



## Taiwan Should Exercise Restraint in Reacting to the Challenge of China's Anti-Secession Law by Richard Bush

The Anti-Secession Law (ASL) that China's National People's Congress passed March 14 has single-handedly transformed the security equation in East Asia and the political atmosphere in Taiwan. (Whether it is a unilateral change in the status quo depends on one's definition.) Now, the question is how Taiwan will react. So far, the government of Chen Shui-bian has responded with restraint. And that, I believe, is good. Taiwan best protects its interests and the status quo by not overreacting to China's provocation.

The people of Taiwan are right to fear what the ASL reveals about China's intentions and its future policy toward the island. China, of course, has protested that the law is well intentioned, and designed to preserve peace and encourage cross-Strait cooperation. But Beijing doth protest too much. What is important for people on Taiwan is what new the ASL says about legal definition of the island and its government or whether it increases the possibility that the PRC will employ force or coercion.

That Taiwan people are worried about those issues is understandable, for they affect the island's fundamental interests. And Taiwan people are right to express their opposition, through demonstrations and resolutions by the Legislative Yuan (LY), to this heavyhanded approach to a complicated political dispute.

It is worth noting that as Beijing views the Taiwan Strait issue, it faces a dilemma. On the one hand, it wishes to deter a challenge to *its* fundamental interests, to discourage what it calls secession separatism. It does not seek a war, so it threatens the use of force in order to prevent one. On the other hand, China also wishes to entice Taiwan into unification on its terms. But it has never found a way to make that attractive to Taiwan, because it has never understood why Taiwan fears the "one country, two systems" approach to unification. And now, with the ASL, it has once again aggravated its dilemma. By raising the specter of the use of force, it 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.

So how does Taiwan strike the right balance between challenging Beijing's ASL initiative and showing restraint? I believe that Taiwan's leadership is right to respond with restraint. It is right 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. Restraint is right for four reasons.

First, a less restrained response unnecessarily dignifies the PRC's use of legislative means to pursue a political objective. China is still a government of men, not of laws. The ASL does not create any authority where it did not exist, and the actions of China's leaders will not change because it is on the books. They engineered the ASL to demonstrate their political resolve to political forces in China and the leaders and people of Taiwan. For Taiwan to take this initiative seriously *because it was a law* is to undeservedly legitimize the exercise.

Second, the ASL reminds all of us that the PRC leadership is prone to miscalculation. The conditions the law states as the basis for the use of "non-peaceful means" are so vaguely drawn that the actions that Taiwan should avoid are quite unclear. If, for example, the National Assembly this summer approves the constitutional amendment instituting a popular referendum as the second stage of the future constitutional exercises, will Beijing regard that step as a "major incident entailing Taiwan's secession from China?" If so, what possible justification is there for that interpretation?

Indeed, the decision, announced on Dec. 17, 2004, to proceed with the ASL itself represents a miscalculation on Beijing's part. The ASL was designed to blunt what the PRC regarded as a growing pro-independence trend. Beijing believed that the pan-green forces would win the LY elections last December and so accelerate that trend. Yet when the pan-blue maintained its majority in the LY and reshaped the island's political calculus in the direction of moderation, Beijing decided to proceed with the law anyway.

When a country faces an adversary that is prone to miscalculation, excessive firmness is not necessarily the best response, for it can only feed paranoia and promote rash action. To be sure, Taiwan must safeguard its fundamental interests, including its security. But it should also avoid actions that only increase the chance of miscalculation and unnecessarily make conflict more likely.

The third reason for restraint is related to the second. That reason is the role of the United States. Because the U.S. has assumed a commitment to Taiwan's security, and because Beijing may miscalculate concerning the impact of Taiwan actions on its interests, it is essential that Washington and Taipei manage this situation skillfully and jointly through close coordination. The Bush administration has made absolutely clear to Beijing its strong opposition to the ASL. If China were to claim in the future that the ASL conditions have been met, Washington will make its own independent judgment of that claim and act accordingly. Both now and later, U.S. effectiveness will be better able to constrain Beijing if it can count on Taipei's restraint.

Finally, restraint will make it easier to resume the positive trajectory of cross-Strait relations that had begun with the

agreement on New Year's charter flights. Building on that progress in a principled way is in Taiwan's interest. Showing restraint now will preserve valuable possibilities later. It will also elicit the approval of the U.S.

Some will say that Beijing will read Taipei's restraint as sign of weakness. In this case, however, restraint will fortify Taiwan's position. It will foster a badly needed consensus on the island on how to approach the China problem. By not exacerbating Beijing's tendency to miscalculation, it will demonstrate to the international community which party is the force for destabilization. And restraint will strengthen the foundation of Taiwan's security – its relationship with the U.S.

*Richard Bush is senior fellow and director at the Brookings Institution. He can be reached at [rbush@brookings.edu](mailto:rbush@brookings.edu)*

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