

## Becoming Engaged? The European Union and Cross-Strait Relations

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*At the beginning of the twenty-first century, the Taiwan Strait remains to be a "hot-spot" in international affairs, as military conflict between the Republic of China and the PRC with the potential to spiral up into full-scale war cannot be ruled out. Although economic integration and cultural-scientific exchange between the two sides are intensifying, the stalemate concerning the issue of Taiwanese sovereignty has so far precluded any substantial political rapprochement between Taipei and Beijing. New initiatives have to be promoted to bring the two sides back to the negotiating table. This paper argues that for various reasons the European Union is in a better position to assume the role of a mediating third party than, for instance, the United States. Accepting such a role, the EU should advocate economic and subsequent political integration between Taiwan and the mainland along the lines of its own historical experience and actual undertakings. Such an approach has certainly to take issue with the one-China principle as currently defined by the PRC, since no enduring peace can be brought to the Taiwan Strait without a guarantee of substantial Taiwanese sovereignty. Under the conditions of conceptual coherence and a basic consensus of the EU member states on conflict intervention in the Asia-Pacific, this paper argues for a more active European engagement to deal with the "Taiwan question".*

### I Introduction: Setting the Tone for Europe's Engagement in the Cross-Strait Conflict

The EU supports the peaceful resolution of differences between Taiwan and the mainland, and believes that the gradual integration of both economies into the world trading system will contribute to this goal.<sup>1</sup>

The European Parliament recommends that the political pillar of the ASEM process should include a comprehensive approach on conflict prevention and peace keeping, e.g., supporting political dialogue between North and South Korea, as well as between the People's Republic of China and Taiwan on the question of Taiwan; and urges the Commission to propose that a dialogue be started within ASEM on security matters with a view to defining conflict prevention mechanisms.<sup>2</sup>

It is established wisdom that the so-called Taiwan question is one of the most complicated security issues in the Asia-Pacific. Although there are currently no signs

<sup>1</sup> European Commission, "External Relations: The EU's Relations with Taiwan (Chinese Taipei)," at <[http://europa.eu.int/comm/external\\_relations/taiwan/intro.html](http://europa.eu.int/comm/external_relations/taiwan/intro.html), 06/09/2001> (last update).

<sup>2</sup> European Parliament resolution on the Commission Communication on Europe and Asia: *A Strategic Framework for Enhanced Partnership*, September 5, 2002, Document P5\_TA-PROV (2002)0408.

of any military escalation, conflict in the Taiwan strait cannot be ruled out as long as the issue of Taiwanese sovereignty remains unsettled. Beijing and Taipei are stuck in a political stalemate since the mid-1990s that does not seem to let them any way out: Whereas the Communist leadership on the mainland insists on its one-China principle, claiming that Taiwan is an integral part of China (i.e., the PRC), the island republic's DPP government – as its Kuomintang predecessor – rejects any such pretention. This even more so, as Beijing sticks to its position that new cross-Strait negotiations are preconditioned by Taipei's unequivocal recognition of the PRC's sovereignty over Taiwan.<sup>3</sup> At the same time, we face a growing military build-up in the Taiwan strait: Beijing continuously reinforces its capabilities of blockading and invading Taiwan, whereas Taipei upgrades its strategic defense posture in order to keep a precarious military balance in the Taiwan strait.<sup>4</sup> In spite of this, according to most analysts China will inevitably gain "hardware supremacy" over Taiwan later in this decade.<sup>5</sup> Thereafter, the island's political survival will very much depend on the determination of the United States to fight back a Chinese military offensive against Taiwan. As it is the declared aim of the PRC government and military establishment to prop up the People's Liberation Army to a degree that would deter Washington or make any U.S. engagement extremely costly, a war in the Taiwan strait is a real danger – at least in the long run.<sup>6</sup>

<sup>3</sup> It is questionable if any of those recent 'trial balloons' sent towards Taiwan by some well-known PRC politicians, foremost Vice Premier Qian Qichen, transporting slogans like "China and Taiwan are both parts of China" can be taken seriously by any Taiwanese administration. There has never been a follow-up of such 'Strait speak' in official mainland Chinese documents or policy papers, nor has there been any initiative by Beijing to channel such conceptual re-thinking of its one-China orthodoxy into Sino-Taiwanese negotiations. It therefore remains debatable, whether the DPP government has really closed a window of opportunity when it ignored Qian Qichens tentative remarks on the issue in July 2000, as KMT national security convener and former MAC director Su Qi has stated at various occasions to this author. Not even among moderate Chinese security specialists and academicians, such theorising on the definition of 'one China' has been publicly undertaken so far, whereas one cannot exclude the possibility that an adjustment of the one-China principle is a topic in internal policy debates on the mainland. However, the 16<sup>th</sup> CP Party Congress might have elevated Qian Qichen's formula to more official ground, as Jiang Zemin used it in his working report. For Qian Qichen's remarks see *Mingbao*, 14 July 2000 and "Tang urges Beijing to restart talks", in: *Taipei Times*, July 14, 2000 (online edition: <[www.taipeitimes.com](http://www.taipeitimes.com)>).

<sup>4</sup> For details on recent weapons acquisitions by Taiwan see Sheng Lijun, *China and Taiwan: Cross-Strait Relations under Chen Shui-bian*, Institute of Southeast Asian Studies, Singapore, pp. 96-105; "This is what it takes", in: *Far Eastern Economic Review*, April 25, 2002, pp. 22-24. In spite of the deliveries listed here and Taiwan's own arms acquisitions, some observers close to the Bush administration have strongly criticized the island republic in recent months for being too reluctant to increase its defense budget and too confident of U.S. support in a potential military confrontation with the PRC. See, e.g., "Taiwan friend criticizes Chen's remarks on China", in: *Taipei Times* (online edition), September 12, 2002.

<sup>5</sup> Such predictions, however, are problematic, since military superiority in the Taiwan Strait is not so much an issue of quantity than quality and therefore difficult to assess.

<sup>6</sup> According to Hong Kong sources, the CCP Politburo came to conclude during its last Beidaihe conference in August that the United States would not change its current Taiwan policy and continue to obstruct China's development politically, economically and militarily. It would therefore be necessary to systematically expand and upgrade the PRC's military capabilities. See "Zhengzhijiu dui gong Tai sipai yijian (Four opinion factions in the Politburo concerning an attack on Taiwan)", in: *Zhengming*, September 2002, pp. 20-21.

It is therefore important to get cross-Strait negotiations back on track again. As it seems, however, the two protagonists themselves will not be able to trigger a new round of high-level talks any time soon. Nothing should be expected in this regard from the change of guards in the PRC leadership that materialized at the 16<sup>th</sup> CP National Congress in November 2002. Hu Jintao will need considerable time to secure his power before being able to venture on a policy initiative that might touch upon Taiwan – if this is ever what he wants to do. On the other side, Taiwanese mainland policy probably won't see much more flexibility in the future than it shows now – even if a 'blue camp'-government takes over after the presidential elections in 2004.<sup>7</sup> Against this background, this paper explores the possibility of an active European engagement<sup>8</sup> in the Sino-Taiwanese conflict. However remote this possibility seems to be under current circumstances, it is useful to start thinking about it for various reasons:<sup>9</sup>

- Since there is now a basic understanding among all EU member states that the Union's political integration has to be driven forward and its international standing to be enhanced,<sup>10</sup> a debate has started among policy-makers in Brussels and different foreign ministries in Europe – not to speak of the interested academia – on a more substantial European commitment in the field of international conflict resolution. Although 'hotspots' on the Balkan and in the Near and Middle East are of primary concern here for the moment, Pacific-Asia has come into focus as early as 1994 when the EU became a full member of the ASEAN Regional Forum. Since its third meeting, the Union and its member states have also tried hard to integrate the issue of regional security cooperation into the ASEM

<sup>7</sup> It appears to be much wishful thinking on the part of many KMT politicians to believe that a KMT government would be a more trustworthy partner for its Chinese counterpart than the current DPP administration and therefore, it would be in a much better position to start a new and more promising dialogue with the mainland. It might be true that Beijing is highly skeptical of Chen Shui-bian and his claim that reunification is a "serious option." But since even a KMT government could never give in to the Chinese dogma of sovereignty over the island (and actually never did so in the past), it is at least questionable if it was able to get any further than the current DPP government in giving new momentum to cross-Strait relations.

<sup>8</sup> The term 'engagement' is used in a general sense here, comprising as much *dialogue* and *mediation* as *conflict prevention*, the latter introducing systematic efforts to target and eliminate specific causes of conflict.

<sup>9</sup> European engagement in the cross-Strait issue has not been discussed much among European China scholars so far. However, eminent French political scientist and pragmatist François Godement has made clear at various occasions that for him, such a scenario is a non-starter because of steadfast Chinese opposition – as, for the same reason, the assumption that EU integration might serve as a model for a Sino-Taiwanese deal is illusory. His position must therefore be read as a counter-argument against the stand taken in this article. See, e.g., François Godement, "Mutual Reassurance: A Strategic Prerequisite to Solving the China-Taiwan Issue", in: *China Perspectives*, No. 37, September-October 2001, pp. 4-12.

<sup>10</sup> After the EU has explicitly declared in the 1993 Maastricht Treaty (Treat of the European Union) to pursue the aim of a *Common Security and Defense Policy* (CEDP) within the overall framework of the *Common Foreign and Security Policy* (CFSP), a whole new institutional pillar has been established that provides a framework for coordinating and implementing those foreign policies which the member states have agreed upon. For details of the structure of and different bodies within this framework see "Common Foreign and Security Policy – Overview, February 2002 (last update), at <[http://europa.eu.int/comm/external\\_relations/cfsp/intro/index.htm](http://europa.eu.int/comm/external_relations/cfsp/intro/index.htm)>; see also Kjell A. Eliassen, ed., *Foreign and Security Policy in the European Union*, London 1998.

process,<sup>11</sup> although reactions to this attempt have been mixed so far on the side of the Asians, not at least the Chinese.

- It is not only the probable outcome of proactive security policies to generate organic unity which, for its part, enhances leverage in international politics (to be used once again for new security policies) that speaks for a more noticeable European presence in the Asia-Pacific. Moreover, it is also in the best material interests of the Europeans to have a role to play in security matters in this part of the world. Even if distance is a barrier here, it has long been recognized that the Asia-Pacific is one of the most important regions for European economic activities in the present and future. Europe-Asia trade is constantly growing, as the 'Asia thrill' has returned to European government leaders and businessmen – if it had ever vanished after the Asian crisis of 1997/98. European concerns for worldwide sustainable development and environmental protection taken in, there is doubtlessly much at stake for the EU in Asia. Generally spoken, trouble in this part of the world backfires negatively to what the European idea stands for: Fair trade, economic prosperity and sustainable welfare, good governance and peace.
- Also, Europe might be able to engage in Asian security issues in a much more efficient way than others (as, for instance, the United States). Although it has no military presence in the region nor the intention to be more than a "soft power"<sup>12</sup> in this part of the world – meaning to rely primarily on diplomatic means to convince governments to change their behavior – these restrictions (in realist terms) can turn into true assets with regimes that would otherwise withdraw to uncompromising ideological and militarist language. With no other resources than "soft power" to bring pressure to any conflict party, the European Union could probably do well as a mediator in such complicated issues like the South China Sea dispute, Korean rapprochement or the 'Taiwan question'.<sup>13</sup> If EU political integration proceeds and a more unified European voice in international politics evolves, European "soft power" will gain ever more potential to influ-

<sup>11</sup> See e.g. "Perspectives & Priorities for the ASEM Process into the New Decade", Working Document of the Commission (COM 2000, 241), April 18, 2000, chap. 3.2 (Specific priorities for ASEM III): "In pursuing the goal of global security the European Union is interested in engaging with Asian ASEM partners in a security dialogue, which should complement this ongoing work by drawing in particular on the informality of the ASEM process, and in sharing our respective regional experiences in fields such as analysis, planning and training in relation to conflict prevention and peace-keeping, reconciliation process, humanitarian assistance and other aspects of 'soft' security cooperation." See <[http://europa.eu.int/comm/external\\_relations/asem/asem\\_process/work\\_grp2000.htm](http://europa.eu.int/comm/external_relations/asem/asem_process/work_grp2000.htm)>.

<sup>12</sup> By "soft power"; I do not mean cultural (commercial) hegemony that assists "hard" (i.e. military) power to realize one's national interests. "Soft power" in this context refers to the ability to gain support for one's policies by diplomatic (or political) negotiation and dialogue as "sophisticated pressure".

<sup>13</sup> Making use of its "soft power capabilities", the EU quite successfully helped to initiate a new start of inter-Korean talks in May 2001, after the Stockholm EU summit in March had decided to "enhance the role of the EU in support of peace, security, and freedom in the Korean Peninsula". As limited as the effect of this engagement might have been for the outsider, it may be called the first positive example of EU conflict intervention in the Asia-Pacific. See "The EU's relations with Democratic People's Republic of Korea-DPRK," December 7, 2001 (last update), at <[http://europa.eu.int/comm/external\\_relations/north\\_korea/intro/index.htm](http://europa.eu.int/comm/external_relations/north_korea/intro/index.htm)>. See also Anderson, Stephanie, "The Changing Nature of Diplomacy: The European Union, the CFSP and Korea", in: *European Foreign Affairs Review*, No.6, 2001, pp. 465-482.

ence foreign governments. With respect to the PRC, this would mainly result from Europe's position as a counterbalancing force against U.S. "hegemonism" in the "multipolar world system" that Chinese leaders want to see.

- In the case of China, the EU would have a point in responding constructively to Beijing's long-time efforts to bring Europe and China closer together in its design of multipolarity. By advocating, for instance, a Europe-China alliance for peace and security cooperation stretching out to all matters of common concern, the EU might claim a right to speak on highly sensitive issues as Taiwan and the South China Sea dispute as well – besides questions concerning nuclear weapons and missile technology proliferation which are already on the agenda of the ASEM process and the EU China summits.
- Besides this, Europe has something to offer when it comes to the technical aspects of peaceful conflict resolution. What has been called, for instance, a total failure of European peace efforts in the Balkan wars of the 1990s, works remarkably well in today's Macedonia and even Kosovo, where a mixture of UN military presence with substantial European participation, OECD-led confidence building measures (CBMs) and EU-sponsored projects of a wide array of civilian organizations engaged in conflict prevention and mediation – not to speak of the Union's financial contribution to reconstruction efforts – have done their part to impede military escalation and violent regression and to foster gradual (ethno-political) reconciliation in former Yugoslavia. These experiences form part of a European "conflict resolution arsenal" that the EU's Common Foreign and Security (CSFP) project can make use of in any future activity, also in the Asia-Pacific and the cross-Strait conflict.<sup>14</sup>
- Finally, as will be discussed in detail later, the EU offers a model for building peaceful inter-state relations through economic and political cooperation combined with a vision to overcome the national divide and to sponsor a new (post-national) political entity. The historical and contemporary experiences of European integration are an asset which can be used by the EU to play a role in the gradual construction of an Asian security community (as tentatively envisaged by ASEAN-ARF) or – more specifically – in solving the Sino-Taiwanese conflict.
- Up to the very present, the European Union sticks to a hands-off approach concerning Taiwan. Although the EU commission and council have stated at various occasions in recent years to support a peaceful solution of the "Taiwan question",<sup>15</sup> both have never put in doubt European adherence to the principle of "one China" as defined by the PRC. The European Parliament has been more outspoken on the issue over the years,<sup>16</sup> but this has not produced a new European stand

<sup>14</sup> For details see the EU framework for "Conflict Prevention", July 2002 (last update), at <[http://europa.eu.int/comm/external\\_relations/cpcm/cp.htm](http://europa.eu.int/comm/external_relations/cpcm/cp.htm)>. However, "conflict prevention" differs from "conflict resolution", and political mediation is not quite covered by the EU framework, yet.

<sup>15</sup> See, e.g., note 1 above.

<sup>16</sup> See, e.g., the latest EP resolution on Asia, quoted in footnote 2, which "recommends" a European engagement in the "question of Taiwan" within the ASEM framework; "urges China to withdraw

on Taiwan so far. However, expressing concern on the precarious situation in the Taiwan Strait every time a crisis is evolving sounds nice, but is obviously insufficient for gaining sustainable peace. Also, courageous resolutions condemning Chinese pressure on Taiwan and demanding more European recognition of Taiwan's quasi-state sovereignty do not make up for clear-defined guidelines to be condensed to a constructive Taiwan policy approach that would be actively promoted in Sino-European diplomatic encounters. Such an approach must certainly contain: (1) one or more short-term and medium-term goal definition(s), depending on the periodization of the conflict resolution scheme to be applied; (2) a set of measures to achieve each goal; and (3) a conceptual framework providing orientation for the definition of goals and operative measures and for the long-term direction of the conflict resolution process.

If ever the European Union decides to modify its current policy and dig into the Taiwan issue more actively – a point that is to be discussed more in detail later on – it must have such an approach. This implies to develop or decide on a conceptual framework first, then going on to the definition of goals and finally proposing the adequate measures to achieve each of them. What the European Union needs doing in the very beginning, however, is analyzing as "cool" and matter-of-factly as possible the present state in the Taiwan Strait, Sino-Taiwanese relations and, at least as important, the political debates on these issues in both the PRC and Taiwan. The following sections are an attempt to draw the contours of a reasonable EU policy approach towards Taiwan that very much deviates from the (non-)approach that one faces today. Since a theoretically concise concept is most important for any practical short- or medium-term goal definition and also for the operative measures to be taken in the Taiwan Strait, those subsequent issues are of secondary concern here.<sup>17</sup>

## II Theorizing Cross-Strait Relations: The Issue of Sovereignty

What is precisely meant by a "cool" analysis of present Sino-Taiwanese relations besides simply affirming the precarious political and military stalemate that prevails – with ascending tension – since the mid-1990s? Doubtlessly, such an analysis has to come to terms with the issue of Taiwanese sovereignty. As Jean-Pierre Cabestan has rightfully pointed out in the introduction of a recent edition of *China Perspectives* focusing on this issue, "it is almost impossible for Peking and Taipei to find a lasting agreement unless and until the PRC and (...) Taiwan begin some fresh thinking on the notion of sovereignty and draw from the experience accumulated by other divided nations and supra-national entities such concepts as might help them to find a mutu-

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missiles in the coastal provinces across the Taiwan Straits" and "emphasizes that a peaceful resolution to the Taiwan question is crucial if political and economic stability in the region are to be maintained".<sup>17</sup> This author disagrees with those experts and foreign policy advisers who insist that any successful approach to the 'Taiwan question' must circumvent the sovereignty issue and concentrate on practical aspects of bilateral co-operation. On the contrary, only those actors can achieve progress who have a clear and coherent understanding of how the issue of sovereignty should best be tackled. Since any step to substantially narrow the gap between China and Taiwan would be deeply entangled in politics, i.e., the question of Taiwanese sovereignty, any "pragmatic approach" is ultimately doomed to failure. Consequently, no third party can contribute to cross-Strait détente without an unequivocal stand on this issue.

ally satisfactory formula".<sup>18</sup> As impossible would it be for the European Union to venture on a proactive Taiwan policy without engaging in such "fresh thinking". However, this implies an inevitable deviation from the current EU-standpoint of Taiwan being a PRC province. It is not difficult to see what big step this would actually be for the Union and its member states. Yet, acknowledgment of de facto Taiwanese sovereignty – spelled out as internal (positive) or external (negative) sovereignty<sup>19</sup> – must be the starting point of any new engagement effort to bear fruit.

This said, four models or conceptual approaches will be discussed in the following sections that are considered by this author as representative – may be even paradigmatic – for recent intellectual undertakings to deal with Taiwanese sovereignty and to overcome the dead point in current cross-Strait relations: Lynn T. White's truce proposal, the central contribution to a forum discussion on the "Taiwan question" in a 2000 edition of *China Information*;<sup>20</sup> He Baogang's and Jeremy T. Paltiel's attempts on divided sovereignty under the roof of "one China" in the above-mentioned 2001 edition of *China Perspectives*;<sup>21</sup> and Zhang Yazhong's neo-functional integration theory advocating the idea of a 'third subject' that has been laid out in a whole set of publications since the early 1990s.<sup>22</sup> Certainly enough, this selection is far from being exhaustive, as conceptual thinking on cross-Strait relations has gained considerable momentum in recent years among scholars outside the PRC. However, this author believes that the analysis of the debate wouldn't be substantially enriched by putting in more models out in the market.<sup>23</sup> These approaches should be carefully studied in

<sup>18</sup> Jean-Pierre Cabestan, "Is There a Solution to the China-Taiwan Quarrel", in: *China Perspectives*, No. 34, March-April 2001, p.5. Actually, none of the disposable models and concepts developed in international law (e.g., statehood on the grounds of the 1933 Montevideo Convention, "divided statehood" along the German and Korean models, self-determination and "democratic entitlement") presents a ready solution to the Taiwan case, as Jacques de Lisle has recently explained in an excellent article on "The Chinese Puzzle of Taiwan's status", in: *Orbis*, Vol. 44, No.1, Winter 2000, pp. 35-62. Although he affirms that the conceptual and political ambiguity has so far worked pretty well for all protagonists in the Sino-Taiwanese conflict including the United States, "this salutary ambiguity is under siege" by different developments in the PRC and Taiwan: "These developments threaten to cut short the life of the ambiguous non-solution and to dash the hope it seemed to offer of buying time for a gradual transition to some durable solution, be it an independent Taiwan acceptable to a reformed PRC, a loose confederation between Taiwan and a liberalized mainland, or some new legal and conceptual framework that gives clarity, stability, and security to an arrangement that approximates the status quo."

<sup>19</sup> This analytical differentiation of the notion of sovereignty makes much sense in the case of the Republic of China, which exerts undebatable internal sovereignty over its inhabitants while it is not recognized externally by the biggest part of the international community.

<sup>20</sup> Lynn T. White, "War or Peace over Taiwan?", in: *China Information*, Vol. 14, No. 1, 2000, pp. 1-31. White teaches at the School of Public Policy at Princeton University in the U.S.

<sup>21</sup> He Baogang, "The Question of Sovereignty in the Taiwan Strait", in: *China Perspectives*, No. 34, March-April 2001, pp. 7-18; Jeremy T. Paltiel, "Dire Straits", in: *China Perspectives*, No. 34, March-April 2001, pp. 19-33. He Baogang originally comes from mainland China and now teaches political science at Australia's University of Tasmania. Paltiel is a political scientist as well, affiliated to Carleton University in Ottawa, Canada.

<sup>22</sup> I will quote exclusively from Zhang, Yazhong, *Liangan tonghelun (Theory of Integration of the Two Sides of the Taiwan Strait)*, Taipei 2000. Zhang, a second-generation mainland, heads the Institute of Asia-Pacific Studies at Nanhua University in Southern Taiwan.

<sup>23</sup> The "experimental literature" in Taiwan on such models is indeed abundant. For more recent ideas see e.g. Shen, Fuxiong/Lai Youmin, "Liangan gongzu guoxie, Tailiu tongshi feiwu – jiejeu taihai wentide xinmoshi (A Cross-Strait Common Agreement and Demilitarization in Taiwan and the Ryukyus – A

Europe, if a serious debate on a new Taiwan policy is put on the agenda of the EU or its member states and a decision for future third-party engagement in the Sino-Taiwanese conflict to be taken.

### Model 1: A Truce in the Taiwan Strait

The most restrictive design for giving space to Taiwanese sovereignty is Lynn T. White's proposal of a temporary truce between Beijing and Taipei.<sup>24</sup> Actually, what he is particularly concerned about is not to guarantee Taipei substantial sovereignty as a precondition of achieving peace in the Taiwan Strait. On the contrary, the island is repeatedly reminded of its enduring security dilemma by insisting on too much sovereignty in the eyes of mainland Chinese nationalism.<sup>25</sup> Furthermore, a temporary agreement between Beijing and Taipei would reduce the danger of Washington being dragged into a Sino-Taiwanese war. This danger is real for White, as he thinks it "increasingly naïve" of the United States to believe that under current circumstances Taiwan and China will engage in peaceful negotiations to resolve their conflict.<sup>26</sup>

As nobody wants a war in the United States, nor in China and Taiwan, the idea is

a temporary truce between Taipei and Beijing, by which the mainland would not pursue force while the island would not pursue independence during a cool-off period. Their unofficial foundations might agree to note a third party's list of current diplomatic ties (without legitimating these formally), so that neither side could later claim the other side was breaking the truce because of old diplomacy. Cross-Strait negotiations on all other topics could be more fruit-

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New Model to Solve the Problem in the Taiwan Strait", in: *Zhongguo shiwu* (China Affairs), July 2001, pp. 25-41; National Policy Foundation (National Security Section), "Youguan jieduanxing 'banglian' de zhengce gouxiang (Concerning the Policy Concept of Transitional 'Confederalism')", in: *Guojia zhengce luntan* (National Policy Forum), Vol. 1, No. 6, 2000, pp. 100-125. For the perspective of a mainlander now working abroad see Zheng Hailin, *Liangan heping tongyiye siwei yu moshi (Model and Thought of Peaceful Unification)*, Taipei 2001; Yuan I, "Confidence-Building Across the Taiwan Strait: Taiwan Strait as a Peace Zone Proposal", Center for Northeast Asian Policy (CNAPS) Working Paper, September 2002.

<sup>24</sup> Truce proposals have been very popular with U.S. scholars in recent years. Besides Lynn T. White, Kenneth Lieberthal, Joseph S. Nye, Stanley Roth and Harry Harding have also developed interim agreements in the late 1990s which are clearly motivated by their worries that the United States might be dragged into a Sino-Taiwanese War – or that U.S. foreign and China policies are "hijacked" by Taiwan, as David Shambaugh has once declared. Much objection was aroused by a proposal made by Chas Freeman – a former Assistant Secretary of Defense for International Security – in 1998, who was suggesting a U.S. encouraged fifty-year period of unconditional discussion between Taipei and Beijing on their long-term relationship. Also, he advised Washington to change its weapons procurement policy vis-à-vis Taiwan, since this policy would only spur an arms race between the PRC and Taiwan that the latter could never win. See Chas W. Freeman, Jr., "Preventing War in the Taiwan Strait. Restraining Taiwan – and Beijing", in: *Foreign Affairs*, Vol. 77, No. 4, July/August 1998, pp. 6-11.

<sup>25</sup> Pointing at Chinese nationalism, White holds that although those more moderate segments of Chinese society as "mainland entrepreneurs, Southerners and "just a few of China's dissidents (...) press for unification with Taiwan less ardently than militarists, Northerners, and statist intellectuals (...), this is mainly a difference of approach, a tactical disagreement rather than a strategic policy difference". See White, "War or Peace over Taiwan", p. 5.

<sup>26</sup> *Ibid.*, p. 2.



ful if a 'time out' were called on both the island's implicit threat of non-Chinese sovereignty and the mainland's military threat.<sup>27</sup>

More precisely, White suggests the following wording of a truce to be negotiated and agreed on by the PRC's Association for Relations Across the Taiwan Strait (ARATS) and Taiwan's Straits Exchange Foundation (SEF), the two semi-official organizations of both sides which are in charge of bilateral negotiations:

The Beijing side would not pursue major military force to assert its claim to Taiwan for several decades (e.g., fifty years), and the Taipei side would forswear declaring non-Chinese independence on Taiwan during that same period. The two foundations might also note, without approving, an unofficial neutral party's list of the diplomatic liaisons their authorities currently claim. They would permit that this agreement might later be modified by further interim agreements between the two foundations in the course of the ongoing discussions to which they are already committed.<sup>28</sup>

Looking at the problem of sovereignty here, it is noticeable that White opts for a "freezing" of the current asymmetric state of affairs in which Taiwan is not an internationally recognized entity, but enjoys 'sub-official' (or *de facto*) sovereignty. More than this would "overestimate the value of continued ROC demands for diplomatic 'breathing space', a demand that "has now become totally irrelevant to Taiwan's security".<sup>29</sup> However, "this truce would practically – though not explicitly – assure the emergence after fifty years of a Chinese confederation retaining full democracy at least on Taiwan; so it would meet each side's main substantive demands, which each side's politicians are still too awed by sovereign emblems to serve effectively".<sup>30</sup> White claims that by securing Taiwan's *de facto* sovereignty as it exists today for a long enough period, the best is achieved for the island republic and for peace in the Taiwan strait.<sup>31</sup> The setting of a fifty-year time-frame, sharply reminiscent of the Hong Kong formula, is most important to the author, because otherwise Beijing would be out of the deal.

White thinks his approach to be most practical, as it avoids to ground any solution of the cross-Strait conflict on the tricky concepts of (Taiwanese) national identity and sovereignty, which for him appear to be purely ideological issues and difficult to

<sup>27</sup> Ibid., p. 7

<sup>28</sup> Ibid., pp. 7-8.

<sup>29</sup> Ibid., p. 10.

<sup>30</sup> Ibid., p. 9. The author elaborates on these "substantive demands" in the ensuing passages of the text, naming for Taiwan "concrete guarantees of practical autonomy" (instead of shadowy "sovereign autonomy") which is achieved by the control over independent military forces, political self-administration, sufficient time for the Taiwanese to decide definitely about their identity and political status, and economic prosperity. The concept of confederalism is not discussed more in detail in White's article, so it remains quite odd that the author claims that confederalism would be the outcome of his fifty-year truce. Since confederalism usually means the existence of two independent and internationally recognized states to be loosely connected as a community of common interest and/or identity, White therefore suggests the existence of a fully-sovereign Taiwan when the truce terminates – a promise that Taiwan would find as hard to swallow for its uncertainty as the PRC for its blow to unification.

<sup>31</sup> As the author writes elsewhere in the text: "If Taipei decided for practical reasons to compromise symbols of sovereignty at least temporarily – but not to disown its control of an army sufficient to assure that 'Taiwan people will rule Taiwan', as Beijing says – then the island's people would benefit if that meant at least a long-term peace" (p. 14).

handle in any cross-Strait agreement. Since security is the most important issue, identity and sovereignty should step back in order to find a compromise with Beijing that institutionalizes peace for the time being. Taiwan should be aware that the United States would only defend the liberal institutions established in Taiwan, but not Taipei's claim to be a non-Chinese nation that has to be rescued from mainland Chinese nationalism and expansionism. White takes some effort in his article to make clear that China is more important for the United States than is tiny Taiwan and that therefore, Taiwan's politicians are gambling most irresponsibly when they hold on to a strategy of ongoing resistance against Beijing's pressure to start political negotiations, as they think Taiwan to be under the safe umbrella of U.S. military support.<sup>32</sup> The author concludes by summoning U.S. leaders that they "should clarify in public that they will not defend Taipei from being politically connected to Beijing, as soon as Beijing makes clear that its promises of practical autonomy for Taiwanese can be backed by credible long-term guarantees of enforcement controlled for a long time on the island, not just by words from the mainland".<sup>33</sup>

As becomes clear in White's response to various commentaries by well-known China scholars in the same edition of *China Information*,<sup>34</sup> his model takes seriously Beijing's offer of a widened version of the 'one country, two systems'-formula. At the same time, he speculates on a "loose confederal system" that might evolve through the fifty years of guaranteed peace in the Taiwan Strait. He insists not to advocate the Beijing version of the "one China" principle,<sup>35</sup> but that reunification after fifty years "would depend on interim Taiwanese judgments about the China it will in any case have to face then".<sup>36</sup> It is obvious that White believes that China will change in the meantime to a more democratic country that would abstain from any violent action against Taiwan, enabling both to finally agree peacefully on the ultimate political status of the island.<sup>37</sup> What the U.S. will or should defend till this distant day is Taiwanese democracy, not Taiwanese nationalism or external sovereignty.

## Model 2: A "Confederal China" Represented in the UN

Whereas Lynn T. White does not problematize the issue of Taiwan's sovereignty, but – by advising Taipei to accept a unification deal – adheres to the concept of an undivided Chinese State to be represented by the PRC (at least for the time being), He Baogang goes in another direction. His approach focuses on the question how to give

<sup>32</sup> White, "War or Peace over Taiwan", p. 29.

<sup>33</sup> *Ibid.*, p. 30.

<sup>34</sup> Lynn T. White III, "Response to Comments about 'War of Peace over Taiwan'?", in: *China Information*, Vol. 14, No. 1, 2000, pp. 97-112.

<sup>35</sup> *Ibid.*, p. 99.

<sup>36</sup> *Ibid.*, p. 100.

<sup>37</sup> This hypothesis, however, is widely challenged to day. As Jean-Pierre Cabestan has noted in a final passage of a recent contribution to the topic, "even in dealing with a democratic mainland China, Taiwan will try hard to secure an international space that will guarantee the perpetuation of its own complex identity, its unique history and the willingness of its inhabitants to share a common destiny, whether this is in association with mainland China and under the umbrella of a looser and much larger Chinese union, or through Chinese confederation". See Cabestan, Jean-Pierre, "Integration without Reunification", in: *Cambridge Review of International Affairs*, Volume 15, No. 1, 2002, pp. 95-103.

substance to the idea of a "confederal China". As he writes, "to settle the Taiwan question peacefully, both sides of the Taiwan Strait need to pool their sovereignty to form a loose federation and share sovereignty in the UN".<sup>38</sup> The key for a solution lies in the establishment of two "asymmetric seats" in the UN, by which "Taiwan would still be a part of China, while at the same time enjoying special status in the UN that would recognize its current status and international position".<sup>39</sup> As contemporary examples for such a structure, he names the cases of San Marino (associated with Italy, while still being a sovereign state that controls its own foreign policy) and Liechtenstein (also a sovereign state, but sharing power with Switzerland in the UN). What the author suggests here, is dual representation of China along the German model between 1973 and 1990, the Yemen model between 1967 and 1990 or the Korean model since 1991<sup>40</sup> – albeit Taiwan is granted asymmetric recognition only.<sup>41</sup>

It follows in the article a list of benefits that China would harvest by such an agreement, among them – somewhat unconvincing – the facilitation of an Economic Union and a gain of more trustworthiness in the eyes of the Taiwanese, helping to bring them back on the track of unification. Beijing should not regard a UN seat for Taiwan as a pathway to independence, but as a stepping-stone to a unified China. However, "recognition of Taiwan having a seat in the UN is a special arrangement that would require Taipei's stated commitment to reunification in return".<sup>42</sup> What the author envisages is confederalism "in the following sense: although Chinese sovereignty should be realized through a formal unification of mainland China and Taiwan, Taiwan is allowed to have its own army, police force, currency, and parliament".<sup>43</sup> This sounds pretty much as the widened "one country, two system" formula that Beijing has proposed to Taipei long ago – yet with the important difference that the

<sup>38</sup> He, "The Question of Sovereignty in the Taiwan Strait", p. 10.

<sup>39</sup> *Ibid.*

<sup>40</sup> Moreover, the author recalls the model of divided state sovereignty in the case of the former Soviet Union which was actually represented in the UN by the Soviet Union itself along with Ukraine and Belarus.

<sup>41</sup> Unfortunately, the author does not spell out more in detail what "asymmetric sovereignty" would precisely mean in the case of Taiwan and China.

<sup>42</sup> He, "The Question of Sovereignty in the Taiwan Strait", p. 11-12. The author does not elaborate on what kind of special arrangement that would be and if Taipei's "stated commitment" should be legally binding. He continues to admit that there are some costs to take for Beijing: the acknowledgement of Taiwan's "nominal independence", the loss of the Taiwan issue as a nationalist amplifier of the Communist regime's legitimacy and the reduction of some status and privilege in the UN. Most important, however, would be the cost of war for Beijing if it sticks to its current position. UN membership is called by the author a "commodity" with China on the "supply side". To allow Taiwan a seat would cost Beijing actually very little, while the benefits would be "tremendous" (p. 12). As He Baogang tries to show in the following sections of his article, the Chinese government has in fact accepted since long that it must "trade" its sovereignty in order to integrate into the world economy and to gain the respect of the international community. This has happened, as the author explains, by joining the WTO, accepting the international human rights regime (and gradually becoming a member of it) or accepting that state sovereignty is relativized by legal UN action. Last not least, Beijing's application of the 'one country, two systems' formula also shows its flexibility on the notion of state sovereignty, since basic characteristics of such sovereignty – for instance taxation and citizen status assigned by one same passport – have been remarkably compromised in Hong Kong.

<sup>43</sup> *Ibid.*, p. 14.

two systems to be designed here acquire equal international statehood at least temporarily.

As sovereignty today is no longer sacred but actually a "commodity that has an exchange value", He Baogang appeals to Chinese pragmatism to solve the 'Taiwan question' peacefully. As long as both the PRC and Taiwan uphold the principle of absolute and undivided sovereignty for their respective countries, war seems to be the only consequence for the future of cross-strait relations. More specifically, the author stresses that Beijing cannot treat the Taiwan issue as an internal affair anymore and should accept that a peaceful settlement requires "certain forms of foreign 'intervention' so as to build up a trust mechanism acceptable to the Taiwan people".<sup>44</sup> At the same time, Taiwan's nationalists must give up the aim of formal independence and the foundation of a new Republic of Taiwan. Both sides have to accept that absolute sovereignty must be traded for peace.

It is interesting how the author introduces the notion of "post-modern sovereignty" in the final part of his article, which he sees embodied in the state-transcending model of European integration that should be the point of reference for Sino-Taiwanese relations in the future. Although China has still a far way to go to accept such new look on sovereignty, the formation of supranational organizations and the gradual adaptation to the standards of today's international society – as the recognition of universal human rights and the practice of democracy – characterize post-modern sovereignty as an inevitable pathway. To He Baogang, the European Union "certainly offers rich intellectual resources regarding the multiple possibilities of sovereignty arrangements" that China can learn from.<sup>45</sup>

### **Model 3: "One China with Parallel Jurisdictions" Represented in the UN**

Still a different answer to the problem of Taiwanese sovereignty is tested by Jeremy T. Paltiel, whose point of departure is the fact that Taipei refuses to be subordinated legally or politically to Beijing and that it is therefore necessary to find a formula that can "reconcile 'one China' – a doctrine that both parties to the dispute have pledged to uphold in principle<sup>46</sup> – with divided sovereignty".<sup>47</sup> Directly linked to this problem is for Paltiel the question, if domestic sovereignty can be guaranteed in some form to Taiwan without creating "two Chinas" – something that according to the author has not been substantiated in theory and practice with any model, yet.<sup>48</sup> Obviously, the formula of "one country, two systems" does not fit Paltiel's precondition of workable Taiwanese sovereignty, because the island republic is permitted a too limited international role here and – as important – the Hong Kong blueprint does not contain any commitment that binds Beijing to its promise of autonomy by international law.<sup>49</sup>

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<sup>44</sup> Ibid., p. 15.

<sup>45</sup> Ibid., p. 16.

<sup>46</sup> It remains open, however, if this is still true for the current DPP leadership in Taiwan.

<sup>47</sup> Paltiel, "Dire Straits", p. 20.

<sup>48</sup> Ibid., p. 21.

<sup>49</sup> Ibid., p. 22.

Asserting that Beijing's uncompromising strategy of forcing Taipei under its exclusive sovereignty and electoral politics in Taiwan have both made the island republic ever more determined to advocate a "two China" policy,<sup>50</sup> Paltiel insists that Taiwan has to face the fact of international non-recognition. Consequently, there is nothing more as to get a compromise from Beijing on the issue of sovereignty. The key of a promising new initiative, as Paltiel continues, "lies in separating the domestic and international aspects of sovereignty and taking the broadest possible interpretation of the 'one China' principle consistent with political negotiations".<sup>51</sup> Under these premises, the author argues for Taiwan to have "substantive legal autonomy in association with the PRC in contrast or substitution for quasi-sovereignty under threat from the PRC",<sup>52</sup> urging both sides to make a deal and to give up striving for exclusive sovereignty:

Without, at the minimum, some legally binding and effective restrictions on the jurisdiction of the central government along confederal or at least federal lines consistent with an association of parallel rather than subordinate jurisdictions, there is no realistic formula for negotiated unity.<sup>53</sup>

The idea of parallel jurisdictions under a one-China framework, on which both parties have explicitly to agree, would open the possibility for a "Chinese Commonwealth" substantiated by a "common superstructure" – or a "superstructure of a common state" to be negotiated between the protagonists.<sup>54</sup> Concerning international representation, both Taiwan and the PRC "would agree that embassies of each side be considered 'embassies of China' but that neither side seek to represent the interests of the other without explicit instructions of the respective government".<sup>55</sup> Hence, Taiwan would finally gain international recognition, although a conditional one: it would have to bind itself to the idea of "one China" to be gradually realized through the systematic establishment of common institutions and state structures following international diplomatic recognition of the Sino-Taiwanese agreement.<sup>56</sup> Finally, this agreement should be secured by international guarantees, not a least to assure Taipei that it wouldn't fall into the trap of Hong Kong autonomy which is much more fragile for the simple fact of depending exclusively on Beijing's good will.<sup>57</sup> However, a third party

<sup>50</sup> Ibid., pp. 23-26.

<sup>51</sup> Ibid., p. 27.

<sup>52</sup> Ibid., p. 28.

<sup>53</sup> Ibid., p. 29.

<sup>54</sup> Ibid., p. 30.

<sup>55</sup> Ibid.

<sup>56</sup> More precisely, Paltiel proposes the establishment of joint administered areas with common projects to promote exchange and confidence-building and coordinating mechanisms at both the national and local level ("Dire Straits", p. 31).

<sup>57</sup> Although the 1984 Sino-British Joint Declaration and the 1989 Basic Law of the SAR guarantee autonomy to Hong Kong, the central government in Beijing can rely on different stipulations in the Basic Law to limit or even suspend this autonomy without having its actions be submitted to truly independent legal scrutiny, let alone external third party review. As the current debate on Article 23 of the Basic Law shows, trust in Beijing's promise to protect Hongkong's autonomy has dwindled enormously, as the SAR government has so far been unwilling to disclose the details of the new sedition laws before taking them to the Legislative Council. See "Business: the biggest victim", in: *Far Eastern Economic Review*, 19 December 2002, pp. 30-33.

must not interfere in the negotiation process of constructing a new Chinese state itself, for this is a matter to be settled under (common) Chinese sovereignty.<sup>58</sup>

At first sight, this approach does not differ too much from He Baogang's proposal, as both uphold the concept of "one China" and advocate conditional international representation for Taiwan. Also, both speak tentatively of confederalism to point at the necessity that conditional sovereignty for Taiwan must not mean legal or political subordination. Finally, both authors demand international guarantees for the interim agreement that the two sides must agree upon before Taiwan's international recognition can be institutionalized. However, Paltiel seems to demand a bigger commitment to reunification from Taiwan than He Baogang when he urges both Beijing and Taipei to engage in systematic integration by the establishment of cooperation projects and common administrative structures. Most important, however, is both authors' pleading for a degree of internationally sanctioned Taiwanese (*de jure*) sovereignty that clearly transcends Lynn T. White's proposal of a "freeze" of the limited (*de facto*) sovereignty that Taiwan currently enjoys. Whereas all three approaches would be hard to accept for Beijing, the latter two would be harder so than the first.

#### Model 4: Constituting a "Third Subject"

One of the most elaborated approaches to the recent debate on cross-Strait relations and the "Taiwan question" has been presented by Taiwan scholar Zhang Yazhong and his idea of a 'third subject' as an answer to the issue of Taiwanese sovereignty. His proposal should indeed be very stimulating for European policy makers in their efforts to give the EU a voice in the Sino-Taiwanese conflict, since it is modelled along the European example of establishing peace and mutual cooperation between different political entities or states ready to overcome past hostilities.

Zhang Yazhong's starting point is the signing of an interim agreement (*guoduxing xieyi*) between the two sides of the Taiwan Strait as the basic precondition for a normalization of Sino-Taiwanese ties.<sup>59</sup> Said this, the author makes clear that such an

<sup>58</sup> Paltiel, "Dire Straits", p. 31. According to Paltiel, the PRC would probably reject such a framework at first. However, it would then have exposed its "professed desire of unity as a thinly disguised search for political domination" without gaining anything. Taipei, for its part, would have made substantial offers to solve the conflict constructively, enabling "those countries that maintain full diplomatic relations with Peking to claim honestly that their dealings with Taiwan do not constitute the creation or recognition of 'two Chinas' or 'one China, one Taiwan'". Interestingly, the author adds the remark that "constitutionalized autonomy for Taiwan does not preclude internationally recognized independence in a different regional and international context", as "any formal move towards independence subsequent to an agreement over the framework of relations across the Strait would enhance the legitimacy of the action and tend to promote the process of recognition". This invokes an outcome that is somewhat compromising the author's whole effort of convincing Beijing to give up its claim of exclusive sovereignty over Taiwan (p. 30).

<sup>59</sup> "If both sides want to terminate the present state of hostility and to induce a development of normalizing their relations, it is – besides the continuation of mutual good will in the political realm – unavoidable for both sides to have a transitional agreement" (Zhang, *Liangan tonghe lun*, op.cit., p.42). I prefer the use of "interim" (or "transitional") instead of the author's "basic" for the Chinese term *guoduxing*. Obviously, by choosing "basic" in the English translation of the book's outline, Zhang wants to stress the congruence of his proposal with the "Basic Treaty" (Grundlagenvertrag) between

agreement couldn't sever the question of sovereignty from the rest of its content as most protagonists of a truce between Beijing and Taipei advocate, since "any substantial agreement will necessarily touch upon governance (*zhiquan*), and governance has more often than not commonly shared and mutually dependent relations with sovereignty (*zhuquan*)".<sup>60</sup> Taiwan, however, would certainly have to compromise on the issue of sovereignty in the proposed agreement, which means to give legal assurance to its promise to keep open the final outcome of the island republic's political status and to pursue reunification.<sup>61</sup> Without this, no deal can be struck with Beijing.

Who is actually signing the proposed interim agreement – two sovereign states? How can both sides tackle the "one China" principle that has to be the basis of any agreement that Beijing is supposed to accept? According to the author, these tricky questions are best handled by the introduction of a new notion in the very beginning to replace the wording of "one China", thereby modifying its homogenizing and usurping tone, that Taiwan finds so hard to accept: This notion would be "China as a whole" or "the whole China" (*zhengge Zhongguo*). The "whole China" is represented by both the Republic of China on Taiwan and the People's Republic of China on the mainland; its state authority (*guojia quanli*) is commonly exerted by both sides as long as reunification has not materialized, yet. Although there is no time frame to be set for eventual reunification, both sides will commit themselves by legal assurances to this aim. Consequently, their relations turn to be "inter-state", taking middle ground between purely internal and foreign relations in terms of international law.<sup>62</sup> The signing of the interim agreement would therefore be the founding act of "the whole China".

Zhang backs his idea by pointing at its identity with former Western Germany's approach to the issue of German reunification. As a matter of fact, Western Germany postulated to represent the "whole Germany" (*Gesamtdeutschland*, i.e., Western Germany including the territory of the former German Democratic Republic in the East), which it considered to be a juridical reality. This approach made it then possible for Bonn in the early 1970s to accept dual German representation in the UN, since "the whole Germany" did not cease to exist by this move.<sup>63</sup> Behind this background, Zhang Yazhong suggests a reinterpretation of UN resolution 2758 of 1971, which just clarified that the PRC was the only legitimate representative of "the whole China", whereas it didn't say that the PRC *is* "the whole China".<sup>64</sup> This subtlety, so the author's

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the two German states signed back in 1972, which he is explaining in detail in the first chapter of his book.

<sup>60</sup> Zhang, *Liangan tonghe lun*, p. 80.

<sup>61</sup> *Ibid.*, p. 81.

<sup>62</sup> *Ibid.*, p. 85. The author spends much effort in emphasizing the special character of Taiwan-PRC relations within the concept of 'the whole China' in different parts of the text. At first sight, Zhang seems to be quite in accordance with Lee Teng-hui's 1999 formula of "special state-to-state relations", although he avoids the word 'state' and distances himself from those interpretations of Lee's undertaking that accuse him of a veiled strategy of sanctioning Taiwan independence. Later on in the text, however, he explicitly nullifies Lee's formula (p. 96).

<sup>63</sup> However, East Berlin did never agree to such thinking, celebrating membership in the United Nations as the final assurance of the existence of a divided Germany and as the ultimate sanctioning of a sovereign and independent Eastern German state.

<sup>64</sup> Zhang, *Liangan tonghe lun*, p. 87.

argument, opens space for giving a UN seat to Taiwan under the roof of "the whole China". There should be no problem with dual representation of "the whole China" as long as both Taiwan and the PRC cooperate on the basis of a political and legal commitment not to be "eternally separated".<sup>65</sup>

Following this, the author specifies the relationship between Taiwan and the PRC and insists that the concept of "the whole China" or "one China, two states" (*yi Zhong, liang guo*) – an alternative formula that he advocates – does differ categorically from those concepts and slogans that Beijing continuously rejects, as "two Chinas" (*liangge Zhongguo*), "one China, one Taiwan" (*yi Zhong, yi Tai*) or "special state-to-state relations" (*teshu guo yu guo guanxi*). It is Taiwan's legally assured commitment not to strive for secession from "the whole China" that makes the difference:

In the definition of "one China, two states," it is the promise to "one China," by which Taiwan expresses not to seek a legal basis for leaving "the whole China"; 'two states' expresses the reality between both sides and the mutual respect for their respective subjectivities (*zhutixing*). Such relations are somewhat comparable to those of brothers, who have bound themselves not to leave the big family; although they have an absolute right to control their own small households, they consult over and control together the big family.<sup>66</sup>

Next is a more specific explanation of how Taiwan and China would enjoy international recognition under the roof of "the whole China". This directly touches upon the question of how far-reaching Taiwanese sovereignty can actually go in this concept. Zhang speaks of *equal* representation of the "whole China" by both Taiwan and the PRC, but this is an equality marked by asymmetry (*bu duichen*). For example, the PRC enjoys permanent membership in the UN National Security Council, whereas the Republic of China would certainly never do. How exactly dual representation of "the whole China" materializes when it comes down to the details, depends all on mutual consultation and negotiation between Taiwan and the PRC, undertaken in a spirit of good-will and compromise.<sup>67</sup>

The author concedes that his idea to bring in a "third subject" (*disan zhuti*) for resolving the conflict on sovereignty between Taiwan and the PRC is hard to understand, but things become easier if the European Union's history and present are taken as a point of reference:

<sup>65</sup> Ibid., p. 95.

<sup>66</sup> Ibid., p. 97. Zhang struggles a lot with this point, because he knows how suspicious the terms "one China" (for Taiwan) and "two states" (for the PRC) are. In the ensuing passages of the text he proposes alternative formulas which he thinks are more precise: "two political entities enjoying statehood within the whole China" (*zhengge Zhongguo nei liangge juyou guojia shuxingde zhengzhi shiti*) and "two equal political entities in the whole China" (*zhengge Zhongguo neibude liangge pingdeng zhengzhi shiti*). This endeavor culminates in the author's statement, that his proposal connects Taiwan's National for National Reunification (*guotong gangling*) and the PRC's model of 'one country, two systems' (pp.97-98).

<sup>67</sup> Zhang, *Liangan tonghe lun*, p. 100. With respect to foreign relations, the author suggests that Taiwan could establish "quasi-diplomatic relations" (*xiangdang yu waijiao guanxi*) or "relations at the general consular level" (*zongling shiji guanfang guanxide guanxi*) with those countries already connected to the PRC (interestingly, he doesn't mention what should best be done with Taiwan's diplomatic allies in the new setting). Such an arrangement would help to save resources, whereas the most important point is to bring an end to the diplomatic 'high noon' of the past (p. 101).



In international relations, the EU is a 'state of the whole Europe' (*zhengge Outi guojia*), whose existence does not preclude its member states to enjoy subjectivity at this level. Given their own respective representations, the two sides of the Taiwan Strait could make up delegations to represent 'the whole China' (...) in, for instance, the World Health Organization, the International Labor Organization, the UN General Assembly, the World Trade Organization, etc., and observer groups to corresponding international organizations.<sup>68</sup>

To put it in a nutshell: Whenever both sides agree to cooperate, they appear on scene as one actor (a "third subject") representing "the whole China".<sup>69</sup>

The most important element of this concept is the idea of gradual integration as the forerunner and driving force of reunification.<sup>70</sup> Zhang Yazhong emphasizes that at the beginning, the "third subject" would operate on a restricted level only, providing a framework for regular consultation and contact between Taiwan and the PRC. However, as this leads up to more unified action and, consequently, integration, the "third subject" is granted ever more authority and power, along with a growing legitimacy to transcend the sovereignty of both Chinese states. Eventually, this brings about the "whole China" as the only player around, as both Taiwan and the PRC have reached an ultimate agreement to skip the rest of their respective sovereignties for the benefit of the "third subject".<sup>71</sup>

The author claims that this approach, grounded on a thorough analysis of the history and current state of European integration, is the best practical solution to the security problem in the Taiwan Strait and the future of both China and Taiwan facing the challenge of "global economic liberalism".<sup>72</sup> As indicated earlier, his proposal seems to be more elaborated as the foregoing models and relies on an example which has worked pretty well during the post-World War II decades: European integration. It is probably extending Taiwanese sovereignty most of all concepts discussed here, even using the formula of "one country, two states", which implies internationally recognized statehood for Taiwan equal to that of the PRC – with the important qualification, however, that this is asymmetric sovereignty to be negotiated within the framework of "the whole China" and legally committed to transform common Chinese sovereignty in the future. The exact point of time when this will happen depends on

<sup>68</sup> Ibid., p. 102.

<sup>69</sup> This accords pretty much with the EU approach to the UN, albeit there are differences. For instance, the EU office in New York is responsible for coordinating the member states' UN policies in order to secure a common vote, whereas each state remains a UN member in its own right. It is not the conceptual idea of this arrangement that all EU members constitute 'a whole Europe' nor strive for establishing such a subject. In the case of Taiwan and the PRC, however, no integration along this model is imaginable – at least for Zhang Yazhong – that is not explicitly connected to the gradual establishment of "the whole China", eventually overcoming the current state of divided Chinese sovereignty.

<sup>70</sup> Integration theory has also been named one of nine analytical approaches to the dynamics of cross-Strait relations in an interesting article by Wu Yu-shan on "Theorizing on Relations across the Taiwan Strait: Nine Contending Approaches", in: *Journal of Contemporary China*, Vol. 9, No. 25, pp. 407-428. The other available approaches introduced by the author are: the divided-nation model, the power asymmetry model, the vote-maximizing model, the developmental state paradigm, strategic triangle theory, systems theory, political psychology theory, and the cognitive approach.

<sup>71</sup> Zhang, *Liangan tonghelun*, pp. 102-103.

<sup>72</sup> Zhang, *Liangan tonghe lun*, chapter 3.

the degree of voluntary integration of the two Chinas which is nevertheless to be actively pursued by them in all suitable sectors of their economic, social, and political systems. If the European Union decides to articulate and implement a new Taiwan policy that takes seriously the postulate of granting Taiwan substantial sovereignty as a precondition of a lasting peace between Beijing and Taipei, its own model of "sovereign integration"<sup>73</sup> might be the most suitable framework for such a purpose.

### III Intervening as a Third Party in the Sino-Taiwanese Conflict: Why Europe Would Better Do Than the United States

It is no question that if the European Union decided to embark on a model of "sovereign (asymmetric) integration" between the two sides of the Taiwan Strait under the roof of "one China" and, under these premises, advocated an UN seat for Taiwan, it would divert significantly from Washington's long-time Taiwan policy. It would also arouse unavoidable and strong opposition from the current Chinese leadership and its "one China" principle. However, this author contends that it is European "soft power" and a model combining sovereignty, integration and reunification as a long-term goal (depending on the success of integration) that would ultimately win out against the resistance from Beijing, Washington (and like-minded spirits within the community of China scholars) – if the European Union started actively to promote such a model. There is no peaceful solution to the "Taiwan question", if Taiwanese sovereignty – not autonomy – is not accepted and internationally recognized, but categorically rejected.

The United States has often enough declared not to intervene in any negotiations between the PRC and Taiwan<sup>74</sup> and "only" to make sure that Beijing abstains from military action and that Taiwan does not declare independence. This approach has secured a "cold peace" in the Taiwan Strait, but has proven to be unhelpful to sponsor any sustainable deal for two reasons: First, it leaves a complicated problem to two protagonists who are obviously unable to solve it bilaterally, while the "cold peace" between them is becoming ever more unstable; and second, the U.S. approach is conceptually incoherent, as it does not problematize the issue of Taiwanese sovereignty, which is the key to any peaceful solution of the current conflict. By so-called "strategic ambiguity",<sup>75</sup> Washington keeps the final decision for itself, if, when and

<sup>73</sup> More precisely, one should speak of 'sovereign *asymmetric* integration' to make clear that Taiwan would not automatically have the same rights and privileges as the PRC when being allowed into the UN.

<sup>74</sup> See Alan M. Wachman, "Credibility and the U.S. Defense of Taiwan: Nullifying the Notion of a 'Taiwan Threat'", in: *Issue & Studies*, Vol. 38, No. 1, March 2002, 200-229, quoting a recent remark on this issue by Richard Bush, Managing Director of the American Institute in Taiwan (p. 211)

<sup>75</sup> "Strategic ambiguity" has often been stated as the underlying concept of U.S. Taiwan policy, making incalculable the kind of U.S. response to a potential PRC strike in the Taiwan Strait – an uncertainty which should prevent Beijing from using force and Taiwan from provoking the PRC to try this option. The value of this strategy has come under repeated criticism over the years, mostly for its contested value for a stable peace in the Taiwan Strait. The above-mentioned truce proposals by Lynn T. White and others are an response to their perceived feeling that 'strategic ambiguity' has failed in this regard. The takeover of a DPP government in Taiwan in May 2000 and remarks of President George W. Bush in April 2001 to do "whatever it takes to help Taiwan defend herself" have now triggered a debate on a potential "Taiwan threat", again suggesting that the island could force the United States into a war

how the U.S. is going to intervene in a military conflict in the Taiwan Strait, while it would not interfere in any bilateral talks between Taipei and Beijing. There is much consistence at least concerning this last point, as any U.S. attempt to be an active third party would most certainly provoke strong counter-reactions in the PRC with dangerous repercussions for Asia-Pacific security. The same danger, however, does not lure if the European Union started such an attempt with only soft power resources to bring into the mediation process and no geo-strategic interest in Asia that might collide with Chinese foreign policy objectives.<sup>76</sup> Chinese resistance would still be strong, but it could not be legitimized on the grounds of realist political thinking to the same degree as it would be the case with U.S. intervention.<sup>77</sup> If the European Union has a well-elaborated and practical approach at hands which it advocates with political perseverance and patience, it might be best suited to bring new momentum to cross-Strait negotiations and to contribute to a peaceful solution of the conflict.

#### IV Limits and chances of a new European Taiwan policy

As has been indicated earlier, chances for a modification of the current EU stand on Taiwan along the conceptual lines outlined above are slim today. With Europe-China relations still at the beginning of their institutionalization, the EU's internal unity rather weak in terms of any co-ordinated foreign and defense policy, and the "Taiwan question" being one of the most sensitive issues for the Chinese leadership at all, any change in Europe's Taiwan policy is improbable for the time being. Certainly enough, PRC resistance against efforts to internationalize the "Taiwan question" and to engage in "fresh thinking on sovereignty" will be hard to overcome. Also, the political "surplus value" of taking issue with the Beijing government's definition of the "one China principle" is dubious, as it would strain Europe-China relations to the point that the Union or its member states could be strongly sanctioned in the economic realm, meaning a downgrading of trade relations and commercial opportunity on the Chinese market. This all seems to make the foregoing sections of this article "idle theorizing", widely neglecting political reality.

However, such a viewpoint underestimates the internal dynamics of European political integration and the gradual evolution of a *Common Foreign and Security Policy* within the European Union. One of the consequences of September 11 and U.S. unilateralism might be a new momentum for European political integration – at least

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against China by deliberately pushing the sovereignty/independence issue. See the special edition of *Issues & Studies* on "The Taiwan Threat?" Vol. 38, No.1, March 2002.

<sup>76</sup> Other multilateral track-I or track-II schemes to discuss regional security in the Asia-Pacific as ARF, CSCAP and even the ASEM-process are structurally handicapped to solve the Taiwan issue because of Chinese pre-established "discourse supremacy", i.e. Beijing's possibility to suffocate any discussion on Taiwan from the very beginning of any dialogue on Asian security.

<sup>77</sup> Recently, two U.S. Senior Scholars have demanded that Washington "seeks ways for Taiwan to participate in the international community while accepting the inevitable limitations of its indeterminate status". They added, that "the United States must also conduct more dialogue with key regional allies and friends, both to consider their views and to take the Taiwan situation out of its narrow bilateral context". This might indicate that there is some debate now in the U.S. on a new, more proactive Taiwan approach, too. See Campbell, Kurt M./Mitchell, Derek J., "Crisis in the Taiwan Strait", in: *Foreign Affairs*, Vol. 80, No. 4, July/August 2001, pp. 14-25.

in the long run. Even if "transatlanticists" and "Europeanists" currently fight out a battle over the future path of the Union, it has started to speak up more confidently against those who do not share its values and political convictions. There is some reason to believe that September 11 and its aftermath have triggered what the protracted process of European political integration could not achieve before: the steady formation of a body with clear principles to be strongly defended and promoted. It is asserted in this article that European "soft power", stemming from moral authority by strictly adhering to the principles of international law and from political perseverance to live up to these principles – combined with limited military and civilian capabilities to prevent and mediate regional and international conflicts – will ultimately compensate for Europe's hard power deficits.

As the aftermath of the Iraq crisis suggests, Europe will certainly gain more international voice in the future through more political integration, and this voice can and will be used to look more intently at security problems worldwide.<sup>78</sup> This will bring the "Taiwan question" into European focus, too. Even today, as the EU's caution towards the PRC's claim over Taiwan is more than evident, the problem is discussed behind the curtain in many European foreign ministries. As a matter of fact, nobody questions Taiwan's legitimate claim for substantial sovereignty. While in the future, the European Union will continue to be strongly interested in good relations with the PRC it will also make them more compatible with those principles and objectives of a *Common Foreign and Security Policy* which have recently been spelled out by one of the Working Groups of the European Convention.<sup>79</sup> The stronger this policy becomes, the less probable that its fundamental aims can be compromised by tactical retreat – as is the case with Europe's current Taiwan policy in the eye of steadfast Chinese opposition to any international dialogue on the issue. If Taiwan remains a "hotspot" for regional and international security, Europe will have to deal with the problem sooner or later. Whoever thinks such development hypothetical should have a second look at the process of European political integration since September 11.

## V Conclusions

As it was argued at the beginning of this paper, any active engagement in a political conflict that is in danger of military escalation needs a workable approach, consisting of a coherent conceptual framework, long-, mid-, and short-term goal definitions and a set of operative measures to achieve each pre-defined goal. It was this article's main

<sup>78</sup> A first indication of this new dynamic was the adoption of a "Joint Action on the European Union Military operation in the Democratic Republic of Congo (DRC)" to be undertaken by some member states with France as the leading nation (see EU Press Release PRES/03/156).

<sup>79</sup> "The Union's action on the international stage will be guided by, and designed to advance in the wider world, the values which have inspired its own creation, development and enlargement: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, the principles of human dignity, equality and solidarity, and respect for international law in accordance with the principles of the Charter of the United Nations. The Union will seek to develop relations and build partnerships with countries, and regional or global organisations, who share these values. *It will promote multilateral solutions to common problems*, in particular in the framework of the United Nations" (The European Convention Secretariat, Final report of the Working Group VII – "External Action", CONV 459/02, 16 December 2002, p. 2).

aim to discuss the pillars of the conceptual framework, which has to come to terms with the issue of Taiwanese sovereignty. It was argued that ongoing non-recognition of Taiwanese sovereignty as advocated in Lynn T. White's truce proposal will not solve the problem. Without substantial and internationally recognized sovereignty guaranteed to the island republic it would not accept any "one China" solution – which, for its part, must be considered a *sine qua non* for the Chinese leadership. Therefore, it is

- internationally recognized sovereignty for Taipei
- within a framework of dynamic integration between Taiwan and the PRC
- sponsored by a mutually agreed formula of "one China"
- to be represented at the international level – if possible – as a "third subject"

that has been considered here as the most appropriate approach to the "Taiwan question". Once such a formula is accepted, the successive steps are easy to make.<sup>80</sup>

According to the historical experience of the European model treated as a blueprint here, there is no trade-off between sovereignty and integration (or unification, if that is the perspective), but sovereignty is the necessary basis for any peaceful integration (unification). The political structure of a unified Europe is not pre-determined and right now could hardly be imagined as an unitary European state. However, the work of the ongoing European Convention makes clear that political integration goes ahead and gradually overcomes national sovereignty without forcing it into surrender during the process. Confederalism, federalism or state unity are just heuristic concepts to give names to a reality that is under negotiation and open in terms of time and structure. European integration and unity is nurtured by a desire to co-operate, a feeling to share a common identity and the conviction that things develop to the benefit of all actors involved in the integration effort. The more this process bears fruit, the more it gains momentum; functional linkage effects and political efforts go hand in hand here. It seems to this author, that the same understanding of future cross-Strait relations and the fostering of unity in Beijing and Taipei is basic for an enduring peace between them. It is time that the Europeans start telling them – and they might do so soon.

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<sup>80</sup> Although I do not elaborate in detail on the goal definitions and operative measures to be promoted by the EU as a third party in cross-Strait relations, it is self-evident by the conceptual framework in what direction this would go. Promoting integration demands the set-up of common institutions, regimes or coordinating bodies in different sectors of the cultural, economic and political systems of both sides to induce those linkage effects that would sponsor further integration. Cross-Strait negotiations would have to sort out those areas, in which constructive co-operation is possible and constantly look out for more areas to link on. Here, the EU could offer a wide range of experience for reference. Turning to cross-Strait security, European conflict resolution schemes and CBMs could be taken up for consideration by Taipei and Beijing. Once again, practical issues can be easily solved if the basic framework is accepted by Taiwan and the PRC.