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## China's Blunder: The Anti-Secession Law and Its Implications

By Thomas Donnelly and Vance Serchuk

*With China's declaration of an anti-secession law, Washington has received a timely if unwelcome reminder of the depth of Beijing's determination to retake Taiwan and the reality of geopolitical rivalry in East Asia. Contrary to the crisis-management mentality that too often has governed U.S. China policy, however, the anti-secession law represents an important strategic blunder by Beijing and an important opportunity for the United States—one that, if properly managed, could actually advance American interests in the region more than anything U.S. policy planners would otherwise hatch on their own. After four years in which the White House was preoccupied with more pressing problems in the greater Middle East, the Bush administration should now take advantage of its second term to align U.S. strategy for the Asia-Pacific region with the fundamental tenets of the Bush Doctrine and develop a new framework for its relations with Beijing and Taipei.*

On March 14, the National People's Congress—the rubber-stamp parliament of the People's Republic of China—approved President Hu Jintao's order authorizing the use of force against Taiwan to “protect China's sovereignty and territorial integrity” in the event of “secession,” “major incidents entailing secession,” or the “exhaustion” of “possibilities for peaceful reunification.”<sup>1</sup> In practice, the vague conditionality of the PRC's anti-secession law means next to nothing, given that it will be the Chinese leadership that determines what constitutes a *casus belli*.

While the Bush administration has pronounced the anti-secession law “unfortunate and not helpful,” the measure actually represents a significant strategic blunder by Beijing. Certainly the spectacle of the National People's Congress, which voted 2,896 to zero to approve Hu's order, does nothing to bestow democratic legitimacy on future Chinese aggression in the eyes of the

international community.<sup>2</sup> At the same time, Beijing's declaration of bellicosity has done wonders to unite Taiwan's often-fractious democratic politics around the need for the island's military defense, made it monumentally more difficult for the Europeans to justify lifting their arms embargo on the PRC, and raised concerns among other countries in the Asia-Pacific region about China's rise. With strategic competitors like these, who needs allies?

### Defending Taiwan

In a bizarre way, the anti-secession law has already proven a boon to Taiwan and President Chen Shui-bian, reshaping the diplomatic battlefield in ways far more favorable to Taipei than appeared possible just a few months ago.

For much of the first term of George W. Bush's presidency, China successfully framed U.S. policy in terms of Taiwanese troublemaking and the threat to the status quo posed by President Chen. Consequently, the island's leaders found themselves between a rock and a hard place after

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Beijing announced its plans for the anti-secession law late last year. On the one hand, they could hardly sit quiet in the face of a gathering threat; at the same time, they were savvy enough to realize that anything they said or did would almost certainly be criticized by U.S. officials for “provoking” China.

With the passage of the anti-secession law, however, this dynamic is at last beginning to change. To their credit, Taiwan’s fissiparous political parties have rallied to collectively denounce Beijing’s move—an instructive example of how, for all the divisiveness of democratic societies, it is easy to underestimate how quickly and effectively they unite in the face of aggression. At the same time, President Chen has been cautious and measured in his response, repositioning himself as a defender not only of Taiwanese democracy but also of the status quo. He has notably and wisely refrained from tying the anti-secession law to Taiwan’s constitutional reforms—badly needed though they are—or a popular referendum on the island’s status. Rather, by pursuing a moderate course, Chen has the opportunity in the coming months to shift the terms of the policy debate in the United States in Taiwan’s favor.

Taipei has a powerful case to make that the real threat to the status quo lies less in the twists and turns of the island’s democratic self-governance and more in China’s aggressive posturing against the island, including its breakneck acquisition of offensive weapons systems and deployment of—at last count—approximately 700 missiles across the Strait. Indeed, it is impossible to look at China’s military modernization and not conclude that its immediate objective is the subjugation, either by intimidation or direct military action, of Taiwan. The sheer audacity of the anti-secession law should draw attention to China’s broader set of military policies, which Beijing in turn will be pressured to explain and defend.

Beyond rhetoric, however, what is really needed now is to answer China’s most recent provocation with concrete action. In this regard, the Taiwanese government has again behaved quite responsibly. On March 17—a mere three days after the anti-secession bill was approved—President Chen’s cabinet passed a special budget for \$15.5 billion worth of defensive weapons systems from the United States. Since a Chinese attack on Taiwan would almost certainly involve some combination of a sea-based blockade and missile strikes against the island, the arms package includes eight diesel-electric submarines, six PAC-3 (Patriot Advanced

Capability-3) antimissile batteries, and twelve P-3C Orion sub-hunting aircraft.

The special budget has languished in the Taiwanese parliament, the Legislative Yuan, where opposition lawmakers had (rather disingenuously) objected that it was too expensive. By making some modest cuts—specifically, dropping plans to have parts of the submarines built in Taiwan—the Chen administration has now put forward a reasonable compromise. It has also been helped by the depreciation of the U.S. dollar against Taiwan’s currency, making the weapons systems themselves less expensive.<sup>3</sup>

Coming on the heels of the anti-secession law, there is no reason the special budget should not now speed through the Legislative Yuan. Taiwan’s military modernization is, after all, the only sensible response against Beijing’s declared policy to use force against the island at a time of its choosing. To the extent there are any holdups, however, the Bush administration should not hesitate to use its diplomatic big stick to push the arms package through. Specifically, it should be ready to speak clearly and forcefully against any opposition lawmakers in Taiwan who attempt to play politics with their nation’s security. Simply put, it must be made clear that the days are over when the opposition could use the specter of President Chen’s supposedly imminent declaration of independence to scare off the United States.

But the Bush administration must also make some difficult choices of its own about the defense of Taiwan. The island’s overdue actions to strengthen its military must not be an event in isolation, but instead, one that produces a positive response here in the United States. As important as arms sales to Taiwan are, they must be part of a broader strategy that involves closer defense ties between the Taiwanese and American militaries, breaking down some of the restrictions that have long constrained interoperability.

## Shaming Europe

As Taiwan is at last moving to approve the purchase of weapons from the United States, the European Union has until quite recently been speeding in the opposite direction, preparing to lift the arms embargo imposed on China after the 1989 Tiananmen Square massacre. The move to drop the embargo was instigated largely by the French government of President Jacques Chirac, who had argued that the EU’s policy “no longer makes any sense” and is “a measure motivated purely and simply by

hostility.”<sup>4</sup> German chancellor Gerhard Schroeder had agreed to go along, telling Chinese premier Wen Jiabao in December 2003 that he, too, favored ditching the embargo.<sup>5</sup>

This latest Franco-German initiative, which for the moment appears to be in retreat, was always less about strategy than economics—the desire for access to lucrative Chinese markets. It is hardly a coincidence that French export licenses to China were estimated to be worth \$228 million in 2003—the highest such figure for any member of the European Union—and Beijing has made little secret of its tendency to call in political favors in doling out contracts.<sup>6</sup> In particular, Europe’s leaders hoped that dropping the embargo would help win advantage for Airbus against archrival Boeing in bids for China’s burgeoning civilian aviation sector, as well as prop up their own moribund defense industrial base.

For months, Europeans have insisted that American fears about the arms embargo are overblown and that a new EU code of conduct will better regulate arms sales to Beijing. “We’re not irresponsible,” French defense minister Michele Alliot-Marie recently insisted in an interview with the *New York Times*, arguing—rather counterintuitively—that “lifting the embargo doesn’t mean at all that we are going to sell more arms to China.”<sup>7</sup>

In fact, however, it is precisely the kinds of systems integration, command and control, communications, intelligence, surveillance, and reconnaissance technologies that the Europeans have on offer that the People’s Liberation Army needs. In the event the arms embargo is lifted, the United States will have no choice but to assume that technology transfers to Europe could end up in Chinese hands and suspend a great deal of its transatlantic defense-industrial cooperation. This should especially concern the British government, which has invested more than \$2 billion in the \$200-billion-plus Joint Strike Fighter program.

Despite these risks, it appeared all but inevitable a few weeks ago that the EU would drop its embargo. But in the aftermath of the passage of the anti-secession law, this is no longer the case. A spokeswoman for Javier Solana, the chief European diplomat, has acknowledged that Beijing’s recent behavior “makes the process more complex,” while British foreign secretary Jack Straw told the BBC that the law “created quite a difficult political environment.”<sup>8</sup> Credit the Europeans: for all their talk of fostering a multipolar world, they still prefer Kant to Metternich, and the notion of selling arms

to a dictatorship that has just formalized its threat to attack a democracy may be too brazen even for Paris to attempt.

Also give credit to the Bush administration and especially Congress, which held the line against lifting the embargo. Secretary of State Condoleezza Rice spoke bluntly on this issue during her recent trip to Asia, warning that Brussels “should do nothing to contribute to a circumstance in which Chinese military modernization draws on European technology” and pointedly reminding audiences that “it is American forces here in the Pacific that have played the role of security guarantor.”<sup>9</sup> Likewise, a top European envoy, Annalisa Giannela, who was dispatched to Washington to win support for the EU’s position, was reportedly “pummeled” on Capitol Hill, including by members of congress considered strong supporters of the transatlantic relationship. “The alarm bells tipped off Brussels that this wasn’t going to work,” explained a senior State Department official.<sup>10</sup>

The British government is now leading the charge for a delay on lifting the embargo. Because London is set to take the reigns of the EU presidency in July, and Tony Blair’s government would like the dirty business of the embargo handled on someone else’s watch, the currents of intra-European politics are likely to carry the issue at least to 2006. In the interim, the Bush administration should begin pushing hard for a new EU-U.S. strategic dialogue specifically devoted to coordinating transatlantic policy on China, including the strengthening of the EU’s promised code of conduct. Doing so would, for a change, play Europeans’ preference for interminable process to America’s advantage. It is also useful to remember that the United States has allies in Europe on this issue. The European Parliament has, for instance, passed no less than three resolutions in the past four months opposing the lifting of the arms embargo.

Even if the anti-secession law and American pressure are not in the end enough to stop the EU from lifting the embargo, there is also a longer-term strategic dimension to consider in this maneuvering. Given the risk that the United States might find itself in a confrontation with China over Taiwan several years from now, Washington would do well to invest considerably greater attention to the role third-party actors such as the EU might play in that conflict. EU diplomacy could significantly complicate or even constrain the United States in its prosecution of a war with Beijing—if not directly, then in its ripple effects on crucial allies in the Asia-Pacific region.

Rising powers have a history of relying on such tactics in their confrontations with established powers; Japan, for example, determined to bring the United States in to negotiate an end to its 1904–05 war with the Russian Empire long before its surprise attack on Port Arthur. Jumpstarting a transatlantic dialogue with the Europeans on China will help foreclose this option for Beijing down the line—an investment well worth making.

## Winning Allies

The challenge posed by the European arms embargo has illustrated a broader point about the nature of U.S.-Chinese competition—namely, that it is anything but bilateral. American defense planners must look beyond narrow hypotheticals involving a force-on-force confrontation over Taiwan and instead begin thinking in broader strategic terms, beginning with the need for closer defense coordination and cooperation with our natural allies in Asia.

As luck would have it, this is precisely what our partners in the region are already pushing for. The Japanese, in particular, are undergoing a strategic renaissance, to the point of moving in front of the Bush administration in staking out hardheaded positions on China. Militarily, Tokyo has a lot to offer—not least its location. Airfields and other facilities in Japan are absolutely essential to the conduct of any significant U.S. military operations in the region. Without access to these facilities, a defense of Taiwan would be close to impossible. Further, the Japanese military is a very capable force, especially the navy and air force, with a growing degree of interoperability with their American counterparts. The Japanese have also been taking steps to improve upon their own capabilities, including in controversial areas such as missile defense.

If the Australians are not yet quite as forward-leaning as the Japanese on Taiwan, they are equally devoted to their alliance with the United States and to an ambitious defense agenda. Indeed, under the leadership of Prime Minister John Howard, Canberra's security strategy has shifted since the September 11 attacks away from continental defense toward power projection in partnership with Washington. And in February 2004, Prime Minister Howard's government literally doubled its defense budget for the next decade—powerful proof of how serious Australia is about matching its military means to its strategic ends. The Bush administration could still do a good deal more, however, to reward

Australia for its choices—in particular, with improved information sharing and a more robust program of defense-industrial cooperation.

India is another democracy the Bush administration must begin to woo more skillfully—if only because it is the only other country besides the United States whose national security is directly threatened both by Islamic radicalism and the great power rise of China. Unfortunately, much of the Indian security policy establishment is also animated by a deep aversion to entangling alliances and a sense of national exceptionalism—attitudes that Americans should be familiar with, from our own strategic culture.

More than simply deepening these bilateral relationships—the traditional centerpiece of U.S. security strategy in Asia—the Bush administration should adopt a more multilateral approach. There has been a proliferation of multilateral organizations in the region over the past decade, which Beijing has been adept at manipulating to increase its influence and marginalize the United States. It is past time for Washington to begin playing this game as well.

## Democracy First

Beyond its immediate impact on U.S. policies, the passage of China's anti-secession law should remind Americans about fundamental truths that should guide our strategic behavior in the western Pacific. The gulf between the choreographed lockstep of the mainland's Communist Party "parliament" and Taiwan's vibrant, multiparty democratic politics, with its boisterous debates and horse-trading, could not be greater—a powerful rejoinder to those who suggest that democracy is alien or incompatible with Confucian civilization. As in the Koreas today or East and West Germany twenty years ago, the schism between Taiwan and the PRC is a fascinating example of how a single culture, cleaved in two by geopolitics and governed by different ideologies, can quickly evolve into two sides politically unrecognizable to each other; it is the best imaginable proof against cultural determinism.

President Bush, of course, has spent a great deal of time as of late at the bully pulpit railing against cultural determinism, specifically the notion that the inhabitants of the greater Middle East are incapable of democracy. In doing so, he has been driven in no small measure by the recognition that the political repression of Muslims by authoritarian governments has helped

create a climate in which radical ideologies are able to flourish. Unfortunately, this central insight of the Bush Doctrine—that the internal character of regimes is ultimately inseparable from their influence in international affairs—has thus far failed to touch deeply upon East Asia policy. The discussion of China in the 2002 *National Security Strategy* left a lot of room for doubt about how hard the United States should push for change in Beijing, and even the president's famous 2003 speech at the National Endowment for Democracy allowed only that "eventually" the Chinese people would "want their liberty pure and whole."<sup>11</sup>

To her credit, Secretary Rice spoke eloquently and consistently during her trip across Asia about how the Bush administration's forward strategy of freedom will help guide U.S. policy in the western Pacific. But unfortunately, back in Washington, the State Department announced on the eve of her arrival in Beijing that the United States would not seek a resolution condemning China at this year's meeting of the UN Human Rights Commission, citing "progress" in its human rights record.<sup>12</sup>

Admittedly, there is a sound and obvious rationale why the Bush administration might wish to condemn tyranny in North Korea more strenuously than in the PRC. But the "China exception" to the Bush Doctrine is sustained by forces more insidious than rhetorical pragmatism. Rather, there is a belief, still axiomatic throughout much of the foreign policy establishment, that Beijing—for all its internal repression, human rights abuses, and dictatorial rule—is a committed "status quo" power, eager to integrate peaceably into the U.S.-led international system. For every Arabist who insists Middle Eastern regimes should not be challenged on their human rights abuses or political tyrannies, there are a dozen Sinologists ready to make an analogous argument about Beijing.

The anti-secession law—coupled with China's double-digit defense spending—should at the very least make Washington policymakers begin to think twice about the wisdom of this argument. The People's Republic of China is the ultimate test of the Bush Doctrine

and the basic American ideals of universal, natural political rights. Indeed, the anti-secession law may ultimately prove to be less important in what it reveals about Beijing's strategic calculus than in what the U.S. response to it reveals about our own.

## Notes

1. *Anti-Secession Law*, Tenth National People's Congress, 3d sess. (March 14, 2005), available at [http://english.people.com.cn/200503/14/eng20050314\\_176746.html](http://english.people.com.cn/200503/14/eng20050314_176746.html).
2. Philip P. Pan, "China Puts Threat to Taiwan into Law," *Washington Post*, March 14, 2005.
3. "Taiwan's Cabinet Backs Smaller Budget for Arms Purchases," *Wall Street Journal*, March 17, 2005.
4. John Leicester, "Lawmakers Boycott as China's President Addresses French Parliament," Associated Press, January 27, 2004; and Christopher Bodeen, "Chirac's China Visit Nets \$5B in Business," Associated Press, October 11, 2004.
5. "Decision to Sell Weapons Stirs Dissent in Germany," Agence France Presse, December 2, 2003.
6. Craig S. Smith, "In U.S. Visit, French Envoy Seeks Support on Arms Issue," *New York Times*, March 9, 2005.
7. Ibid.
8. John Daniszewski and Tyler Marshall, "EU Wavers on Plan to Lift Arms Embargo on China," *Los Angeles Times*, March 23, 2005; and Guy Dinmore and James Harding, "EU Support Ebbs for Ending China Arms Ban," *Financial Times*, March 23, 2005.
9. "Lifting EU Arms Embargo Against China Sends Wrong Signal, Not Wise: Rice," Agence France Presse, March 21, 2005.
10. Steven R. Weisman, "EU Said to Keep Embargo on Arms to China," *New York Times*, March 22, 2005.
11. George W. Bush, *The National Security Strategy of the United States* (The White House: Washington, D.C., 2002), 27; and George W. Bush, "Remarks by the President at the 20th Anniversary of the National Endowment for Democracy," Office of the Press Secretary (The White House: Washington, D.C., November 6, 2003).
12. Philip P. Pan, "China Releases Prominent Dissident," *Washington Post*, March 18, 2005.