



Trapped: The Difficult Situation Facing President Chen After the Enactment of the Antiseccession Law

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Introduction

On the surface, Cross-Strait relations at the beginning of 2005 appeared to be the most hopeful in recent years. The two sides agreed to permit charter flights for the Chinese New Year. Beijing also dispatched two senior officials to Taipei to attend the funeral of Koo Chen-fu, senior adviser to the president and chairman of the Taiwan Straits Exchange Foundation (SEF). Amid those hopeful signs, however, the Beijing leadership enacted the Antiseccession Law (ASL). It dealt a serious blow to the positive momentum that had been building between the two sides and made further Cross-Strait progress difficult. The leaders in Zhong Nan Hai sought to weaken Taiwan President Chen Shui-bian's position by engaging the Kuomintang (KMT).

Chen may still harbor the hope that Taiwan can somehow manage to distance itself from the mainland, but the economic integration of the two seems to make that vision all but impossible to realize. Since Chen's political initiatives have been taken away by the KMT and Beijing, he has faced the difficult challenge of regaining the initiative in order to play political chess on his own terms, whatever the goals of the game may eventually turn out to be.

The Political Atmosphere Before the Spring Festival

The single most important element that contributed to the positive political atmosphere at the beginning of 2005 was President Chen's reaction to the 2004 legislative election results. Chen tried to elevate the level of the debate during the campaign from traditional, locally oriented issues to issues of Taiwan's identity by becoming personally involved. If the strategy bore fruit and the Greens won a majority in the legislature, Chen would become the undisputed political leader in Taiwan in a situation like that of U.S. President George W. Bush after the midterm elections of 2002. In congressional and gubernatorial campaigns, Bush was widely credited for displaying unusually strong personal involvement for a sitting president, which further solidified the Republican majority at the levels of the central government and the state governments.

For Chen the legislative election results not only were considered a disappointment, but they also were widely interpreted by friend and foe alike as a major "defeat" for Chen. This was where President Chen might have temporarily lost his nerve, balance, and confidence. Instead of taking

the blame while acting as a steadfast leader to rally the Greens, he uncharacteristically began to promote the idea of rapprochement, in which the Bush administration and former President Lee Teng-hui certainly played a role, even though the fundamental political landscape had hardly shifted after 2001.

This approach might have had the immediate effect of reducing political tensions in Taiwan and buying Chen time to ponder his next move. It also, in effect, ceded the initiative on Cross-Strait issues to the media, the business community, and the opposition that favored better relations with the mainland. They exploited the situation, believing that President Chen was unlikely to pick up the gauntlet and continue the fight on certain issues when an atmosphere of reconciliation permeated the island.

The net result was that Chen Shui-bian had to endorse and then implement the proposal of charter flights during the Chinese New Year period in February—a deal that was initially brokered by a KMT delegation to Beijing. The death of senior elder Koo, the respected chairman of the SEF in early 2005, also provided an opportunity for Beijing to send two senior officials to attend Koo's funeral. The combined effects of these developments raised many hopes among observers that Taipei and Beijing would build on this rare opportunity of positive momentum and bring the two sides closer together in the coming year.

China's Antiseccession Law

When Beijing announced in December 2004 that the Chinese National Congress would deliberate on proposed antiseccession legislation, it did not generate widespread concern in Taiwan. The feeling of optimism, however, was gradually replaced by increasing concern after the Spring Festival period was over. The collective sentiment in Taiwan toward the law was negative and varied only in the degree of intensity. The Greens were angrier than the Blues.

The Chen administration's response in February to this development was uncharacteristically low key, lacking the usual rhetorical lambasting of the People's Republic of China (PRC). It appears the Bush administration's consistent calls, both in public and in private, that Taipei not engage in the "action and reaction cycle" played a major role in influencing Chen Shui-bian and preventing the situation from escalating. There were signs that Chen and his national security advisers had hoped the Bush administration would either dissuade Beijing from passing the law or issue public condemnation should the previous effort fail. It was widely believed that Chen intended to make the best use of the situation by cooperating with Washington in hopes of improving U.S.-Taiwan relations, which had been badly strained since late 2003.

The determination to improve bilateral relations was indeed strong. The Chen administration announced it would stage a mass rally to protest the passage of the law on March 26—roughly two weeks after the law was scheduled to be passed by the Chinese People's Congress. It did so even with the knowledge that the United States was not going to go beyond what it had already done vis-à-vis the ASL and after the language of the draft law was made public in early March. By planning the rally later in March, President Chen relinquished the opportunity to stage the rally first to help to offset the long-planned mass rally by the Pan Blue on March 19 to protest the shooting incident a year ago, which the Blues claimed was staged by the Greens to help Chen win the presidency.

In addition, by withholding the planned response until hearing what Secretary of State Condoleezza Rice would say on her trip to Beijing immediately after the ASL was enacted, Chen's reactive strategy could show the international community that Taiwan was the victim of Chinese aggression, and hence the rally planned on March 26 could generate more widespread sympathy for Taiwan. Chen also could use this mass demonstration to regain the political initiative in

Taiwan as well as to define the nature of the PRC and Cross-Strait relations in his favor.

Although this may appear to have been a sound strategy, it cannot alter the fact that the strategic balance of power between the two has decidedly shifted in Beijing's favor. The Chinese leadership may have misjudged the timing, the intensity of negative reactions from the international community, and the opportunity to exploit the positive momentum within Taiwan by enacting the ASL. It was, however, an operational blunder, not a strategic one.

It can be argued that by passing this law Beijing was finally able to regain the initiative it had long lost to Taipei and define the nature of Cross-Strait relations in its own terms. The time had passed for Taiwan's leadership—especially former President Lee Teng-hui, who possesses a bold vision and the ability to execute brilliant political maneuvers—to threaten the foundation of Beijing's one-China policy. From now on Taipei will have to react to the framework imposed by the PRC. Beijing can say goodbye to the days of reacting to every move made by Taipei. Recent history has shown that the former Chinese leadership's reactions toward Taiwan were generally ill-conceived, executed abrasively, lacked strategic clarity, and greatly facilitated the sentiment for independence among the people on Taiwan.

The KMT Delegation's Trip to the Mainland

In effect, by enacting the ASL, Beijing accepted as a *fait accompli* all the political inroads that Taiwan's leadership had been able to make. Nevertheless, President Chen's position was weakened by two subsequent developments.

The first occurred on March 26, the day of the rally. Hsu Wen-long—a business guru in Taiwan known for his extensive business investments on the mainland, his staunch belief in Taiwan independence, his political contributions to Presidents Lee and Chen, and his role as a

senior adviser to the president—renounced his political beliefs in public. Hsu, in a written statement that appeared in Taiwan's print media—a pronouncement many believed had been prepared by mainland officials—praised President Hu Jintao, lauded the enactment of the ASL, and supported “one China,” among other things. His renouncement had the immediate effect of undercutting the message the mass rally intended to deliver. It also served as an indication to many that Beijing was determined to use its enormous economic pull on Taiwan to encourage business leaders to distance themselves from the Greens.

The effect of this development was further strengthened by the KMT's decision to send a delegation to the mainland soon after the March 26 rally. Beijing extended high-level treatment to the delegation, including not only allowing but also encouraging extensive media coverage of the group throughout the duration of its trip. The delegation also signed a “10-point consensus” with Beijing that primarily focused on agriculture, business, and other practical issues. By skillfully receiving the KMT delegation, which had embarked on what was essentially a defensive trip designed to avoid being rendered irrelevant after President Chen and Chairman James Soong of the People First party (PFP) forged a cooperative relationship in principle, Beijing showed Chen that it could choose with whom in Taiwan it wants to talk as well as the subject and the timing of the talks. Moreover, the issues so far being discussed or floated by the Chinese are mostly of practical concern to many in Taiwan. A marginalized Chen might have felt he was being forced to face a choice of either succumbing to the Kuomintang/Chinese Communist party (CCP) alliance, thereby weakening his own perceived political position by adopting practical measures that benefit many in Taiwan, or trying to fight and break out of the two-sided envelopment. President Chen chose the latter.

The operational strategy and style Chen employed to extract himself from this political trap reflected both his personality and the limits of the resources at his disposal. Unable to take the

issue directly to the Chinese leadership, Chen chose to direct his administration's firepower toward the KMT. First, it was declared that the so-called 10-point consensus reached by the KMT delegation on the mainland provided probable cause for prosecutors to launch a criminal investigation, for the KMT might have violated a clause in Taiwan's penal code that prohibits unauthorized "treaty signing" with "foreign government[s]." The print media in Taiwan by and large gave this a lukewarm response, and the KMT chose to ignore the charge, which they claimed was nothing more than a political witch-hunt. Appearing unintimidated, the KMT proceeded with preparations for KMT Chairman Lien Chan's trip to the mainland as a guest of President Hu.

Unable to gain political traction by threatening to launch a criminal investigation, Chen then publicly called on Lien to meet with him before the latter's departure for the mainland in May, ostensibly for the purpose of reaching a consensus for the good of Taiwan. But Chen's tone was considered by many to be overbearing and condescending, which in general was not inconsistent with Chen's character under similar circumstances. It also made it difficult for the recipient[s] of the message to swallow the humiliation and respond positively to the suggestion. Because Lien's trip was part of a logical extension of the KMT's survival strategy to remain relevant in a post-Chen-Soon alliance environment, it was unlikely that Chen's gesture would be well received by the intended audience. What Lien chose to do before departing for the mainland was to call "Mr." (not "President") Chen and "inform" (not "report to") him about the trip.

Lian's and Soong's Trips to the Mainland

Coinciding with the State Department's position that the United States considered Lien's trip as a "positive" development was Chen's dec-

laration that he was supportive of Lien. Many in the Green camp, however, took a different position.

Hundreds of fanatic Green supporters under the "leadership" of several DPP legislators and a TV call-in show host flooded the lobby of CKS Airport before Lien's planned departure. Lien and his delegation were able to board the plane without incident by steering the motorcade away from the demonstrators. But in the lobby Green and Blue supporters—the latter had converged at the airport to "counter" the Greens—engaged in a number of skirmishes. Some were bloody, but no fatalities were reported.

Judging from the high profile Lien enjoyed throughout his trip—augmented by the saturated and positive coverage provided by the Chinese media; the special, "no delay" live television transmission of his speech at Peking University; the meeting with Hu; and the arguably balanced content of the CCP-KMT press communiqué—it is clear the Beijing leadership was determined to make Lien's trip a success. Chen was inconsistent in maintaining a positive tone toward this development, and the Executive Yuan and the DPP were critical of it, in contrast to poll results that showed a majority of the population in Taiwan saw Lien's trip as a step in the right direction. The ways in which Lien conducted himself before, during, and after the mainland trip created his reputation as a respectable and selfless political figure whose goal is to promote Cross-Strait reconciliation.

Compared to Lien's trip to the PRC, which he undertook purely as an opposition leader, James Soong's mainland trip was deemed to have official connotations. It is open knowledge that Soong tried to become the "Taiwan envoy" on Cross-Strait issues. After President Chen and Soong signed the so-called 10-Point Consensus in February 2005, it was clear the two had forged a counterintuitive political partnership especially focused on Cross-Strait relations in which Soong would play the role of "unofficial" official representing Chen in an effort to bridge differences between Taipei and Beijing.

This arrangement offered both Chen and Hu, especially the former, the opportunity to be creative without the fear of being set up by the other, but it also left the door open for Chen to back out of the deal should he decide to do so, and that is precisely what happened.

Chen was under pressure from the Deep Green's political party, the Taiwan Solidarity Union (TSU), for betraying the cause of Taiwan independence. Within Chen's own DPP, many constituents and most rank-and-file political figures were at a loss to understand why Chen suddenly decided not only to work with Soong but also to use him to test the water across the strait, presumably in search of reconciliation at a time when many Greens still harbored the hope of eventual *de jure* independence. In addition, it was clear that support for the DPP in the upcoming special election for the National Assembly (NA) was dropping substantially. Chen, living up to his political reputation as a perennial flip-flopper, first began to distance himself from Soong right before the latter's trip to the mainland. Then he decided to participate in several television interviews in which he attacked Lee Teng-hui and Lien Chan and accused Soong of disloyalty to the country—a tactic apparently designed to shore up voter support on the eve of the election. It proved to be effective. Soong did not help himself by working out with Hu a “two-shores, one-China” formula as a possible foundation for restarting the Cross-Strait dialogue. Not only Chen but the Greens and even the KMT rejected it as a minor step backward from the “one-China, different-interpretations” formula that the KMT later abbreviated as the “'92 Consensus” and that Chen has repeatedly rejected as the basis for restarting talks with Beijing.

The fact that the DPP did better in the NA election than had been expected and that the Greens interpreted the result as a victory over “China Fever” and a rejection of reciprocating Beijing's outreach on practical issues, as well as the inferred suspicion that the giant pandas to be sent to Taiwan might be “Trojan Pandas,” showed that Chen did not wholeheartedly em-

brace the idea of rapprochement with Beijing as a political vision. The pursuit of detente with the mainland was not an endeavor worth committing substantial capital to but had become an expendable, tactical trial balloon that Chen could float to probe the possibility of a Chen–Hu summit. If feasible and successful, it could elevate Chen to the status of Anwar Sadat or Menachem Begin and give him a shot at the Nobel Peace Prize.

Short-Term Outlook

Hu's current management of Cross-Strait relations shows the intention of preventing Taiwan's *de jure* independence and maintaining the status quo for the medium term. The ultimate goal is reunification, and the immediate goal is a relatively stable Cross-Strait environment that will enable Beijing to concentrate its energy and resources on a “peaceful rise.” Hu demonstrated tactical acuteness by initiating talks with the KMT, which made the New Year charter flights a reality. He also seized an opportunity to dispatch two senior officials to Taipei for senior elder Koo's funeral. By enacting the ASL and pursuing his strategic objective at the cost of a not insignificant tactical setback in the forms of international condemnation and Taiwan's political backlash, Hu also showed his political tenacity.

The fundamental dilemma facing President Chen is this: What Beijing has proposed and the people of Taiwan by and large have responded to warmly can be considered a win–win arrangement for people on both sides of the strait. On a government-to-government level, however, it appears so far that Beijing does not have an immediate plan to pursue dialogue with Chen. Even though this pattern is similar to what happened during Chen's first term, the overall momentum within Taiwan to push for practical progress with the mainland has become much stronger, to the degree that Chen has difficulty containing it. Chen managed to drive a deep wedge between the KMT and the PFP by supposedly agreeing to cooperate with James Soong on Cross-Strait issues,

therefore rendering the Pan-Blue alliance ineffective. In the grand scheme of things, however, the Chinese were able to weaken Chen's bargaining positions by enacting the ASL and choosing to cooperate with the KMT.

On the road toward the next chapter in Cross-Strait interaction, Chen will no longer be the man behind the wheel. He will be a passenger. Under these circumstances, it does not matter what Chen's ultimate plans or vision for Taiwan might be—whether *de jure* independence or detente with Beijing. Certainly, the Chen administration can and will deal with the Chinese on various issues, but participating in such interactions will reflect Beijing's decision—which is its, not Taiwan's, to make. When dealing with Taipei the Bush administration recognized that President Chen is almost impervious to persuasion but is very sensitive to pressure backed by immense raw power. On Cross-Strait relations, Chen can still withstand pressures from inside and out while deploying various countermeasures. Pressure is mounting by the day. It will be interesting to see where and how the Chinese leadership will choose to apply the next wave of pressure on

Chen. By the same token, it will be interesting to observe whether the Chen administration's response will become more sporadic, piecemeal, and less coherent.

About the Author

Erich Shih is the Washington bureau chief of TVBS Network in Taiwan. In this position he covers and provides commentaries on political issues such as American foreign policy, the war on terrorism, and U.S. presidential elections, as well as regional diplomatic and security issues involving the United States and Northeast Asian countries. Before assuming his current position in July 2004, Mr. Shih was the visiting fellow at the Brookings Institution's Center for Northeast Asian Policy Studies (2003–2004) and the Washington correspondent for TVBS (1996–2003). Among the articles he has published are “The Conduct of U.S.–Taiwan Relations, 2000–2004”; “Taiwan's Military Transformation: Evolution and Implications”; and “Chen's Inaugural Speech: Pleasing Washington but Troubles Still Ahead.”