

## Exposing the “One China” Principle<sup>+</sup>

Chien-yuan Tseng\*

*Chung Hua University, Taiwan, ROC*

### Abstract

In 1992, when the governments from both sides across the Taiwan Strait began having contacts, both of them, at the People’s Republic of China (PRC)’s request, expressed verbally, and in relation to functional issues, that they advocated the “one China” principle, though what “one China” actually meant was open to different interpretations, and the shift that elevated the 1992 “one China” interpretations from the functional level to the political level did not occur until April 2005. Since President Tsai Ing-wen was sworn in and the Democratic Progressive Party (DPP) became the ruling party of the Republic of China (ROC) on Taiwan in early 2016, the PRC has used Tsai’s rejection of this so-called “1992 consensus” as a pretext to discontinue all intergovernmental communication channels with the ROC on Taiwan, while also cutting down on cross-strait civil exchanges in travel and education. This thinkpiece article aims to scrutinise this “one China” principle, how it has developed over the years, and expose its underlying realities.

**Keywords:** *“one China” principle, “1992 consensus”, Taiwan, China, ROC, PRC*

Although nothing earth-shaking has happened in relations across the Taiwan Strait since President Tsai Ing-wen 蔡英文 was sworn in and the Democratic Progressive Party (民主進步黨 / 民進黨, DPP) became the ruling party of the Republic of China (中華民國, ROC) on Taiwan 臺灣, there has indeed been a tectonic shift. In order to teach Taiwanese a lesson for the choices they made in the presidential and legislative elections earlier this year, the People's Republic of China (中華人民共和國, PRC) has used Tsai's rejection of the so-called "1992 consensus" (九二共識) as a pretext to discontinue all intergovernmental communication channels with the ROC on Taiwan, while also cutting down on cross-strait civil exchanges in travel and education.

As for exchanges at the local level, they are probably only continuing for the few cities and counties still governed by the Chinese Nationalist Party / Kuomintang (中國國民黨, KMT). There is a cold wind blowing from China, and it keeps pushing Taiwanese people's sentiments further out into the Pacific Ocean.

The PRC felt that Tsai failed to address its idea of the "1992 consensus", namely that both sides of the Taiwan Strait belong to "one China", in her inaugural address and it therefore found her speech unacceptable.

Believing that the political foundation of cross-strait relations – the "1992 consensus" and "one China" – has been demolished, the PRC announced that it is no longer necessary to respect the cross-strait "status quo" and all related deals and arrangements can be overturned.

In 1992, when the governments from both sides began having contacts, both of them, at China's request, expressed verbally, and in relation to functional issues, that they advocated the "one China" principle, though what "one China" actually meant was open to different interpretations. Taiwan maintained that it had the right to interpret what

“one China” meant in its own way, while China refused to elaborate on what “one China” meant in meetings dealing with functional matters.

Although the two sides had different conditions in their interpretations of what “one China” meant, they both also recognized and respected the differences between them. Experience since then shows that seeking common ground and agreeing to differ has been the rule of thumb for maintaining peaceful development in cross-strait relations.

However, what is worth noting is that both sides’ statements in 1992 about conducting cross-strait relations on the basis of “one China” were made at the level of functional matters, as at that time political dialogue and negotiations were not yet part of the cross-strait political agenda.

The shift that elevated the 1992 “one China” interpretations from the functional level to the political level did not occur until April 2005, with the publication of a media release of a meeting between then-general secretary of the Chinese Communist Party (中國共產黨, CCP) Hu Jintao 胡錦濤 and then-chairman of the KMT Lien Chan 連戰 in which they announced their “vision for cross-strait peace”.

In their joint statement, the KMT and CCP declared their adherence to the “1992 consensus”, further calling for it to be taken as the political foundation for resuming cross-strait negotiations on an equal footing and going on to negotiate for the signing of a peace accord, as well as for conducting economic exchanges.

Replacing the unilateral statements about “one China” made by both sides in 1992 with the so-called “1992 consensus” was the brilliant idea of former Mainland Affairs Council (大陸委員會, MAC) chairman Su Chi 蘇起, whose purpose was to use a fictional consensus with ambiguous contents to replace the term “one China”, thereby circumventing the central point of disagreement between the two sides.

The “1992 consensus” was invented with good intentions, but it is very naive to think that it could be used to resolve the “one China” controversy with the PRC.

After former president Ma Ying-jeou 馬英九 came into office in May 2008, he ordered the Straits Exchange Foundation (海峽交流基金會 / 海基會) to send a letter to the PRC’s Association for Relations Across the Taiwan Strait (海峽兩岸關係協會 / 海協會), saying that he was willing to take the “1992 consensus” as the political foundation for the two sides of the Taiwan Strait to resume talks on an equal footing.

His letter was well received, and as a result the “vision for cross-strait peace” was elevated to become the KMT government’s blueprint for its cross-strait policies.

However, if there really was a “1992 consensus”, it gives rise to a problem. In 1992 the two sides held their meeting in Hong Kong only to address the political preconditions for holding talks at the level of functional matters, so the PRC’s unilateral view that the consensus implied that there was only “one China” could be set aside.

However, when the two sides move on to talks involving political dialogue and negotiations, the political implications of “one China” can no longer be left out of the discussion.

The question then is, have the governments on the two sides or the KMT and the CCP reached any consensus since 1992 about what “one China” means? Has the ROC ever given up its right to have its own interpretation? Has the PRC ever recognized the ROC or changed its political interpretation of what “one China” means? If not, how can the historical reality of the meeting held in Hong Kong in 1992 and the so-called “1992 consensus” be applied, and their implications extended, all the way to the level of political discourses and negotiations?

This is especially true of matters that involve sovereignty issues, including economic cooperation, communication mechanisms and all the other aspects of cross-strait governance, up to and including negotiations for a peace treaty.

It is not an overstatement to say the CCP has changed the essence of the so-called “1992 consensus”, but the KMT acquiesced to what the CCP wanted, repeatedly undermining the nation’s status. In so doing, the KMT drew the disdain of the Taiwanese public and was eventually voted out of office.

The DPP has never accepted the imaginary “1992 consensus”, just as the PRC has never accepted that the “1992 consensus” equals “one China” with each side having its own interpretation.

However, despite doggedly rejecting the “1992 consensus”, the DPP does not oppose the idea of “one China, with each side having its own interpretation” (一個中國，各自表述 / 一中各表).

When the PRC and the KMT are observing the DPP, they cannot ignore this fact and define the DPP with a simplistic “Taiwanese independence” label. The DPP has never denied that the PRC and the ROC exist side by side. As to whether this coexistence should be defined as “two Chinas”, “one Taiwan and one China”, “one country, two systems”, “one country, two governments” or “special state-to-state relations”, that is a question of legal definition and nomenclature.

The DPP’s position regarding Taiwan’s constitutional order is very clear. According to the Constitution of the ROC, the national title of this country is the Republic of China.

However, the Constitution was originally designed for the governance of the Chinese mainland. Because of the divided rule of the two sides of the Taiwan Strait, a general characteristic of divided countries arose, namely consistency between the rival constitutions

regarding national territory, but inconsistency as to the actual jurisdiction of the two sides' constitutions.

Based on the principle of popular democracy, the DPP advocates clearly defining the extent of the constitution's jurisdiction, so as to clearly establish the extent of territory over which the state wields governing power. It further advocates reorganizing the ROC's system of constitutional government to meet the needs of Taiwan's governance. Is that not what a constitutionally governed state is supposed to do?

More importantly, based on Taiwanese people's right to take part in international affairs, the DPP wants to uphold the ROC's status in international law and protect its dignity. Is this not precisely the duty of the president and government of a sovereign state?

The PRC is opposed to "one China, with each side having its own interpretation" and insists that "the two sides of the Taiwan Strait both belong to one China", and it uses the "1992 consensus" to lure Taiwan into its trap. In so doing, the PRC is using its advantage in conventional international law of representing the one and only China. If the time comes when the ROC accepts the "one China" principle without any reservations, the PRC will obtain the absolute right to represent China, eradicating the remaining vestiges of the ROC's international status.

How can the president of the ROC be expected to give up so much and sell out Taiwanese sovereignty over something as vague as the "1992 consensus"?

The point on which Tsai is more progressive than Ma is that she responds to Taiwanese's profound expectations by wanting to clarify the implications of "one China" and clearly state Taiwan's standpoints. She rejects the vague "1992 consensus" and wants to reveal the historical truth about the 1992 talks in Hong Kong.

In her inaugural speech she told China in no uncertain terms that the ROC is a sovereign and independent nation. She says that the

Constitution of the ROC and its Additional Articles ( 增修條文 ) and the terms of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area ( 台灣地區與大陸地區人民關係條例 ), which was drawn up and enacted in accordance with the Constitution, represent the ROC’s standpoints on the definition of cross-strait relations.

As a DPP president of the ROC, she has made it clear that she does not intend to start amending these constitutional laws, write a Taiwanese constitution or change the nation’s official title.

She wants to maintain the “status quo,” which means upholding all existing cross-strait agreements, and she will not challenge the PRC’s status of representing China in the international legal order centered on the United Nations.

Tsai has described Taiwan’s standpoints very precisely and she has clearly expressed what Taiwanese want to say. No matter how China defines Taiwan, with respect to cross-strait relations, the PRC must pay attention to the ROC, even if the ROC’s international status is a shadow of its former self. If it does not, China’s insistence on avoiding the issue of the ROC will make it hard to plan out and implement further developments in cross-strait relations.

The “1992 consensus”, the “one China” principle and the claim that “both sides of the Taiwan Strait belong to one China” are all sugarcoated pills. As far as the PRC is concerned, the political meaning of “one China” does not include the existence of the ROC, but this attitude is not based in reality.

In stating the legal and factual aspects of cross-strait relations, Tsai has exposed China’s intrigue.

Embarrassed and angry at the same time, China has responded by overturning all aspects of the cross-strait “status quo” and, having done so, is shrugging off its own responsibility and putting the blame on Tsai.

## Notes

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\* Dr Chien-yuan Tseng 曾建元, an Associate Professor at the Department of Public Administration, Chung Hua University (中華大學), Hsinchu 新竹, Republic of China on Taiwan, holds a Ph.D. in Law from the Graduate Institute of National Development, National Taiwan University (國立臺灣大學). He obtained his Bachelor of Law from Soochow University (東吳大學) and Master of Law from Sun Yat-Sen Memorial Graduate Institute of Interdisciplinary Studies, National Chengchi University (國立政治大學), Taiwan. Dr Tseng is an Adjunct Associate Professor of the Graduate Institute of National Development, and Contractual Associate Research Fellow and Vice-Director of the Center for Hakka Studies, National Taiwan University. He is also a member of the Board of New School for Democracy, Hong Kong, and advisor of the China Road International Research Association registered in Denmark. <Email: [yuan0317@chu.edu.tw](mailto:yuan0317@chu.edu.tw)>



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