

The fictional 'status quo'

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To put the matter bluntly, there is no status quo on the issue of China and Taiwan, nor has one ever existed.

Moreover, no status quo, even where one can be said to exist, is ever static, either in biological terms or in international relations.

Organisms and countries change, as does the environment in which they exist.

With regard to the first point, "status quo" is a largely meaningless phrase and a dangerous ambiguity that has evolved to extend the existence of another dangerous ambiguity: the "one China" policy.

When diplomats cannot agree on something they feel they must reach a consensus on, they have a tendency to resort to circumlocution, and this is a case in point.

The "one China" policy was set out in the Shanghai Communiqué of 1972, in which the US found that Chinese people on both sides of the Taiwan Strait agreed that there was but one China, and that the US acknowledged the People's Republic of China's (PRC's) position that it was that China.

But the "one China" policy set out in the Shanghai Communiqué was meant to be temporary. As stated at the time by several senators who were friendly toward Taiwan, what former US secretary of state Henry Kissinger had in mind was not the maintenance of any existing situation, but what they called "a decent interval," after which the nation would be absorbed into the PRC through some unspecified mechanism.

What Kissinger thought privately is known only to himself, but declassified records indicate that he gave his Chinese interlocutors the impression that in due course, support for Taiwan in the US would erode and the PRC would be able to gain control.

Various factors conspired to prevent this.

First came the US' decision to abandon South Vietnam in 1975.

After the Vietnam debacle, Washington thought that it would profoundly upset its system of alliances if it abandoned Taiwan as well. As one policymaker somewhat crudely put it: "We can only afford to kiss off one small ally at a time."

Also, Taiwan proved to have strong support in Congress, which, among other things, passed the Taiwan Relations Act (TRA). This document stipulated, among other safeguards, that the US would provide Taiwan with defensive arms and that the US would oppose any coercion to achieve unification.

Soon after, President Ronald Reagan, who was very favorably disposed to Taiwan and very popular with US voters, was elected president of the US. At the same time, Taiwan was evolving into a democracy.

The "decent interval" looked like it might extend indefinitely, and Taiwan was proving rather difficult for the US to let go of, much to Beijing's annoyance. Hence, the term "status quo" began to be used.

From Washington's point of view, this meant maintaining a balance between the two sides because the US had important interests in both.

In April 1999, at a conference held at the Fletcher School to commemorate the 20th anniversary of the TRA, Richard Bush, then the head of the American Institute in Taiwan, mentioned the US commitment to the status quo.

When I asked him for a definition of the term, Bush replied with a self-deprecating smile: "We haven't yet figured out how to operationalize the status quo."

In addition to US' inability to "operationalize" the status quo, even for itself, another fundamental problem is that at least three different opinions exist on the meaning of the status quo, one for each of the three main parties involved in the "Taiwan issue," which, as Taiwan sources frequently point out, really ought to be called the China issue.

For Beijing, the US defines the status quo as no use of force or threat to use force against Taiwan. For Taipei, the US defines it as exercising prudence in managing all aspects of cross-strait relations. For both China and Taiwan, the US defines the status quo as avoiding statements and actions that would unilaterally alter Taiwan's status.

The US does not support independence for Taiwan or unilateral moves that would change the status quo as Washington defines it.

Beijing defines the status quo as the existence of "one China" in the world, with Taiwan as part of it, with the capital in Beijing.

According to official Chinese sources, "reunification has not taken place yet" because of historical reasons, but this doesn't change, and will never change, the fact that both sides are part of China.

Taiwan's definition of the status quo is that the nation is a democratic and sovereign country that has the right to participate in international organizations such as the WHO and the UN.

The fact that Taiwan is a sovereign country is not negotiable for Taipei, which has its own opinions and will not compromise on some issues.

Hence there are three very different opinions on the status quo from three different entities, all of whom are plainly unhappy with the current situation.

The US is concerned because there is constant tension over the issue that complicates its relations with both sides and may lead it into war.

China is annoyed because it does not actually control Taiwan.

Taiwan is apprehensive because, although it can claim it has the right to participate in international organizations and enjoy the other attributes of sovereignty, it has proven very difficult to actually exercise many of these rights.

Because each of the three parties is unhappy to a greater or lesser degree with the current situation, each side keeps pushing unilaterally for changes.

The side that feels disadvantaged by these changes complains loudly that the status quo is being changed while the accused party replies that it has done nothing to change the status quo.

For example, the US' interactions with Taiwan are guided by an act of Congress, the aforementioned Taiwan Relations Act. But this did not prevent the executive branch of the government from signing agreements with China that significantly differ from the TRA. The most salient example is the Aug. 17, 1982, Communique that, among other things, agreed to reduce the quantity and quality of arms sold to Taiwan.

The TRA, by contrast, had mandated that the US supply Taiwan with such defensive weapons as it needed to maintain a balance of power in the Taiwan Strait.

Another example is the 1994 review of policy toward Taiwan undertaken by the administration of former US president Bill Clinton. It specifically excluded Taiwan's highest ranking officials, such as

the president and vice president, from visiting the US except on transit stops that would have to be approved on a case-by-case basis.

This was definitely a change from the TRA.

So was the policy review's statement that the US would support Taiwan's membership in international organizations that do not require statehood: Section 4(d) of the TRA says "nothing in this act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from membership in any international financial institution or any other international organization." It mentions nothing about sovereignty as a precondition.

In the case of China, it has changed the status quo by, among other actions, carrying out a military modernization program that seems specifically targeted at an invasion of Taiwan. This includes, among other things, deploying massive numbers of short-range missiles that are pointed at Taiwan, initiating an ambitious submarine enhancement program and significantly expanding its sea mining assets.

Beijing also passed an anti-secession law in March last year. China said that this did not change the status quo and, given that Beijing has consistently refused to fore swear the use of force as a means to its goal of unifying with Taiwan, the PRC has a plausible case.

But Taiwan did not agree, and the US and the EU concurred with Taipei.

But the law was enacted anyway, with little consequence to China save that the EU postponed lifting the quasi-arms embargo it imposed after the Tiananmen Square Massacre in 1989.

As for Taiwan, President Chen Shui-bian (陳水扁) made a number of promises in his first inaugural address, one of which was that he would not abolish the National Unification Council. However, in February, he announced that the Council's functions would cease.

There was a brief but heated debate about what ceasing the functions of the council meant. Analysts agreed this was weaker than "abolishing" the council but stronger than "freezing" or "suspending" it.

China and the US protested that this constituted a change in the status quo.

Chen said it was because the opposition party had cut the council's budget to such a low level that the organization could not afford to meet, and in fact it had not met in several years. Therefore ceasing the council's functions could not be construed as a change in the status quo. Whether one agrees or disagrees with Chen's interpretation, the council has not met since his declaration. Perhaps it has not quite been abolished, but neither is it quite in existence.

Moreover, none of the parties involved seems concerned when the status quo gets changed in a direction it likes.

There were no cries of protest from Beijing when the Taiwanese government, in 1991, gave up its claim to the right to administer the "mainland" or have the Chinese provinces represented in the Legislative Yuan in Taipei.

Also, in May last year, following statements by some Taiwan opposition party figures who said positive things about unification during meetings in Beijing, the *Beijing Review* observed that changes in the status quo in the direction of unification are actually a good thing.

The US has gone on record as saying that it is in favor of a solution to the complex relationship between Taiwan and China that has the assent of the Taiwanese people, which would represent a change in the "status quo."

One problem is that US policymakers themselves often do not seem to know or remember what US policy is.

As a case in point, in the Shanghai Communique, the US simply acknowledged the People's Republic of China's (PRC) claim that all Chinese people on either side of the Taiwan Strait believe that there is only "one China," of which Taiwan is a part.

In addition to acknowledging -- rather than accepting the PRC's claim -- the phrase contains another bit of verbal evasion: It said nothing about the views of many Taiwanese who don't believe that they are Chinese, but whose existence the US drafters were well aware of.

However, in September 1994, Mike McCurry, who served as State Department spokesperson during the administration of former US president Bill Clinton, was asked if he considered Taiwan a part of China. He replied: "Absolutely. That's been a consistent feature of our 'one China' policy."

There was an uproar. The statement was retracted and replaced with a statement that the US acknowledged the PRC's position that there was only "one China."

A decade and a change in administration later, in October 2004, US President George W. Bush's Secretary of State Colin Powell said that Taiwan did not have sovereignty and spoke of the US desire for reunification.

Again there was an uproar. Chagrined State Department officials explained that a jet-lagged Powell had "misspoken" and quickly replaced a revised transcript of his remarks on the department's Web site.

In other contexts, Powell misspoke differently: He referred to Taiwan as a state twice in testimony to the Senate Foreign Relations Committee in March 2001.

Amusingly, even former US secretary of state Henry Kissinger, the architect of the "one China" policy, has sometimes slipped. In a 1995 debate on William Buckley's *Firing Line* with Jason Hu (胡志強), the then director-general of Taiwan's Government Information Office, Kissinger several times referred to "the Republic of Taiwan" and had to be corrected by an embarrassed Hu.

Some US policymakers also seem confused by another bit of verbal trickery: The US position is that it does not support Taiwan independence. This is very different from saying that the US opposes independence. When verbal trickery tricks one's own officials, it may be time for clarification -- or at least better briefing.

The differences among joint communiqués and documents allow a great deal of leeway in interpretation, creating opportunities for acrimonious reactions and dangerous situations. For example, US Secretary of State Condoleezza Rice recently said that the three communiqués which the US has signed with China acknowledge China's position that Taiwan is part of China, but added that the Taiwan Relations Act (TRA) pledges the US to maintain Taiwan's capability to defend itself against a Chinese military attack. "I say to the Chinese all the time, those are a package, they cannot be separated," Rice said.

Although these documents do not say the same things, Rice nonetheless admonished that "we must all abide by the package and not try to change the status quo."

INCENDIARY

The danger is that one side or another, acting on its understanding of the status quo, may decide on an action that is incendiary to another.

Within Taiwan, there are concerns that politicians may be manipulating the status quo's ambiguities for domestic political advantage in ways that could injure the country's international standing.

For example, the apparent frontrunner in Taiwan's 2008 presidential election, Ma Ying-jeou (馬英九), gave an interview to Bloomberg on Oct. 23, in which he suggested that his Chinese Nationalist Party (KMT) would, if elected, pledge to say no to Taiwan's independence in exchange for a

Chinese pledge not to attack Taiwan.

According to Ma, this would maintain the status quo and show Taiwan to be a responsible stakeholder.

An incensed ruling party spokesman then accused Ma of turning Taiwan's right to democratic self-determination into a bargaining chip. He argued that the right of Taiwan's people to decide what political affiliation they want is not something that any politician can trade away, and that if, even worse, Ma and the KMT were to agree to this proposition, then nothing except an actual military attack against Taiwan could be interpreted as changing the status quo, no matter what kinds of pressure China put on Taiwan.

Taiwanese bloggers became similarly angry over a previous Ma use, or, as they felt, misuse, of the term "status quo."

One of them complained that it was just a trick to appeal to moderate voters who were opposed to the KMT's previously stated position of eventual unification, and to distance himself from the KMT's hard core, some of whom cling to the hope that their party will be able to take back the "mainland." Another said: "Who knows what this [status quo] means?"

The answer sounds damn good as an excuse for doing what you want while sounding moderate.

This blogger may have arrived at a good definition for the "status quo" policy in general: It is an excuse for a country to do what it wants and sound moderate.

If the term "status quo" means so many things to so many people, maybe the US, Japan and the EU could agree that the term means "no use of force."

Maybe we could say that "status quo" has that minimal base or core meaning, so that, although the cross-strait problem has not been solved, adherence to even differentially defined concepts of the status quo could allow cross-Strait disputes to be managed.

I would argue that this wouldn't work because Beijing has a different strategy.

Beijing clearly sees that such international opposition to unification as exists states only that it is opposed to the actual use of force, and moreover says very little about what the consequences would be if force were used.

As a case in point, the European Commission report to the European Parliament in October said that policy should take account of the EU's opposition to any measure which would amount to a unilateral change of the status quo and its strong opposition to the use of force.

After the report was issued, I asked two questions of two European Commission specialists on east Asia.

First, I asked whether they saw the PRC's rapid military buildup as a violation of the status quo.

Their answer: China is prospering economically. It's natural that the PRC should want a more powerful military.

A reasonable translation of the gentlemen's statement would be that the commission does not think the arms buildup is anything to worry about.

My second question was that, given this military buildup and the PRC's various threats that it might have to effect unification by force, what would the EU's "strong opposition to force" mean in concrete terms? The EU has no army and, given its many members, has had difficulty coming to any form of consensus on foreign policy and defense issues. Would this "strong response" simply be a strongly worded statement saying "we are critical of Beijing's actions?"

The answer was noncommittal: "We would respond strongly."

WHAT IF ...

If I were the Beijing leadership, I would conclude that as long as the status quo seems to be interpreted as "no use of force," and that even if it used force, the consequences would be mild.

If I were the PRC's leaders, I would do more or less what they are doing now: continue the impressive military buildup that began in fiscal year 1989, further constrict Taiwan's international living space by wooing away its allies and refuse to allow it to participate in international organizations, even where sovereignty is not a prerequisite, such as the World Health Organization.

I would use the PRC's economy as a bargaining chip to persuade countries to agree to these and other further constraints on Taiwan's international activities, thereby allowing China to set the terms of discourse on Taiwan.

For example, when I suggested in Berlin recently that Germany might allow Taiwanese citizens to enter without visas, as Japan has already done, a horrified German employee of the US embassy replied: "But that might make China angry."

I would employ united-front techniques, such as inviting Taiwanese opposition politicians to visit and promising economic benefits to the people of Taiwan.

Most recently, Beijing has offered to purchase Taiwan's bananas, prompting the Taiwanese press to respond with sarcastic remarks about banana republics.

Certain Taiwan politicians could quietly be promised -- and perhaps already have been -- high-ranking positions within a Taiwan that is unified with the "mainland" in exchange for their cooperation.

A WEAK HAND

If these trends continue, at some point, faced with a hopeless military imbalance across the Strait, with its international presence dwindling to insignificance and a significant number of its politicians suborned, Taiwan would have to bargain for peace, and from a very weak hand.

This might be called the T.S. Eliot strategy: obtaining unification not with a bang, but a whimper. International admonitions to observe the status quo will not have been violated, since there will have been no use of force.

But a thriving democracy will have been delivered to a corrupt autocracy.

As Edmund Burke, a British philosopher much admired in the US, said: "All that is required for evil to triumph is that good men do nothing."

To briefly address the second point mentioned above, about the inevitability of change, it is generally understood that people and nations have to make changes or pass away. They must be able to adapt to both internal changes and those imposed by the external environment.

To quote Burke again: "A state without the means of some change is without the means of its own conservation."

As long as the international community chooses to allow the PRC to define unacceptable change, so that Taiwan is warned about holding a referendum, or to change a Constitution written in the mid-1940s for a government on the "mainland," while at the same time the PRC is given to understand that an arms buildup is natural and that fear of China's anger is sufficient reason for the global community's acquiescence in continuing restrictions on Taiwan's ability to function internationally, good men are doing nothing.

In essence, the status quo is being used as a pretext for a return to the "decent interval" that Henry Kissinger seems to have envisioned.

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