

## Sovereignty, Human Rights and China's National Interest: A Non-Zero Sum Game

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Zhuquan (sovereignty) or Renquan (human rights)? That seems to be the question Chinese President Hu Jintao encountered in his state visit to the United States in January 2011. In terms of at least one of China's claimed core national interests—Taiwan—the issue would be better framed as sovereignty *and* human rights. Like the unresolved issue of sovereignty over Taiwan (and other sovereignty issues, including Tibet), human rights in the mainland is, in China's view, part of its "core interests." Beijing considers any statements or actions on these issues that are contrary to its position to be violations of China's sovereignty. This reflects a zero-sum conception of China's national interests that ill serves China's agenda in cross-strait relations, and more generally.

Mere weeks before the Washington summit, China was put in an unfavorable international spotlight on the issue of human rights when jailed dissident Liu Xiaobo was absent from the ceremony to award him the Nobel Peace Prize. Liu's empty chair symbolized the lack of human rights and the continuation of tight political control in China despite the enormous progress made in economic development during the last thirty years.

The fact that U.S. President Barack Obama, himself the Nobel Peace Prize Laureate of 2010, was to receive the foreign leader who was responsible for Liu's arrest and subsequent imprisonment was ironic and sharpened the focus on China's human rights conditions. Observers of U.S.-China relations wondered whether Obama would raise the question with Hu and personally call for Liu's release. Obama's earlier reception of the Dalai Lama was another underlying source of tension between the two countries over human rights. More broadly, China's lack of freedom of speech, freedom of the press, freedom of assembly and freedom of religion have all been a target of American condemnation and, in turn, bilateral friction over the years.

Hu's state visit also showed China's unwavering stance on the issue of sovereignty that has been a perennial point of disagreement and source of tension in bilateral relations. In the Joint Statement issued by Obama and Hu at the Washington summit, China declared that the "Taiwan issue concerns China's sovereignty and territorial integrity" and that China expected the United States to adhere to the bedrock foundations of Sino-American relations in the past three decades: the One China policy and the Three Joint Communiqués. The United States, not wanting to imply that it completely accepted China's position, indicated that it "supports the peaceful development of relations across the Taiwan Strait and looks forward to efforts by both sides to increase dialogues and interactions in economic, political, and other fields, and to develop more positive and stable cross-Strait

relations.”<sup>1</sup> The item missing from the usual list of U.S. positions on the issue was Washington’s commitment to the Taiwan Relations Act, which Obama reiterated at the two presidents’ joint press conference.<sup>2</sup>

As the Obama-Hu summit also reconfirmed, China sees human rights through much the same lens of “sovereignty” that it views the question of Taiwan. In the Joint Statement, we find both Washington and Beijing expressing their shared commitment to the “protection and promotion of human rights” despite their acknowledged differences on the issue. China insisted, however, on the central importance of sovereignty: “there should be no interference in any country’s internal affairs” and both nations have the right to “choose their own paths” on human rights.<sup>3</sup>

China, thus, views outside efforts to promote and protect human rights in China as a Western scheme to destabilize China and thwart its peaceful rise and thus to weaken or infringe China’s sovereignty. This view is misguided. Promotion of human rights in China is actually positive for the most sensitive aspect of sovereignty for China, the prospect of unification across the Taiwan Strait. In other words, *zhuquan* and *renquan*—sovereignty and human rights—are potentially part of a positive sum game for what Beijing identifies as its core national interests.

Understanding this non-zero-sum game also helps explain a seeming paradox in the impact of Beijing’s cross-strait policy under Hu and since Ma Ying-jeou became president in Taiwan. Why have China’s policy changes and the improvements in cross-strait relations done so little for Beijing’s agenda on sovereignty over Taiwan?

China’s rise in the last three decades and its insistence on peaceful development have promoted the country’s move toward becoming a responsible stakeholder in the international community and even a superpower. Although Beijing has not relinquished its claimed right to use force to unify Taiwan, its current stance basically rules out such an option if Taiwan does not move from *de facto* to *de jure* independence. Based on the *heping tongyi, yiguo liangzhi* (“peaceful unification and one country, two systems”) formula, introduced in early 1980s, China accepts that the best scenario for China is to have Taiwan unify with the motherland via peaceful means.

Beijing can adopt this approach because it knows Taiwan’s options for its relations with China are quite limited. If Taiwan chose to declare independence, it not only would risk a military attack from across the Taiwan Strait. It also would not receive essential international support, especially from the United States. It is clear that Washington would consider such a move a unilateral change of status quo and would not condone it.

If Taiwan chose the lesser option of brinksmanship—taking provocative actions to antagonize China without officially proclaiming an independent Republic of Taiwan, the U.S. and the international community would consider Taiwan a trouble maker. Taiwan would risk international isolation diplomatically, polarization politically, reinforcement of cleavages socially and loss of foreign market access and investment opportunity economically.

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<sup>1</sup> See U.S.-China Joint Statement, January 19, 2011 at <http://www.whitehouse.gov/the-press-office/2011/01/19/us-china-joint-statement>.

<sup>2</sup> See Press Conference with President Obama and President Hu of the People's Republic of China, January 19, 2011 at <http://www.whitehouse.gov/the-press-office/2011/01/19/press-conference-president-obama-and-president-hu-peoples-republic-china>.

<sup>3</sup> See Joint Statement, *ibid*.

Taiwan has foregone these options in favor of the more conciliatory approach towards China that President Ma has been pursuing since he came to power in 2008. This has prevented further diplomatic setbacks for Taiwan and allowed greater economic integration across the strait, but it has failed to eliminate political polarization and reduce social cleavages in Taiwan. This approach, despite its limitations, seems to be the most sensible option by far and has the potential to produce a win-win-win scenario for Taipei, Beijing and Washington.

The trend in the first two and half years of the Ma administration has been positive. Talks between Strait Exchange Foundation (SEF) of Taiwan and the mainland's Association for Relations across the Taiwan Straits (ARATS) in 2008 resumed after a more-than-a-decade-hiatus in formal negotiations. The two sides signed fifteen agreements, including the Economic Cooperation Framework Agreement (ECFA), which was specifically identified and "applauded" by the United States in the Joint Statement at the Obama-Hu Washington summit. ECFA is, and should be, considered a giant leap forward for cross-strait relations, especially from Beijing's perspective. ECFA and other developments affirm that Taiwan is no longer seeking independence and is not engaging in brinkmanship.

For its part, Beijing has acquiesced in the policy of "three nos" (butong, budu, buwu or "no unification, no independence, no war") that Ma set forth in his inaugural address in May 2008. When Ma's then-newly-installed Kuomintang-led government announced its desire to establish direct air links across Taiwan Strait, Beijing allowed ARATS and SEF to resume talks and negotiate for the links to be opened on Taipei's announced schedule.

When Ma unilaterally declared a "diplomatic truce" (under which Beijing and Taipei would not compete for diplomatic ties with other states) in support of greater international space for Taiwan, the Beijing government turned down attempts by several Latin American countries (including Paraguay, Nicaragua, Panama and Guatemala) to switch diplomatic recognition from Taipei to Beijing. Beijing also showed diplomatic flexibility in accepting former Vice President of the Republic of China Lien Chan's participation in an Asia Pacific Economic Cooperation (APEC) summit. In addition, Beijing did not stand in the way when Taiwan (under the name Chinese Taipei) sought and received observer status in the World Health Assembly (WHA) meetings.

Most important of all, with the signing of ECFA, China has granted more tariff free entry for Taiwan exports that Taiwan has granted to mainland exports—an arrangement designed to protect Taiwan's farmers. This policy of rangli (yielding benefits), announced by Chinese Premier Wen Jiabao, became a prevalent theme throughout the negotiation. The term may also be used to describe the spirit of rapprochement between the Chinese Communist Party and Ma's Kuomintang and between the mainland and Taiwan since Ma took office.

Indeed, the Republic of China has maintained the same number of diplomatic allies (twenty-three) since March 2008, arresting what could have been an acceleration of a long-term decline absent the diplomatic truce. The upgrading of Taiwan's APEC special envoy and the acquisition of an observer role in the WHA would not have been possible during the rule of former President Chen Shui-bian from the pro-independence Democratic Progressive Party (DPP). Taiwan's quick rebound from the financial crisis of 2008-2010 might not have been possible without the deepening of integration with the strong and rising mainland economy—something that the general improvement in cross-strait relations facilitated.

Yet, after more than 30 months of improved ties and a more relaxed atmosphere across the strait, including more than 300 direct flights weekly, over one million Chinese tourists visiting Taiwan and the continuation of long-building increases in trade and investment, the percentage of people in Taiwan who consider themselves Chinese and Chinese/Taiwanese has declined from over 15 percent to less than 10 percent since Ma took power.<sup>4</sup> The support for “national unification” is also stagnating, with total preference for immediate unification and status quo now, unification later hovering around 10 percent.<sup>5</sup>

Why, with all the apparent progress in cross-strait rapprochement, is there no change in Taiwan’s identity and preference for unification? The question is surely puzzling for leaders in Beijing who see themselves as having accommodated most of Taiwan’s demands and requests for two and a half years. The answer is easy and has to do with human rights and the mainland’s troubled assessment of the relationship between human rights and sovereignty.

Beijing’s approach to human rights undermines its agenda on sovereignty over Taiwan. The different political systems on the two sides of the strait and the absence of basic values of human rights and democracy on the mainland are key factors that have dissuaded Taiwanese people from considering political integration in the future to be acceptable, even though they do not object to economic integration.

Beijing’s reaction has not been helpful to its own aims. The weak support for unification in Taiwan has made Chinese leaders even more suspicious of Taiwan’s true intention in pursuing the relaxation of relations across the strait, which some on the mainland see as merely an effort to buy time to stall the unification process. Thus, even with improvement of cross-strait ties, Beijing has continued to follow its old practice of protesting vehemently every one of Taipei’s weapons procurements from the United States., in the most recent case suspending military to military exchanges with the United States and other aspects of bilateral strategic dialogue. Such Chinese reactions are not well-received in Taiwan. The DPP-led Pan Green worries that, lacking the ability to fight, Taiwan will face forced incorporation into China. The KMT-led Pan Blue sees arms procurement as necessary for maintaining confidence among the Taiwan populace to continue cross-strait dialogue without fear that it will accelerate into a coerced settlement of sovereignty issues. Beijing’s harsh line on arms sales suggests Beijing may not fully recognize that, even though mainland/Chinese identity is still very low and support for unification remains unenthusiastic in Taiwan, it is likely in Beijing’s interests to see Ma’s government remain in power. A Pan Blue government is at least willing to provide China an opportunity to win back the island while a Pan Green government would not. Beijing’s seemingly still-lacking understanding of Taiwan’s political dynamics and social fabric increase the risk that Beijing’s stance on arms sales and other cross-strait-related issues can start what are, from Beijing’s perspective, vicious cycles in Taiwan’s domestic politics.

What, then, should the mainland authorities do? They should more fully recognize the universality of human rights and take steps toward adopting a more human rights-protecting and democratic

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<sup>4</sup> Minzhong dui zhiwo rentong de kanfa (View of People on Self-Identity), in Niandu zonghe fenxi baogao (Annual Analysis of Composite Report), see years 2008 and 2009, at <http://www.mac.gov.tw/public/Attachment/973944270.pdf> and <http://www.mac.gov.tw/public/Attachment/012517312648.pdf>

<sup>5</sup> Zhonghua minguo Taiwan diqu minzhong dui liang’an guanxi de kanfa (View of People in Taiwan Area, the Republic of China, on Cross-Strait Relations), at <http://www.mac.gov.tw/public/Attachment/11718424319.pdf>

system on the mainland. Beijing should recognize that protection and promotion of human rights in the mainland would help improve China's standing among the Taiwanese people and thus advance Beijing's goal of national unification. Even if China became as prosperous as Taiwan and evolved into a democratic system that respects basic human rights, this still would not guarantee the necessary increase of support for unification in Taiwan. But if Beijing continues to insist on maintaining authoritarian rule and claiming the legitimacy of its different human rights standards, the likelihood of peaceful unification (and protection of what Beijing considers its core interest in sovereignty) is unlikely to increase.

The Chinese leadership needs to recognize that criticism from the United States, other Western nations, Taiwan and elsewhere is not the assault on Chinese sovereignty that such sources' recognition or assertion of Taiwan's status as a separate state or their unqualified rejection of China's claim to sovereignty over the island would be. The Washington summit showed both the potential of, and the persisting limits to, such an approach from Beijing. Hu Jintao, in responding to a question at the two presidents' joint press conference, proclaimed that China "recognizes and also respects the "universality of human rights" and indicated that China will continue its "efforts to promote democracy and the rule of law" in China. But Hu also maintained there is a "need to take into account the different and national circumstances when it comes to the universal value of human rights."<sup>6</sup> While this acknowledgement of the universality of human rights, democracy and the rule of law is still to be applauded, its seriousness is open to doubt (as a reporter's follow-up question at the press conference illustrated) and the qualifying language that Hu added gives reason for skepticism. It is still regrettably far from clear that China's leaders understand that it is in China's national interest to do more to embrace the human rights values urged by Western critics and that doing so also serves China's identified core national interest in peaceful unification with Taiwan. Hu and his successors should understand that pursuing *zhuquan* (sovereignty) in human rights and in territorial integrity and promoting *renquan* (human rights) need not be a non-zero sum game after all.

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<sup>6</sup> See Press Conference with President Obama and President Hu of the People's Republic of China, January 19, 2011 at <http://www.whitehouse.gov/the-press-office/2011/01/19/press-conference-president-obama-and-president-hu-peoples-republic-china>.