

## TOPIC: CHINA'S ANTI-SECESSION LAW

### OVERVIEW

- Enacted by the People's Republic of China (PRC) in 2005.
- Consists of only nine short articles.
- Declares that China and Taiwan belong to one sovereign territory.
- Establishes so-called "reunification" as a "sacred duty."
- Calls for "one country, two-systems" upon "reunification."
- States that peaceful "reunification" is preferred.
- Sets forth three conditions under which the PRC "shall" use "non-peaceful means": 1) Taiwan secedes; 2) "major incidents" entailing secession occur; or 3) possibilities for peaceful "reunification" are exhausted.

### WHY THIS MATTERS

- By establishing a domestic legal pretext to use "non-peaceful means," the anti-secession law undercuts the international community's interest in stable cross-strait relations and peaceful resolution of disputes.
- Article 8 of the anti-secession law lists the conditions under which the PRC will employ "non-peaceful means," but these conditions are vague and subjective (e.g., "major incidents" or all possibilities of "reunification" exhausted) such that Chinese Communist Party (CCP) leadership has wide discretion to determine when conditions are met.

### ADDITIONAL INFORMATION

- CCP leaders and state media often amplify rhetoric on the anti-secession law – e.g., during a Sep 2022 press conference, PRC Minister of Foreign Affairs (MFA) Wang Yi warned that the PRC would act if the anti-secession law was "eventually violated." An MFA spokesperson later echoed Wang Yi's comments in a press briefing, adding that the PRC would "not hesitate to sacrifice thousands of troops" to defend "even an inch of land."
- As another example, at a Sep 2021 Central Committee Propaganda Department press conference, a CCP spokesperson characterized the anti-secession law's purpose as providing a "legal guarantee" for the PRC to achieve "reunification." This characterization is representative of the PRC's coercive use of domestic law and accompanying rhetoric as instruments to advance strategic objectives.
- In contrast to the anti-secession law's pretext for use of "non-peaceful means," the U.S. Taiwan Relations Act makes clear the expectation that the future of Taiwan will be determined by "peaceful means" and that any effort to employ "other than peaceful means" is a threat to regional peace and security and a "grave concern."

### PROPOSED COUNTER-LAWFARE APPROACH

**\*\* This section offers suggested language for incorporation into communications strategies \*\***

- The anti-secession law establishes a domestic legal pretext for the PRC to use force against Taiwan subject to vague and loosely articulated conditions determinable by CCP leadership.
- The anti-secession law undercuts the international community's interest in stable cross-strait relations and peaceful resolution of disputes.
- Consistent with the U.S. one China policy, the future of Taiwan is a matter to be resolved peacefully by the people on both sides of the Taiwan Strait – the United States opposes unilateral changes to the status quo from either side; does not support Taiwan independence; and expects cross-strait differences to be resolved peacefully.
- The PRC's rhetoric surrounding the anti-secession law will continue to be a matter of concern for nations committed to maintaining regional peace and security in accordance with international law.