



Promoting Cross-Strait Stability, Avoiding Catastrophe

by Alan D. Romberg

While U.S. policymakers and the U.S. public are focused on incipient nuclear weapons programs in Iran and North Korea, a far more subtle challenge to U.S. national security interests involving an established nuclear power looms elsewhere. The People's Republic of China (PRC) and Taiwan are apparently determined to measure up to Abba Eban's famous quip about Palestinians: they never miss an opportunity to miss an opportunity. While both claim to embrace creative and flexible approaches to their relations, in fact each insists on rigid, mutually incompatible demands that promise not only to squander chances to improve cross-Strait ties, but to actually blunder into an escalation of tensions. If so, this would also threaten vital U.S. national security interests.

The immediate problem arises because China's legislature, the National People's Congress (NPC), will convene in early March to pass an "anti-secession" act designed to – literally – lay down the law against any move by Taiwan toward *de jure* independence. Talked about since the late 1990s, this bill was activated over the past year when the island's president, Chen Shui-bian, was seen by Beijing as embarking on a single-minded course to bring about formal separate status for Taiwan before he leaves office in 2008. China seems determined not only to codify the "one China" principles that have long guided its policy toward Taiwan but to bind the hands of any present or future PRC leaders, requiring that they block separatism with force if necessary.

Setting aside questions about whether China is really a nation guided by the rule of law, the problem is that this effort is seriously out of sync with recent political developments in Taiwan and could trigger an action-reaction cycle that spirals out of control.

During his campaign for reelection a year ago, President Chen proposed to write a "brand new" constitution underscoring Taiwan's "sovereign, independent" status, discarding the "fiction" that Taiwan is part of China, and to approve it through a referendum bypassing existing constitutional norms. He also introduced referenda on the March 2004 ballot, alongside the presidential contest, that seemed to preview a process placing ultimate decisions about Taiwan's future status in the hands of the island's 23 million "sovereign" people regardless of PRC views – or the consequences.

But after the people of Taiwan reelected him by the slimmest of margins in peculiar circumstances (an apparent assassination attempt on election eve), and after they exercised extreme restraint by refusing to support the referenda, President Chen pulled back from the most radical of these proposals, pledging in his May 20 inaugural address to amend

rather than "rewrite" the constitution and to follow existing amendment procedures. Crucially, he pledged that any amendments would avoid the sensitive issues of territory, sovereignty, and independence. And, despite pressure from some independence fundamentalists in his political alliance, he also renewed an earlier pledge to avoid certain other provocative steps, including changing the formal name of the Republic of China with its implicit – if largely theoretical – link to the mainland.

This retreat came at least in part in response to openly expressed U.S. unhappiness over Chen's proposals that threatened to upset cross-Strait stability. The most prominent instance was President Bush's Oval Office public rebuke of Chen – in the presence of the PRC premier – in December 2003. But this was not the only example, and Washington has signaled its willingness to speak out publicly again, if necessary.

Indeed, when Chen once again introduced separatist-leaning rhetoric into the legislative election campaign in late 2004, prompt and public U.S. criticism is credited by many in Taiwan for undercutting his political position among the independence-oriented but risk-averse Taiwan public. As a result, not only did his political alliance fail to win the majority in those elections that most people expected, but there was a palpable mood shift in Taiwan. Even some of Chen's most ardent supporters made known privately that they were tired of the constant harangue on cross-Strait issues. They wanted Chen to focus on solving Taiwan's pressing day-to-day economic and social problems while making sincere – not merely rhetorical – efforts to establish a *modus vivendi* with the mainland.

Against this background, with it now virtually impossible to pass the kinds of radical constitutional amendments whose prospect originally drove the anti-secession law, the mainland's passage of such a law threatens to snatch defeat from the jaws of victory.

Instead of building on the favorable political situation on the island, Beijing's insistence on the new law will likely thwart these trends in Taiwan and trigger a new round of resentment and fear, strengthening support for some sort of counterproductive retaliatory measure. Chen has already hinted that he might respond to the anti-secession law by pushing forward an anti-annexation law or referendum, contributing to a spiraling cycle of action-reaction that could only raise tensions rather than promote reconciliation.

Many on the mainland recognize the law's potential to drive cross-Strait dynamics in the wrong direction. Beijing's agreement to cross-Strait charter flights during the recent Spring Festival period, and its dispatch of two senior representatives to the memorial service for a respected Taiwan figure who had been at the center of modestly successful

efforts to ease cross-Strait relations in the 1990s, were designed at least in part to offset the negative reaction the law was generating in Taiwan.

There could be more such steps, and that would help. But prospects are mixed at best. Moreover, unless they went beyond the narrow scope of the steps taken thus far – for example, dropping opposition to Taiwan’s application for observer status in the World Health Assembly, the executive arm of the WHO – they would likely be overwhelmed by the negative reaction to passage of the anti-secession law in Taiwan.

Of course, the intensity of the reaction will depend on the specific provisions of the law, which have so far been kept confidential – presumably to give Beijing flexibility in fashioning a final text that accounts for reactions from abroad and in Taiwan. Labeling the bill an “anti-secession” law and not, as originally conceived, a “reunification” law is one such effort designed to stress its “defensive” nature in support of stability and to preempt criticism that the PRC is seeking to impose anything new on Taiwan.

But certain basics are virtually certain to be incorporated, including reiteration *in law* that Beijing will resort to “non-peaceful means” to block independence and that the PRC adheres to a vision of reunification under the guidepost of “one country, two systems” – a concept that is strongly rejected in Taiwan – and these terms alone will generate a negative response. Worse yet would be provisions that “criminalize” any action “in support of Taiwan independence,” a vague but potentially widely applicable tool to threaten Taiwan business executives and others who act contrary to an ill-defined standard.

Perhaps the most creative action the NPC could take would be to refer the bill to committee for a detailed and open-ended review. After all, this is very important legislation meriting the most careful scrutiny! But this seems unlikely given the momentum behind the bill and the fact that its impending passage has been so widely advertised. Moreover, Beijing’s determination to take a proactive rather than reactive stance on Taiwan independence issues is seen in the PRC as a strong justification for moving ahead, despite recent positive developments on the island and despite the risks.

Can the U.S. blunt this potential drift to heightened tensions in the Taiwan Strait? Taipei and Beijing both argue that the U.S. should “understand” *their* position and, if Washington cannot be actively supportive, it should at least avoid criticism. Beijing wants the U.S. to avoid condemning the law and to exercise restraint on any Taiwan reaction. Taipei wants the U.S. to speak out forcefully against the law both now and once it is passed and to avoid censuring Taiwan for any action taken in response. Both will likely be disappointed. While the U.S. will indeed seek to restrain both sides, it will also openly criticize steps by either that up the ante.

As much as the U.S. does not support Taiwan independence, and as much as it opposes coercing Taiwan into a relationship it does not want with the mainland, the anti-secession law and any counteraction in Taiwan would work against the fundamental U.S. strategic national interest in

preserving peace and stability in the Taiwan Strait and throughout the East Asia region. In these circumstances, the U.S. cannot remain silent. As the State Department spokesman recently said: “[W]e don’t think either side should take unilateral steps that try to define the situation further or push it in one direction or another. And we’ve made that clear...right from the beginning when this law was discussed.”

Whether the U.S. reaction goes beyond words will have to be determined in light of what actually happens. But neither side should take U.S. interests lightly here. While the chance of cross-Strait conflict is not high, it is also not zero, and the consequences would be enormous for all parties, including the U.S.

The U.S. has tried to promote peace and stability between the two sides of the Strait, helping to create an environment in which, if they could not truly resolve their differences, at least they could manage them responsibly and without confrontation. Washington has occasionally taken extraordinary steps to ensure U.S. views were taken seriously by one side or the other. President Bush’s public rebuke of Chen Shui-bian in December 2003 is one example; President Clinton’s dispatch of two carrier battle groups to the Taiwan area in response to PRC military exercises and missile tests in spring 1996 is another. But U.S. success in persuading each that its worst nightmare will not occur – Taiwan independence for the mainland, PRC use of force for Taiwan – has been greatest when the parties have behaved reasonably.

Now we face a situation in which the behavior of each party may unavoidably be seen by the other as worse than unreasonable, but actually threatening. Whether this is intended is not the issue; perceptions are what will matter.

This is a moment when those in positions of responsibility on both sides of the Strait must exercise leadership, rising above the sometimes shrill arguments of those who advocate a more assertive course. To do otherwise is to risk the well-being of their own people – and their relations with the United States.

Alan D. Romberg is Director of the East Asia Program at the Henry L. Stimson Center, a non-partisan, non-profit think tank in Washington D.C. He is author of Rein In at the Brink of the Precipice: American Policy Toward Taiwan and U.S.-PRC Relations (Henry L. Stimson Center, 2003). He can be reached at aromberg@earthlink.net