

China's Anti-Secession Law and Hu Jintao's Taiwan Policy

BY CHUNJUAN NANCY WEI

Taiwan poses a unique challenge to China's domestic stability, the political survival of its leaders and its relations with other countries. Unlike most external problems, this challenge calls for fundamental and systemic reforms to accommodate Taiwanese appeals. Yet, even if China makes these painful changes, there is no guarantee that the island polity will embrace Beijing's ultimate strategic goal of national reunification. When Taiwan's independence forces induce a crisis, China's leaders are forced to act harshly; on the other hand, when no crisis is imminent, Beijing can afford concessions. When Hu Jintao officially became the leader of the People's Republic of China (PRC), his first political initiative was to institute the controversial Anti-Secession Law,¹ the so-called "legal weapon" to fight Taiwan's secessionism. A longitudinal comparison between Hu and his predecessors' policies reveals that the Anti-Secession Law was more conciliatory than is perceived by the West. This paper examines why the leadership in China felt the need to enact the "anti-secession" law instead of more radical "unification" legislation.

Taiwan and Hu Jintao's Political Survival

China's top leader is charged with four key tasks: managing Communist Party affairs, conducting international diplomacy, overseeing the military and dealing with issues related to Taiwan. If Taiwan's 2000 election represented the first peaceful power transition in Taipei from a long-term ruling party to an opposition party, the 16th Congress that convened in Beijing in November 2002 marked the beginning of the first smooth and peaceful power transition from one leader to another on the mainland. Hu Jintao assumed his first key

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post as General Secretary of the Chinese Communist Party (CCP), paving the way to become the paramount leader of the fourth generation. When Jiang Zemin stepped down from his last post as Chairman of the Central Military Commission in September 2004, Hu could congratulate himself on having successfully passed the tests and traps of a successor's dilemma.² However, a successor's position can be precarious when power changes hands.

In spite of a surging economy, the Hu-Wen administration inherited a nation facing immense difficulties. Their first test was in early 2003 when China was hit hard by the SARS epidemic. More long-term problems confronted them, including rampant corruption and a deteriorating physical environment. Mounting separatist movements in China's periphery - especially in Taiwan - represented other challenges greeting Hu Jintao. Even though the PRC has never ruled the island even for a day, both moderates and hardliners share the view that Taiwan is of ultimate strategic importance to the CCP's survival and legitimacy.

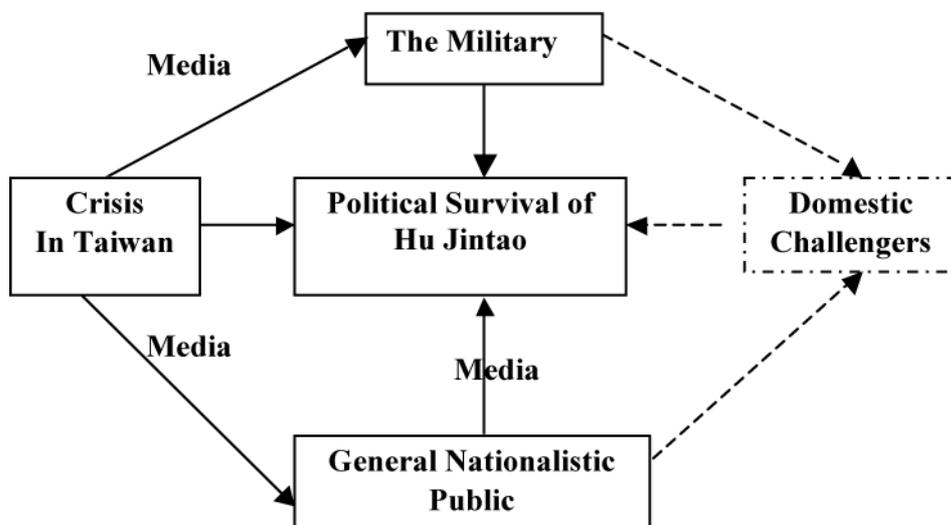
According to Yan Xuetong, an affiliate of Qinghua University's International Research Institute, *taidu* (Taiwan independence) would threaten China's strategic security, leading to the PRC's collapse because of its "demonstration effect" (*shifan xiaoying*) on Tibetan and Xinjiang Uyghur separatist forces. A sudden break-up similar to that of the Soviet Union, warned Yan, could occur in China and result in a major decline in the economy. Taking Indonesia as another example, Yan claimed that East Timor's independence and the domino effect in Aceh and other areas plunged that nation into political turbulence and economic regression, measured by twin declines in the nation's GDP and per capita income from 1997 to 2001.³

Supporting Yan in his views is the independent Chinese dissident thinker Wang Lixiong,⁴ who claims that an independent Taiwan, in spite of its relatively small size and power, could defeat the mainland by triggering all of China's internal crises with or without a war. Claiming that *taidu* will be only a question of time if the mainland does not take steps toward important reforms, Wang believes that Taiwan's best weapon is democracy regardless of China's absolute strength. Since the world's democratic countries would not accept an authoritarian nation attacking its counterpart in the Strait, Wan claims that this logic would doom China in a pre-meditated "ruse" (*ju*) and make it the biggest loser of the three warring parties. "Though the U.S. government opposes *taidu* at present and does not want to make trouble," asserts Wang, "that does not suggest the United States would not send troops to aid Taiwan [once China initiated a war] because the American spirit would not allow it to sit idle."⁵ The ensuing economic sanctions, stock market crash,

military occupation of Taiwan and resistance from Taiwanese forces would be nightmares for PRC leaders. Since today's China is quite different from what it was in 1989, the effects of economic sanctions on China's exports and investments could trigger additional crises. Protracted war, rising nationalism and possible internal power struggles might very well topple the government.

In the absence of mutually accepted rules on cross-Strait relations – and exacerbated by Taiwan's murky electoral politics - Hu faced a crisis originating from the island while still attempting to consolidate his power base. In 2003, Taiwan's then-President Chen Shui-bian and his predecessor Lee Teng-hui claimed that they would push for a new constitution in 2006 through a referendum, with plans to implement it in 2008 before the Summer Olympics in Beijing. Hu viewed these remarks as a menacing taidu timetable forcing Beijing to act, and it seemed the years leading to 2008 could have been the most dangerous time China's current leaders had faced up to that point. KMT Chairman Lien Chan had warned that taidu activists wanted to exploit four main opportunities - Beijing's 17th National Congress in October 2007, the Taiwan and U.S. presidential elections, and the Beijing Olympics of 2008 - in order to realize their dream of formal statehood. Though Hu will not have to stand for general elections, he will be constrained by at least four domestic factors - the market-oriented media, the increasingly nationalistic public, the powerful military, and potential challengers to his position (Figure 1) - if Taiwan dared to implement the Chen timetable. The bottom line for Hu is not to allow Taiwan break away under his watch.

Figure 1: Leadership Constraints Facing a Crisis from Taiwan



Note: Solid Lines represent clear influences; dotted lines indicate shadowy existence.

Market-Oriented Media

China had only 69 newspapers in 1979. By 2005 the number had drastically increased to 2000 newspapers, 900 magazines and 111 million netizens.⁶ These media sources fiercely compete against each other for readers and advertisements, and one of their survival tactics is to publish nationalistic stories about hot-button issues, including Taiwan and the United States. The CCP's ability to control information has declined considerably over the past thirty years. China's cyber population can access breaking news before

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cyber police can black it out. The easy access to information regarding the outside world has fundamentally changed China's political landscape and complicated the domestic context for making policy regarding Taiwan.⁷ Weeks before the PRC's congressional sessions and Taiwan's presidential election in March 2004, China's largest website, the Xinhua Net, conducted an internet survey. They asked the cyber population "what issues in the upcoming NPC and CPPCC sessions attract you most?" The result: Taiwan's March 20 referendum, along with the corruption of the CCP and other social issues, was among the list of major concerns.⁸

Taiwan has been an emotional wound for Chinese nationalists. It was a touching moment when Premier Wen, during the March 2004 NPC sessions, cited an 1896 poem written by the Taiwanese poet Qiu Feng-jia. He said, "My mind always went back to this day last year when four million people on Taiwan cried the same tears of sorrow as Taiwan was ceded [to Japan]." The grief-ridden lines remind Chinese of their victimization during the Century of Humiliation. If Taiwan's Chen Shui-bian had declared legal independence by a popular referendum, scholars agree that it could have immediately triggered a crisis in China, due to its political sensitivity on the mainland.⁹ Having learned from Jiang Zemin, Hu is now attempting to build his legacy on never losing Taiwan. As a result, media publicity of Taiwanese independence efforts could make taidu a domestic political issue and constrain the way Hu Jintao handles it.

General Nationalistic Public

Jiang and Hu lack revolutionary credentials and personal charisma; however, both have chosen to promote broader public policies to satisfy the general population and boost national pride. In an era when communism has lost its ideological appeal, the nationalist dream of a unified and strong nation, the other pillar of Chinese communism,¹⁰ becomes the ruling party's only ideology. Partially government-sponsored—and partially spontaneous and market-driven—nationalistic stories about Taiwan, Tibet and Xinjiang have fueled strong nationalism in public discourse, so much so that World Values Surveys (WVS) polls found that 90% of Chinese citizens are willing to fight for their country to maintain its unity (V75, Table 1).¹¹ Although in 1990 national defense was the second priority compared to economic growth, the gap between these two concerns rapidly narrowed; by 2001 the appeal for strong defense forces ran neck and neck with economic growth (V69-V70). This seemingly unshakable nationalist faith in a unified country with a strong army is unlikely to change in the foreseeable future even if China democratizes, for democratic governance depends even more on public opinion. Susan Shirk, a former U.S. Deputy Assistant Secretary of State, explains this logic: "If CCP leaders begin to compete by reaching out to ordinary citizens, or a crisis occurs that galvanizes public attention, hawkish positions are likely to dominate because they resonate more with the public than dovish ones."¹²

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It is worth pointing out, however, that public opinion regarding national unification is subject to manipulation from the top when there is not a crisis in Taiwan. No strong voice exists in China demanding immediate national unification with Taiwan; moreover, as today's Chinese citizens have more opportunities for realization of their dreams than they did ten to twenty years ago, the Taiwanese issue has preoccupied the general public less and less. In fact, China has emerged as a leading nation both in personal optimism and national satisfaction, as per a survey conducted by the Pew Global Attitudes Project in 2005.¹³

Figure 2: World Values Survey on China's Politics¹⁴

Question No.	Survey Questions	1990	1995	2001**
V69 - V70	National Goals: (First Choice)			
	High Economic Development	66.3	60	40
	Strong Defense Forces	18.9	25.8	39.4
	People having more say about how things are done	2.4	5.7	5.2
V71 - V72	Personal Goals: (First Choice)			
	Maintaining order in the Nation	66.5	71.3	56.9
	Giving people more say	14.1	6	11.6
	Fighting rising prices	16.8	22.7	26.5
	Protecting freedom of speech	2.6	N/A	5
V75	Willingness to fight for country	95.5	97.4	93.4

As a result, when the Taiwan Strait is peaceful, pressure on Chinese leaders to resolve the Taiwan issue is much weaker than it would be otherwise. The policy adjustment vis-à-vis Taiwan after the Anti-Secession Law is a case in point. Hu Jintao first invited Taiwanese opposition leaders Lien Chan and James Soong for emotional homecoming tours and then lavished gifts

on them—two pandas—as well as allowing tariff free fruit to be imported from Taiwan and permitting Taiwanese doctors to practice on the mainland. No evidence suggests that public opinion constrained Hu on these policy decisions.

Military and Domestic Challengers

Both China's domestic situation and the current state of international affairs require that Hu Jintao retain the support of the military. At a time when corrupt officials have alienated citizens, to remain in power Hu needs the backing of the military, something the Tiananmen crackdown so vividly demonstrated. Externally, as in most countries, the Chinese military favors a strong military posture with respect to territorial disputes. As a Chinese dissident writer has observed, decades of CCP rule have placed national unification as the only ideologically correct choice regarding Taiwan, suggesting that once Taiwan declared independence through referendum, the CCP leaders would have no other option than to go to war. Any attempts to avoid war might be viewed as evidence of the weakness of decision makers in the regime and the armed forces.¹⁵ As a result, the political leader and top generals share a common interest in making the People's Liberation Army (PLA) a credible deterrent through military modernization.

From the perspective of group decision-making, the PLA is interested in enhancing its own visibility and in expanding the size of its own budget in the context of national unification with Taiwan.¹⁶ The situation in Taiwan has helped justify huge budget allocations to the military over the last decade. The military did not have a large budget due to Deng Xiaoping's priority of economic development and his request that the military exercise patience (*jundui yao rennai*). The PLA was greatly humiliated during the 1996 missile crisis at the Taiwan Strait when the United States dispatched two carrier battle groups to the area.¹⁷ Evidence suggests that at least since 2002, the PLA's strategic focus has shifted to a Taiwan independence scenario. According to the *Wen Wei Po* (Hong Kong) newspaper (July 19, 2002), a senior PLA officer was quoted as saying that its "chief aim now is to preserve national unification."¹⁸ President Hu Jintao reiterated the theme at a CCP leadership meeting in August 2007 when he stressed that waging war against Taiwan was the only task of the Chinese military.

Because U.S. arms sales and the Taiwan Relations Act can be exploited to advance Taiwan's separatist agenda, this external threat is the greatest danger to Hu's regime. If Chinese leadership appeared too weak to stand up to U.S. and Taiwanese forces, an internal challenger from the Politburo or the

military may be tempted to appeal to popular nationalism and depose the incumbent. The resulting logic for Hu's government is, as Susan Shirk notes, "binding the public to the Party through nationalism [in order to] preempt [internal] opposition."¹⁹ Given these convoluted domestic features, Sun Tze's instruction is in Hu's best interest: "[T]he supreme art of war is to subdue the enemy without military actions" (*bu zhan er qu ren zhi bing*).

Given Taiwan's strategic importance and China's need to pursue development, a major dilemma was presented to the mainland government during the tenure of President Chen in Taiwan. The focus on modernization within China, including the then impending Olympics, provided Chen an opportunity for exploitation. On the other hand, engaging in war games would hurt the economy, distract the Chinese people, and unintentionally strengthen Chen's hand by rallying the Taiwanese people behind the independence banner. Consequently, China's leaders somehow needed to manage the situation by satisfying domestic constituents without appearing too hawkish; this emerged as one of the most daunting tasks for the new leadership. Drafting a law to deter Taiwanese independence was thus put into China's external policy agenda.

Deliberation over the Anti-Secession Law

Since 1979, Beijing's Taiwan policy was based on guidelines laid out by General Ye Jianying, Deng Xiaoping and Jiang Zemin, which were complemented by the White Papers on Taiwan issued by the Taiwan Affairs Office (TAO). In spite of remarkable consistency, these protocols were kept exclusively at the policy level since they lacked statutory authority.

Despite past rhetoric, in mid-December 2004, days after Taiwan concluded its legislative election, the Chinese government revealed its intention to introduce in the NPC a more passive and moderate "anti-secession" law instead of a "unification" law. On December 17, a senior legislator in charge of the NPC's Legislative Affairs Commission explained that the proposed law was not applicable to Hong Kong and Macao. Three days later, an article appeared in the monthly *Globe Magazine* - which is affiliated with the Xinhua News Agency - hailing the NPC decision as a strategic action superior to "a million strong warriors."²⁰ A week later, a Standing Committee of the NPC approved the proposal and it was put on the agenda of the March Congress. On March 14, 2005, the Anti-Secession Law pass vote of 2,896 to 0 with two abstentions.

Contrasting the wild conjectures made by the Taiwanese government, the

Anti-Secession Law shows considerable restraint and goodwill. Its intention is not to criminalize or punish individual "citizens, enterprises, organizations and government officials" in Taiwan or the mainland for having promoted secession. The legislation contains dual themes in its ten articles. Unlike some interpretations of the law as a war bill, three-fourths of the law lays out the principle of peaceful cross-Strait dialogue and communication. The first article rationalizes the legislative purpose as "opposing and checking Taiwan's secession" and defending China's national interest, sovereignty and territorial integrity. Article 2 defines the cross-Strait status quo in a more reasonable fashion: Taiwan and the Mainland are both parts of one China and the sovereignty of this unique identity is indivisible. Article 3 states that the Taiwan issue is a residual problem dating back to "China's civil war of the late 1940s." Article 4 calls for all Chinese, including Taiwanese compatriots, to strive for national unification. Article 5 maintains that the One China principle is the basis for peaceful reunification that "the state shall do its utmost with maximum sincerity to achieve." Article 6 details measures that the PRC will take to move toward agreeable relations with Taiwan, such as facilitating economic, human, scientific and cultural exchanges, coordinating crime-fighting mechanisms, and other activities. In Article 7, the PRC makes an important concession to Taiwan, stating that cross-Strait negotiations and consultations are to be held "on an equal footing" in various phases and "with flexible and varied modalities." Topics specified for negotiations include termination of cross-Strait hostilities, Taiwan's political status and international participation, and institution building to facilitate national unification.

New ways thinking and certain amounts of moderation, both of which are intended to promote peace, now characterize Chinese policy. First of all, the term "One China" is legalized as including two geographical components, while deliberately leaving absent the official titles of the Republic of China (ROC) and the PRC. This definition continues the conciliatory "three new sentences" formulated by former Chinese Vice Premier Qian Qichen in July 2000. Qian's wording reads, "There is but one China in the world, and both the mainland and Taiwan belong to one China. China's sovereignty and territorial integrity brook no division." The key to Qian's expression is to transform "Taiwan is part of China" into "Taiwan and the mainland are both parts of China." In addition, the definition of "One China" in the Law is nearly identical to that of Taiwan's 1991 National Unification Guidelines (NUG).²¹ While the NUG states, "both the mainland and Taiwan areas are parts of Chinese territory," the Anti-Secession Law echoes in Article 2 that "both the mainland and Taiwan belong to one China." In addition, the Law is the first time that the PRC has defined Taiwan's negotiating status as equal

to that of the PRC government, with wording closer to Taiwan's NUG position. While the NUG stipulates that "both sides of the Straits should establish official communication channels on equal footing," the Anti-Secession Law pledges 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."

Finally, rhetoric is downplayed through the repeated use of inclusive and ambiguous phrases such as "the Chinese nation" (*zhonghua minzu*) and "the state" to avoid mentioning the PRC. The deliberate absence of the unpopular "one country, two systems" formula suggests additional flexibility in the minds of China's elites regarding Taiwan's future arrangements with the mainland. It is encouraging that the name of a unified future China may not be either of the current designations, but a more creative name for the two entities will be discussed later.

Article 8 introduces the threatening wording that has caused much controversy and international attention. It specifies Beijing's principle and resolve expressed in Article 2 that "the state shall *never* allow the 'Taiwan independence' secessionist forces to make Taiwan secede from China under any name or by any means" (emphasis added). Article 8 further states that a war could be triggered when any of three following conditions is met. First, "the fact" of Taiwanese independence is achieved. This could be accomplished through several methods, including the establishment of the Republic of Taiwan (ROT) or more hidden *de jure* independence that may transform Taiwan's official title (the ROC) and/or rewrite the Constitution of 1947 to exclude the mainland from the ROC territory. Second, "major incidents" transpire to force Taiwan's separation from the mainland. Incidents could include foreign invasion, a unification-versus-independence referendum that leads to independence, a military coup, large scale riots, a military attack by Taiwan against the mainland or Taiwan's producing, purchasing or acquiring weapons of mass destruction. Article 8's final condition for intervention by China is that all "possibilities" for reunification have been "completely exhausted." The article is still vague, leaving open speculation that Beijing might compel reunification on Taiwan. In its original version, the third condition reads, "that preconditions for peaceful unification should be completely exhausted." According to a scholar from the Chinese Academy of Social Science, in order to prevent the military from narrowly interpreting this condition, the word "preconditions" was changed to "possibilities" so that prudence could be exercised.²²

Since only the NPC enjoys the right to declare war based on the PRC Con-

stitution [Article 62 (14)],²³ the cabinet and the Central Military Commission (CMC) are authorized in this instance to implement the “non-peaceful means and other necessary measures.” Some restrictions also apply. The executing agencies are required to report to the Standing Committee of the NPC in a timely fashion. Article 9 specifies principles of minimizing the destruction of life and property in the case of a cross-Strait war, which further limits the CMC’s power. It is important to note that, unlike Taiwan’s speculation, the Law did not authorize the military police or militia any roles in a “non-peaceful” interaction with Taiwan. The Law became effective on the same day it was adopted.

Longitudinal Comparison: Reading Tea Leaves on Hu Jintao’s Taiwan Policy

The Fourth Generation Leadership under Hu Jintao defined the cross-Strait status quo as both sides belonging to one China and has exhibited tacit recognition of Taiwan’s current institutions. Six features characterize Hu’s Taiwan policy on the cross-Strait and international tables.

First, while inheriting Jiang’s main anxiety about taidu, Hu dropped his predecessor’s unification timetable.²⁴ Days after assuming the CMC Chairmanship, Hu issued a new nine-character policy guideline on Taiwan at an internal meeting in September 2004, namely to “strive for negotiation, prepare for war, and fear no procrastination” (*zhengqu tan, zhunbei da, bupa tuo*). According to Taiwan’s China experts, this policy means that China would work harder to create any possibilities for peaceful negotiations with Taiwan under the One China principle. If Taiwan does not declare *de jure* independence, Beijing would be happy to maintain the status quo and enjoy at least twenty years of peace in order to achieve its goals toward modernization. However, if a war was unavoidable, Beijing would pay any cost to maintain its sovereignty and territorial integrity. This policy pronouncement indicates patience, flexibility, a stronger anti-independence resolve and no timetable for unification.

Hu sent that message to Taiwan again a week before the Anti-Secession Law was passed. On March 4th, 2005 at the CPPCC meeting attended by other Taiwan-related organizations,²⁵ Hu addressed Taiwan policy with four points that came to be known as the “four nevers.” The four points, reiterated in the 17th Congress report of 2007, included never wavering in Beijing’s commitment to the One China principle, never abandoning peaceful reunification efforts, never changing the policy of pinning its hopes on the Taiwanese people, and never compromising with Taiwan’s separatist activities. The

Anti-Secession Law mirrored these principles.

Second, compared to Jiang, Hu's approaches to Taiwan seemed cooler and more tolerant, reflecting nuances that appeared in the five national defense White Books published biennially by Beijing since 1998. Lin Chong-pin, former Taiwan Deputy Defense Minister, noted that, while Lee Teng-hui and Chen Shui-bian were demonized in the 2000 and 2004 versions, respectively, no criticism of the leaders appeared in the 2006 text.²⁶ In addition, the softer approach is epitomized in suggestions for how Taiwan can be a part of China. Recall the familiar PRC logic: "Since Taiwan is part of China, and the PRC is the sole legitimate representative of China, Taiwan is part of the PRC." The new concept of "China" in the Anti-Secession Law virtually indicates a China in political future tense and with different implications: China equals Taiwan (ROC) plus the mainland (PRC). In this new mantra, what the PRC opposes is "de jure independence," first articulated by Hu in September 2004 at the 55th anniversary of the Chinese People's Political Consultative Conference (CPPCC), a tacit recognition of Taiwan's de facto independence.

Third, Hu seems to back the concept of unification with Taiwan's consent and stresses a win-win approach concerning the issue of Taiwan's place in the international arena. Instead of seeing Taiwan as "my" territory, the PRC seems to see China, defined as including the mainland and Taiwan, as the common homeland for all Chinese including Taiwanese. On March 14, 2004, Premier Wen remarked at a press conference that national unification should be viewed as "a process" for mutual development and prosperity with Taiwan. Then, on the tenth anniversary of Jiang Zemin's "eight-point proposal," Jia Qinglin, Chair of the CPPCC, expanded Wen's suggestion of "process." Jia notes that, "although both sides of the Strait have not yet been reunified, the fact that mainland China and Taiwan both belong to the same China has not changed." One of Hu's Taiwan Affairs officials who spoke on condition of anonymity stated that the mainland would not even discuss "peaceful unification" until a majority of Taiwanese subscribed to the idea.²⁷ While China's decades-old proposal of "one country, two systems" was mentioned in every national defense White Book from 1998 to 2004, the unpopular concept disappeared in a seven-point document issued on May 17, 2004 before Chen Shui-bian's second inauguration speech, in the Anti-Secession Law of 2005, and in subsequent editions of the White Book. Furthermore, Hu has encouraged semi-governmental agencies and think tanks to study the former Soviet model of "one nation with two UN seats" and the idea of a "United Republics of China" (*zhonghua lianhe gongheguo*).²⁸ The two concepts, though not officially announced, indicate Beijing's willingness to form a new nation created by both sides on equal footing.

Fourth, unlike Jiang, who treated the DPP as an implacable enemy of national unity, Hu's government announced its willingness to open negotiations with the DPP conditioned on its abandonment of its taidu platform and recognition of the 1992 consensus. Assuming one China, Hu seems to be willing to let bygones be bygones and deal openly with pan-Green figures and parties.

On January 28, 2005, Jia Qinglin said at the CPPCC meeting that China was willing to hold talks with "whoever was in power" in Taiwan. "As long as the Democratic Progressive Party abandons its Taiwanese independence charter and stops all separatist activities related to Taiwanese independence," continued Jia, "the Chinese authorities are willing to make a positive response and keep contact." Receiving James Soong on May 12, 2005, Jia Qinglin reiterated the above stance on the DPP. In March 2006, Jia further asked Taiwan-related policy implementers to contact "ironclad pan-Greens" (*tiegan fanlu*).

Fifth, while Mao preached a "pan-revolutionary" approach and Deng called for China to "hide its capacities and bide its time" (*taoguang yanghui*) in the bi-polar world, Hu has departed somewhat from these revolutionary leaders and brought

a significant psychological change to China's view of the world. The new administration seems more confident and less likely to perceive China as a victim of U.S.-dominated international politics.²⁹ Instead, it tends to see itself as a vital force in maintaining the current international status quo. Most likely, it has found that the U.S. status quo argument is to China's advantage and has actively sought to cooperate with the U.S. in containing Taiwan's unilateral move toward independence. According to a U.S. Congressional Research report in 2006, Beijing has suggested to Washington at least three times in the last four years that they should co-manage the cross-Strait situations and jointly safeguard peace and stability in the area.³⁰

Finally, while both Jiang and Hu have not relinquished the use of force against Taiwan, Hu's willingness to retain the "non-peaceful" option seems directed not at compelling unification, but preventing independence. According to

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Yao Yunzhu, Director of the Asia-Pacific Office of the Academy of Military Science, Beijing has explicitly confirmed that force would be used in the event of independence but not unification.³¹ Beijing has tolerated the status quo of a divided China for sixty years. Although it has not relinquished the use of force and could theoretically attack Taiwan at any time, it has tended to be more patient than Chen's Taipei government in maintaining the status quo. Hu defines the status quo as "the mainland and Taiwan are yet to be reunified, the fact that they belong to one and the same China has never changed."³² The military option is seen as a last resort, reinforcing the leaders' repeated pledge that "as long as there is a thread of hope for peaceful unification, the Chinese government would make a hundred-fold effort."³³ In summary, the Anti-Secession Law indicates that since the 16th Party Congress, Hu's Taiwan policies have been more proactive than those of his predecessors. While desire for unification remains strong, China's tolerance of a de facto independent Taiwan (conditioned on the latter's willingness to maintain the status quo) has shown considerable maturity. This policy adjustment allows Beijing to single out its disagreements with the independence fundamentalists as adversarial (labeled "antagonistic contradictions" in the jargon of the CCP) while at the same time viewing Beijing's difficulties with the United States, Taiwan's pan-Blues and even light Green figures as non-adversarial (called "non-antagonistic contradictions" in CCP jargon), in which case cooperation is possible and preferred. Hu's "New Thought" seems to favor a peaceful rise to great power status followed by national unification, rather than necessarily recovering Taiwan prior to China's rise. Many factors contributed to these increasingly positive relations, including Taiwan's domestic politics and the U.S. opposition to taidu; however, it is Beijing's Anti-Secession Law that was enacted in March 2005 that has paradoxically played one of the major roles in the rapprochement.

-- Alex Baum served as the lead editor of this article.

NOTES

¹ For the full text of the law, see http://english.peopledaily.com.cn/200503/14/eng20050314_176746.html

² For a detailed discussion on the successor's dilemma in the PRC, see Murray Scott Tanner, "After Jiang, Hu? Can Hu Jintao beat the 'successor's dilemma?'" Asia Program Special Report, No. 96 (Washington, DC: Woodrow Wilson International Center for Scholars, June 2001), 7-16; Murray Scot Tanner "Hu Jintao's Succession: Prospects and Challenges," in *China's Leadership in the 21st Century: The Rise of the Fourth. Generation*, eds. David M. Finkelstein and Maryanne Kivlehan (Armonk, N.Y.: M.E. Sharpe, 2003), 45-65.

³ Yan Xuetong and Qi Haixia, *Guoji xingshi yu Taiwan wenti yuce* [Calculation of international circumstances and the Taiwan issue] (Beijing: Beijing University Press, 2005), pp.246-247.

⁴ Wang Lixiong, *Dijin minzhu - zhongguo de di san tiao daolu* [Incremental democracy, China's third road] (Hong Kong: Social Science Publishing House, Ltd, 2004), <http://zyzg.us/thread-163140-1-1.html>

⁵ *Ibid*, Chapter 2, No. 7, para.9, Translated by this author.

⁶ According to the China Internet Network Information Center (CNNIC), the number of Chinese netizens has reached 162 million by the end of June 30, 2007, see *China Statistical Yearbook, 2006*.

⁷ *Ibid*, pp.79-104.

- ⁸ 'Public pin great hopes on upcoming NPC, CPPCC sessions', Xinhua Online (24 February 2004), Accessed June 16, 2007, http://news3.xinhuanet.com/english/2004-02/24/content_1332700.htm
- ⁹ Yun-han Chu, "Taiwan's National Identity Politics and the Prospect of Cross-Strait Relations," *Asian Survey* 44, no. 4 (July/August 2004): 484-512; Richard Bush, *Untying the Knot: Making peace in the Taiwan Strait* (Washington, DC: Brookings Institutions Press, 2005), 180; Susan Shirk, *China, Fragile superpower: How China's internal politics could derail its peaceful rise* (Oxford: Oxford University Press 2007).
- ¹⁰ Intellectuals who participated in the nationalistic New Culture and the May 4th movements were founders of the Chinese Communist Party. Mao, the father of Chinese communism, was believed to be more nationalistic than Chiang Kai-shek before 1949. Compared with some of his colleagues, Mao was also more nationalistic than the Marxist 28 Bolsheviks. He refused to help Russians fighting Americans in the Vietnam War although his colleagues wanted him to. For more details, see Ross Terrill, *Mao: A Biography* (Stanford, Calif.: Stanford University Press, 1999), 169-174, 344-348.
- ¹¹ Since six remote provinces - Hainan, Tibet, Gansu, Qinghai, Ningxia, and Xinjiang - were excluded in the master sample, the author discounts the findings since Xinjiang and Tibet are areas with strong separatist forces.
- ¹² *Ibid*, p.77
- ¹³ Pew, *China's optimism: Prosperity brings satisfaction - and hope*, Global Attitudes Project, November 16, 2005, <http://pewglobal.org/reports/display.php?ReportID=249>
- ¹⁴ World Values Survey.
- ¹⁵ Wang Lixiong, *Dijin minzhu - zhongguo de di san tiao daolu* [Incremental democracy, China's third road] (Hong Kong: Social Science Publishing House, ltd, 2004), Chapter 2, No. 7, para.5. <http://zyzg.us/thread-163140-1-1.html>
- ¹⁶ See William A. Niskanen, *Structural reform of the Federal budget process*, (Washington, DC: American Enterprise Institute for Public Policy Research, 1973).
- ¹⁷ Douglas McCready, "Crisis deterrence in the Taiwan Strait," Strategic Studies Institute, (November 2003) <http://www.strategicstudiesinstitute.army.mil/pdf/files/00259.pdf>
- ¹⁸ Jon Dougherty, "China steps up Taiwan preparations: Military readiness increasing to achieve "national unity," (August 10, 2002) http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=28571
- ¹⁹ Susan Shirk, *China, Fragile superpower: How China's internal politics could derail its peaceful rise* (Oxford: Oxford University Press 2007), 68.
- ²⁰ Luo Yuan, "Yibu fanfeilie fa ke di baiwan xiongshi" [The Anti-Secession Law can substitute for a million strong warriors], *Huanqiu*, *Globe monthly*, (20 December 2004).
- ²¹ <http://www.wulaw.wustl.edu/Chinalaw/twgguide.html>
- ²² Hanling Wang, *Fanfenlie guajia fa de fei heping tiaokuan: The non-peaceful measure in the Anti-Secession Law* (China Press, USA, 5 April 2005), <http://www.chinapressusa.com/luntan/200504050094.htm>
- ²³ For the full text of the PRC Constitution, refer to <http://english.people.com.cn/constitution/constitution.html>
- ²⁴ Chong-pin Lin, "China's cross-strait go game", Paper presented on June 8 2005, at the Pacific Symposium, US National Defense University at Honolulu, Hawaii, (2005).
- ²⁵ The CPPCC is short for Chinese People's Political Consultative Conference, an organization charged with the China's united front policy. China's Taiwan-related parties and organizations include the Revolutionary Committee of the Chinese Kuomintang (Min-ge), the Taiwan Democratic Self-Government League, the All-China Federation of Taiwan Compatriots and the government-funded China Council for Promoting Peaceful Reunification.
- ²⁶ Chong-pin Lin, 'Beijing zhanlue zixin shangsheng, shiye chaoyue taihai: Beijing's strategic confidence is on the rise and its vision is beyond the Taiwan Strait', *China Review News*, (8 January 2007), www.chinareviewnews.com. In the defense policy chapter, Lin found that the anti-independence section had 252 words in 2004, but only 15 characters in the 2006 edition. Reflecting the same trend, Lin noted that the term *taidu* was mentioned 12 times in the 2004 version but appeared only 4 times in 2006; another term in the 2004 Book, *zhizhi* (restraining force involved), was stronger and more direct, while *ezhi* (meaning curb), which was used in 2006 was more indirect, flexible and proactive.
- ²⁷ See Hong-Kong based *Wen Wei Po* (21 December 2005).
- ²⁸ See Chongpin Lin, 'China's cross-strait go game'; Also see Xiamen University Professor Liu Guoshen's speech in the United States reported by *Hong Kong's Oriental Daily* (10 October 2004) and *Taiwan's Liberty Times* (7 October 2004). For a detailed study of models with which Taiwan can participate in the United Nations, see Vincent Wei-cheng Wang, "How can Taiwan enter the United Nations? History, issues, and approaches", *Issues & Studies*, 30(10), (October 1994):108-131.
- ²⁹ Hu's leading theorist remarked at the Brookings Institution in June 2005 that "China is the beneficiary of the current international order" Zheng Bijian, 'Zhongguo gongchandang zai ershiyi shiji de zouxiang' [Direction of the Chinese Communist Party in the 21st century], *Renmin Ribao Haiwai Ban* [People's daily overseas edition], (21 November 2006), p.9.
- ³⁰ Kerry Dumbaugh, 'Taiwan-U.S. political relations: New strains and changes', Congressional Research Service, CRS Report for Congress Order Code RL33684, (10 October 2006), p.24.
- ³¹ Yao Yunzhu, 'The 'One China' principle as foundation for cross-strait conflict prevention and management: A perspective from Beijing', in Niklas L.P. Swanström, ed, *Conflict Prevention and Conflict Management in*

Northeast Asia (Uppsala & Washington: CACI & SRSP, 2005), 143-158. Yao's view has gained many supporters, among whom is Huang Renwei, Vice-President of the Shanghai Academy of Social Sciences (see interview by People's Daily Online on January 26, 2005).

³² Hu Jintao, Report to the Seventeenth National Congress of the Communist Party of China, (15 October 2007), <http://www.china.org.cn/english/congress/229611.htm>

³³ Wang Hanling, "Fanfenlie guajia fa de fei heping tiaokuan" [The non-peaceful measure in the Anti-Secession Law], China Press, USA, (5 April 2005), <http://www.chinapressusa.com/luntan/200504050094.htm>