

## **Appendix 155 – Taiwan Position on PRC Anti-Separation Law (2005)**

Source: Taipei Economic and Cultural Office in Vancouver, available at: <http://www.taiwanembassy.org/CA/ct.asp?xItem=630&ctNode=240&mp=87&nowPage=28&pagesize=15>

Date: 2005 February 1

In a plenary meeting during the Thirteenth Session of the 10th PRC National People's Congress (NPC) on December 29, 2004, the NPC Standing Committee approved the "anti-separation law" draft bill and decided to submit it to the National People's Congress in March for further deliberation and passage. Until today, China's Communist government has not presented any concrete details or text of the "anti-separation law" draft bill, which leads to the assumption that the Communist authorities are presently observing the external reactions to the proposed law, and will take these reactions into consideration when formulating the final draft of the law. From the comments of Chinese authorities so far, we believe that the "anti-separation law" was drafted within the framework of the PRC constitution under the guiding principles of "peaceful unification" and "one country, two systems", and in strict adherence to the so-called "one China" principle.

As for the possible and specific contents of the "anti-separation law", our understanding is that it will present "unification" as the only valid option in cross-strait relations. It will also unilaterally define the meaning, scope and legal consequences of "anti-separatist" activities, and explicitly stipulate which actions and conditions would constitute de facto independence and thus separation from the motherland. The law would also enforce legal responsibility and possible punishment for actions perceived as promoting independence, as well as guidelines for the treatment of "separatists" before, during and after the potential use of force against Taiwan. These regulations would apply to citizens, enterprises, organizations and government officials in both China and Taiwan. In fact, the law can be seen as an enabling act of legalizing war, authorizing the People's Liberation Army, Armed Police and Militia to resolve the "Taiwan problem" through non-peaceful measures. At the same time, the law will again declare the "Taiwan problem" as an internal affair and state that no external force should interfere in the Taiwan Strait.

The passage of the "anti-separation law" would have a severe impact on cross-strait relations and on the peace and stability of the region. Firstly, as the name of the law clearly entails, China wishes to declare the current status quo in the Taiwan Strait as "unified" and not "separate", a claim that runs counter to the present cross-strait political reality of "two separate and equal entities" and is tantamount to unilaterally changing the status quo. Secondly, in formulating the "anti-separation law", China wishes to establish itself as the sole force that can dominate and shape the cross-strait environment at will. In doing so, China completely ignores the international community's understanding of the situation in the Taiwan Strait. China not only threatens to seriously damage regional peace and stability, but does so in a provocative defiance of the global community that is very concerned about security and stability in the region. In particular, China authorizes itself to interpret the status quo in the Taiwan Strait, thus violating the interests of other nations in this region. Another point to consider is that Taiwan is a pluralistic, democratic society where the population enjoys freedom of speech.

Although China's proposed "anti-separation law" is a domestic law, the fact is that for Taiwanese businesspeople investing in China, Taiwanese students and tourists in the mainland, and even international corporations, this law will constitute a form of "red terror", which in turn will certainly affect normal exchanges across the Taiwan Strait.

Among the people of Taiwan, the drafting of the "anti-separation law" has already triggered a rise in antipathy towards the Chinese authorities. In an opinion poll published by the MAC on December 24, 2004, nearly 83% of the Taiwanese polled expressed their opposition to the enactment of an "anti-separation law" by the Chinese authorities. Should China enact the law, such a move would completely destroy the basis for further exchange and the resumption of dialogue between the two sides of the Taiwan Strait.

The maintenance of cross-strait peace and stability is not only the sincere desire of all the people of Taiwan, but is also the joint wish of the international community. In the future, Taiwan's government will continue to promote through a variety of measures the establishment of a Framework for Cross-Strait Peace and Stability to govern cross-strait interactions. The goal is to set up a mechanism and framework for negotiations that is in accord with the current status quo in the Taiwan Strait. In addition, we will also make increased efforts to explain our stance to the global community, and call on all nations not to turn a blind eye to China's military buildup and its hostile intentions towards Taiwan. We hope that the international community will employ all available channels and use its influence to prevent China from taking further steps to damage regional peace and security. At the same time, we hope that the global community will appreciate our efforts to improve cross-strait relations, and will not pursue a policy of appeasement towards a potential aggressor, or tolerate China's attempts at regional hegemony. Mainland China needs to halt and abandon its plans to enact the "anti-separation law" to avoid a further escalation of cross-strait tension.