between allowing Taiwan people to vent their feelings of grievance while not allowing those impulses to be translated into imprudent actions by the government. While the Taiwan government made clear that the law already damaged relations and disrupted a tenuous detente begun early this year, Chairman of Taiwan's Mainland Affairs Council, upon China's passage of the law, suggested that the push for chart cargo flights could resume if public anger in Taiwan over the Chinese law subsided, and he said President Chen Shui-bian intended to stick to an earlier pledge to make "peace and development" the core of his policy toward China.¹³

Instead of initiating a referendum in response to the law, Chen cautiously chose to demonstrate in the streets of Taipei. Rather than calling for Taiwanese independence, the massive protest rally emphasized Taiwan's desire for continued peace and democracy. Although Chen participated in the rally, he did not speak to the mass, a contrast to previous occasions when the independence-minded president has used party gatherings to make provocative remarks. Chen also resisted the TSU legislators' push for counter-legislation, which would likely trigger an escalation of hostility.

Chen's restraints were in line with the domestic political dynamics that called to steer relations back toward the earlier relaxation in the winter. While the opposition pan-blue coalition blamed Chen's pro-independent actions for provoking the law, the Kuomintang, Taiwan's biggest opposition party, sent a high level delegation led by Vice-Chairman Chiang Pin-kun to China only two day after the March 26 rally. First official KMT delegation since the party fled to Taiwan amid China's civil war in 1949, the trip was aimed at paving the way for a visit by KMT Chairman Lien Chan and explore new venues for improve relations. Another development was that Taiwan's Chi Mei Group founder Hsu Wen-long, whose support to Chen was crucial for Chen's winning the 2000 presidential election, published an open letter on the front page of the Taiwan's *Economic Daily News* hours before the March 26 rally, warning that "Taiwan independence will only lead Taiwan to war and drag people to disaster." He also stated that Taiwan and the

¹³ Jason Dean, "Taiwan Shows Restraint On Law Against Secession," *The Wall Street Journal*, March 15, 2005

mainland both belonged to one China and the Anti-Secession Law made him at ease to invest in the Mainland.

Conclusion

It has taken a while for the dust to settle. The setback caused by the law was proved temporary. Although prescribing the conditions for possible use of force, the Anti-Secession Law has not changed Beijing's rationality of threatening war for peace. This seemingly contradictory strategy of talking tough but acting in a calculated manner showed that pragmatic leaders were aware of the danger of falling to victim to the nationalism. China's Taiwan policy has not been dictated by the emotional voice of nationalism but based on careful calculation of China's national interests. The Anti-Secession Law is in consistent with Beijing's two pronged approach to prevent both Taiwan independence and war across the Taiwan Strait. In fact, it is worth noting that when Hu Jintao took over the chairmanship of China's Central Military Commission (CMC) in September 2005, he approved new guidelines on Taiwan policy: "strive for negotiation, prepare for war and have no fear of Taiwan's procrastination." These guidelines, together with the Anti-Secession Law, have showed both flexibility and persistency of the new generation of leadership. In other words, they have become softer on its peaceful offense and harder on coercive threat.

However, this does not mean that China's threat of the force against Taiwan is in any way justifiable. Though the rationale of the law is to deter what Beijing perceived as a challenge to its fundamental interests and to discourage what it calls secession separatism, it has never found a way to make its national unification attractive to Taiwan because it has never understood why Taiwan fears the "one country, two systems" approach to unification. As Richard Bush indicated, by raising the specter of the use of force in the Anti-Secession Law, Beijing has "increased Taiwan's fears and undermined its own unification appeals. Its threats have rendered hollow all of its assurances. The balance it has struck between the two has had a perverse effect. It has strengthened the very political forces it wants to weaken. Indeed, it has united a hitherto divided

populace.”¹⁴ Hope Beijing’s leaders may learn more from the drawbacks of the Anti-Secession Law.

¹⁴ Richard Bush, “Taiwan Should Exercise Restraint in Reacting to the Challenge of China’s Anti-Secession Law,” PacNet 14, March 28, 2005.