

## Appendix 174 -- MAC Paper on NUC Guidelines (2006)

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Source: Mainland Affairs Council, Republic of China (Taiwan)

While presiding over a national security conference held on February 27, 2006, President Chen Shui-bian made a decision, based on studies and assessment by the National Security Council, that the National Unification Council (NUC) will cease to function and the Guidelines for National Unification will cease to apply. This decision was based on the democratic principle of popular sovereignty, and in consideration of China's continuous intentions to unilaterally change the status quo in the Taiwan Strait by non-peaceful means such as military intimidation and passage of its "anti-separation law" (the so-called anti-secession law). More importantly, it was based on the need for the Taiwan government to safeguard the important principles of upholding democracy and maintaining the status quo.

### I. Considerations

The NUC was established without any legal basis by the Kuomintang (KMT) government in 1990 as an ad hoc agency under the president, and was entrusted with duties of offering advice and carrying out research on the concept of national unification. At the third meeting of the council in February 1991, the Guidelines for National Unification were passed and, thereafter, became the guiding principle of the KMT government's China policy. The guidelines failed to elicit a positive response from China, however, as it vehemently accused Taiwan for, in reality, advocating two Chinas, "one China, one Taiwan," and the proposition of Taiwan being an equal political entity.

Except for expressing affirmation for the expression "together build a unified China" as used in the guidelines, China had no sincerity in accepting or discussing the goals, principles, and process proposed in the guidelines. Given the current situation and taking into account the following factors, the Taiwan government has decided that the NUC should cease to function and the Guidelines for National Unification should cease to apply.

A. The National Unification Council and the Guidelines for National Unification lack legal basis and effectiveness.

The NUC was established by a directive passed by a party organ, the Central Standing Committee of the KMT, rather than by resolution of the legislature. It is, therefore, an ad hoc organization without legal basis, and the Guidelines for National Unification were a political strategy adopted by the KMT government. The guidelines' content is merely a generalized, principled political statement. They were not enacted by a legitimate body empowered by the law to do so nor are they legally binding. Clearly, they do not accord with the systems of democracy and rule of law in today's Taiwan.

B. Mainstream public opinion must be respected and democracy firmly safeguarded.

Taiwan is proud of its democracy. From the economic progress of the 1960s to democratization of the 1990s, Taiwan's achievements in democracy and prosperity are the best

guarantees for gaining international support and maintaining security. The current consensus of Taiwanese society regarding national sovereignty and the country's future is that Taiwan is an independent sovereign nation, its sovereignty is vested in its 23 million people, and any change to Taiwan's future should be determined by these 23 million people. Repeated public opinion polls conducted in Taiwan have consistently shown that more than 80 percent of respondents favor maintenance of the status quo in cross-strait relations. Maintenance of the status quo is a precondition that offers the people of Taiwan the chance to make choices when the time is ripe. The ultimate goal of unification embodied in the NUC and the Guidelines for National Unification undoubtedly deprive Taiwan's 23 million people of their right to make that free choice.

c. China ruthlessly suppresses Taiwan and attempts to divide the country and people.

China has consistently employed a stick-and-carrot strategy in its dealings with Taiwan with the intention of provoking and dividing its government and people. It promotes exchanges designed to win over the Taiwanese people while malevolently barring participation by the Taiwan government. Its intention to undermine Taiwan's democracy is clear. Moreover, China's recent attempts to tilt the balance in its favor, politically, militarily, diplomatically, and economically, have seriously jeopardized stability in the Taiwan Strait and regional security.

1. Politically, China adamantly insists on its rigid "one-China" principle, refusing to resume formal cross-strait consultation and communication, while sparing no effort to suppress and intimidate Taiwan. Its passage of an "anti-separation law" in 2005 marks an attempt to use non-peaceful means to force Taiwan to accept the political framework it has established.

2. Militarily, over recent years China has continued to strengthen preparations to use military force against Taiwan. Its military budget over the past decade and more has shown double-digit growth. Missiles deployed against Taiwan have increased nearly four-fold from around 200 in 2000 to almost 800 in 2005. Both the US Defense Department's Report of the Quadrennial Defense Review and its Annual Report to Congress on the Military Power of the People's Republic of China indicate that China's military modernization is targeted primarily at Taiwan. China's continuous purchase of modern weapons in the absence of an enemy has become a major cause for international concern.

3. Diplomatically, while presenting a false appearance of "peaceful development" to the international community, China continues to suppress Taiwan's maneuvering space in the international arena, obstruct its active participation in and contribution to the international community, and prevent Taiwan and its 23 million people from receiving the international support and cooperation to which they are entitled.

4. Economically, China uses cross-strait cooperative exchanges to win over Taiwan's businesses and attract new and advanced technology as well as capital. It continues to employ a strategy of "using business to pressure the government and using its economy to achieve unification" to deliberately exclude the Taiwan government from exercising its authority to

participate in relevant affairs. More than 70 percent of Taiwan's overseas investment is in China. This excessive reliance on China has created many problems for Taiwan's economy and industries.

## ii. Stance and Principles Upheld by the Government

To consolidate Taiwan's democracy and maintain the basic principle of popular sovereignty in the face of China's moves to unilaterally change the status quo across the Taiwan Strait, the government must adopt measures to safeguard Taiwan's freedom, democracy, human rights, and peace; defend the right to free choice of its 23 million people; ensure national security; promote the welfare of the people; and preserve peace and stability in the region. Taiwan's determination to uphold democracy and safeguard the status quo is the driving force that led to its decision that the National Unification Council should cease to function and the Guidelines for National Unification should cease to apply.

### A. The Taiwan government spares no effort to safeguard the status quo in the Taiwan Strait.

The paramount goal of the government's China policy has always been the pursuit of cross-strait peace and stability. The government firmly opposes the use of any non-peaceful means to alter the status quo. Seeking the people's greatest welfare and promoting positive development of cross-strait relations, Taiwan is still willing to work towards the establishment of effective mechanisms for cross-strait interactions and exchanges through negotiations so that differences can be worked out and problems solved. Taiwan is committed to strengthening its defense capabilities to ensure national security, keeping the military balance of the Taiwan Strait from tilting toward one side, and preventing the status quo of Taiwan's democracy, freedom, and peace from being changed unilaterally.

### B. Taiwan's determination to safeguard democracy remains unchanged.

The decision that the National Unification Council should cease to function and the Guidelines for National Unification should cease to apply is based on the democratic principle of popular sovereignty and so does not involve any change in the status quo. As long as the principle of democracy is honored and its 23 million people's freedom to choose is respected, the Taiwan government does not exclude any possible form the future development of cross-strait relations may take. We are, however, adamant that no one set preconditions or ultimate goals regarding the people's freedom to choose.

### C. Taiwan's constitutional reengineering must be further promoted.

Reengineering of Taiwan's Constitution is being promoted so that it conforms to the mechanisms and functions of democracy. This must be carried out from the bottom up and from the outside in, and initiated by the people and pushed forward by political parties. Any constitutional amendment must obtain the approval of three-fourths of the members of the Legislative Yuan in accordance with procedures as stipulated in the Constitution. Such a resolution must then be confirmed by a national referendum before it goes into effect. Any issue of sovereignty that strays from these procedures fails to contribute to maintaining the

status quo and will be disregarded.

D. Taiwan has the right and the obligation to participate in the international community.

The people of Taiwan have the right and the obligation to participate on equal terms with other nations in the international community. Moreover, the people of Taiwan desire to be responsible contributors to the global democratic community. China's single-handed attempts to exclude the people of Taiwan from participating in the international community infringe upon the universal values of freedom, democracy, and human rights. These acts create rancor between the people of the two sides of the Taiwan Strait, are totally detrimental to maintaining peace and stability in the region, and contribute nothing to the development of cross-strait relations.

The Taiwan government appreciates the international community's support in maintaining stability in the Taiwan Strait.