

Examination of Cross-strait Agreements That Weaken Taiwan's Sovereignty, Circumvent Reality, and Build on Illusions

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Vice chairmen of the Straits Exchange Foundation (SEF) and the Association for Relations Across the Taiwan Strait (ARATS) met in Taipei on June 8 to review the implementation of cross-strait agreements for the first time. Media reports pointed out that participants in this review meeting only discussed the state of implementation of these agreements instead of any individual case. The meeting focused on examining the five agreements concerning Chinese tourism in Taiwan, cross-strait flights, food safety, mutual legal assistance and joint crime-fighting, and agricultural product inspections. The Ma government has so far signed fifteen agreements and one consensus with China. Among these pacts, the Economic Cooperation Framework Agreement (ECFA) has been handled by the Cross-strait Economic Cooperation Committee and the agreement concerning independent Chinese tourists by the Taiwan Strait Tourism Association and the Cross-strait Tourism Exchange Association. Therefore, eight agreements had not been covered in this review meeting.

Taiwan's sovereignty has been weakened during this era of the institutionalization of cross-strait negotiations

The SEF and the ARATS are the main bodies that signed the fifteen agreements and the one consensus, including the ECFA, which the Ma administration has vigorously promoted. One of the Ma government's arguments for the legitimacy of the ECFA is that the pact is a free trade agreement (FTA) regulated under the framework of the World Trade Organization (WTO). However, an evaluation of the agreement

either from the perspective of the languages used in legally binding documents (the ECFA has no English version, only traditional Chinese and simplified Chinese versions) or from the perspective of the signing bodies (the ECFA was inked by the SEF and the ARATS rather than by government officials or representatives and the signatures on the agreement bear no language that signifies government authorization) reveals that the pact does not in conformity with WTO regulations. According to China's argument, the ECFA is an economic agreement that fits into the special cross-strait situation. Since the ways the other agreements were signed were similar to that of the ECFA, the "non-WTO," "non-international" mode through which the ECFA had been achieved had also been applied to the signing of the other fourteen agreements. Taiwan's signing of these agreements has not only created an impression in the international community that Taiwan accepts the restrictions China imposed on Taiwan's status, but has also strengthened China's policy to "internationalize the one-China principle."

The review meeting shuns difficult issues, circumvents reality, and builds on illusions

China has displayed a lack of interest in holding a review meeting on cross-strait agreements. The Ma government may have requested to convene this meeting to examine the five agreements. However, an observation of how the meeting handled issues and those agreements shows that it particularly circumvents reality, builds on illusions, and shuns difficult issues.

For example, why didn't the meeting examine the agreement on marine transportation? The way

this agreement tackles flag-of-convenience ships has been strongly questioned. Chinese ships have entered into Taiwanese ports without permission, and Chinese fishing boats crossing the border to fish have refused inspection and even attacked Taiwanese coast guards. These incidents are important issues, so why didn't the meeting list the agreement on marine transportation as one to be reviewed?

Among the pacts reviewed, the agreement on cross-strait flights placed considerable restrictions on Taiwan's cargo transportation services, which will have a severe impact on Taiwan's international competitiveness regarding cargo transport. But the review meeting had focused on the increase in passenger flights and destinations and had not touched upon cargo issues.

Moreover, this review meeting did not cover individual cases, yet the outcomes of an agreement are often demonstrated only through the ways individual cases are dealt with. Some individual cases are strong indicators, too. For example, with regards to the agreement on food safety, the compensation issue concerning melamine poisoning remains unsolved today. On the other hand, the repatriation of economic criminals has not been effectively implemented. What's worse, the Philippines decided on its own to deport Taiwanese criminals to China. The SEF has negotiated with China and requested it to send the deportees back to Taiwan. Six months have passed, but China has given no response. This review meeting had not dealt with any of the abovementioned issues.

Taiwan's tourism agencies have complained about Chinese tourist groups' defaulting on travel payments. If this review meeting had not dealt with this problem, it would have further proved that the mentality of this review meeting was to "handle

trifles and ignore big issues" as well as "seeking to do what's easy and avoiding what's hard." This has caused the public to strongly question whether the Ma government, for the sake of boosting Ma's chances in next year's presidential election, was attempting to stage a joint political show with China through the meeting, featuring how some "economic benefits have graciously blessed the Taiwanese people." The meeting dared not cope with the people's real concerns but only hoped to create in its agreeable ambience an impression that "the future prospect is wonderful and disputes are being actively solved." It has avoided all issues that may have caused a stalemate during discussions. Is this kind of meeting an undertaking that "is Taiwan-centered and benefits the people?"

The instrumentality of the so-called "1992 Consensus" has reached its limits

After Wang Yi, head of China's Taiwan Affairs Office, defined the contents of cross-strait negotiations as "tackling easy matters first and difficult matters later, dealing with economic affairs first and political affairs later," the progress of cross-strait economic negotiations has been limited recently, revealing that political matters have gradually become issues that the both sides have to deal with in their negotiations. The Ma government and China both affirmed the existence of the so-called "1992 Consensus." However, even if we do not look at both sides' highly divergent views of the "1992 Consensus," it still has to be recognized that the instrumentality of this consensus has reached its limits and can no longer carry future negotiations forward.

In the face of this development, the Ma government has further agreed that Taiwan is part of China, bringing the government's position back

to that during the time of President Chiang Kai-shek and President Chiang Ching-kuo, which is to “compete for the representation of China [in the United Nations] with the People’s Republic of China (PRC).” However, the Ma administration does not have the Chiangs’ uncompromising policies toward the PRC and thus has led the international community to believe that the political negotiations considered by the Taiwanese government must be with intent to unification. The international community’s impression that Taiwan is bound to be the losing side in these negotiations has been very disadvantageous to Taiwan’s development.

In tackling economic issues in future cross-strait negotiations, Taiwan should seek to be in line with the direction taken by the international community to request China to produce transparent economic policies and systems rather than joining China to make one after another pie in the sky that will never come true. The institutionalized cross-strait economic negotiations should also deal with the increased economic exchanges between both sides instead of just viewing structural economic issues and regulations as the total contents of the negotiations. What’s more, Taiwan should neither seek to establish certain political principles with China nor blur its own defense of sovereignty as a premise of cross-strait negotiations. The fundamental problem of that kind of policy has now been highlighted in Taiwan’s present dilemma brought by the “1992 Consensus.” **BT**