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AND TAIWAN**

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PROCEEDINGS

RICHARD BUSH: Why don't we go ahead and get started? I'm Richard Bush, the director of the Center for Northeast Asian Policy Studies here at Brookings, and it's my pleasure to welcome you to this program on International Organizations in Taiwan. Thank you all for coming.

We have four really good panelists, Jacques deLisle came all the way from Philadelphia and President; Professor Lee Wei-Chin came from Winston-Salem, North Carolina. I don't -- not sure who gets the prize for coming the furthest. Sandy Yeh, to my left, came all the way from Taiwan but she's a visiting fellow here at Brookings so she didn't come just for this, and she's been here a couple of weeks; and my good friend Bonnie Glaser, as well.

Before we turn to the panelists I'd like to make a couple of comments on why I think this topic is important. First of all, there's a very practical reason and that is Taiwan can contribute to the solution of regional and global problems. It's exposed to transnational crime and harbors criminals from other places. It has weather. It produces greenhouse gases. It suffers from transnational epidemics. And it has two very good air carriers. And there are international organizations to address all the issues in these various spheres and others, but Taiwan is excluded from the work of many of them and that constrains the efforts and the fact that Taiwan is constrained from participating in these organizations diminishes any effort to address them well. That's partly because Taiwan does have an impact in these areas, it's also because Taiwan has some really outstanding officials who have expertise on these areas.

Second, there's a political reason and that is that for two decades, the Taiwan public has been increasingly unhappy at being excluded from international society. I remember, probably 20 years ago, Annette Lu, who went on to be vice president of Taiwan, came to me on Capitol Hill and talked about her desire to advocate that Taiwan should return to the United Nations or become a member of the United Nations.

Taiwan people feel that they have a contribution to make and they want a little dignity.

Now, we all understand why Taiwan doesn't participate in the work of international organizations, and it's China. This issue of Taiwan's role in international organizations is part of a continuing struggle over which government -- the PRC or the ROC -- will represent the state called China in the international system. Also, in more recent years, China has worried that Taiwan's desire for international participation is part of a plot to create a Taiwan state totally separate from China.

But Ma administration, at least, has sought to reassure Beijing about any separatist intentions, that is, it doesn't have them, and Taiwan is not seeking membership. It knows that's a bridge too far. What it seeks is meaningful participation. So, it raises the question of whether the cost to international society of excluding Taiwan and the cost of denying Taiwan a little dignity, is an acceptable price to pay for allowing Beijing to preserve its dignity and its diplomatic equities as Beijing defines them.

Finally, there's the question of cross-Strait relations and the effort to stabilize cross-Strait relations and maybe at some point resolve the fundamental dispute between them. There -- does Beijing's effort to constrain Taiwan in the international system -- is that really the right way to win the hearts and minds of the Taiwan people, which they say is their goal? There's a bigger issue, how does -- well, the Taiwan's desire for a role in the international system does have a bearing on whether it can be seen as a sovereign entity for purposes of cross-Strait relations.

And finally, I personally think that the big question of our time is: what kind of great power is China going to be? I think that how China addresses the Taiwan Strait issue is a good litmus test of that and within that subject, how it addresses Taiwan's international space, is also an important question.

So, let's start our program so that you can hear from our distinguished experts. First is Professor Lee Wei-chin from -- he's a professor of political science at Wake Forest University and he's going to talk about the status of Taiwan's participation in international organizations.

WEI-CHIN LEE: Thank you. Let me bring out the PowerPoint. Because there are some figures -- or I thought it would be probably much helpful to have the PowerPoint.

First of all, I would like to thank the Institution and the chair for the invitations and since I have only about 10 to 12 minutes, since the time change, I'm going to spring forward very quickly. Since our allocation of time is roughly 10 or 12 minutes.

The first of all, once you see the -- first of all, I want to mention the figure you are going to see, that's basically coming from the minister of Foreign Affairs in Taiwan, so a definition of international organization, again, it's very broad, so you are going to see the total numbers of figures probably more than what we usually have seen.

So, the total right now 51 IGOs -- the reason I say the definition is very broad -- since I'm the person also teaching international organization, we always have the debate. When we teach international organization as opposed to the international organizations, it's a plural form or singular form, and if you teach the singular form,

sometimes you talk more on the theoretical part of it, but still sometimes they -- certainly they are more interested in the concrete stuff. And so sometimes we probably pick up -- particularly the United Nations, we talk about the United Nations, we talk about some of the major international organization. So, here the definition of international organization IGO sector is very broad.

So, total number right now according to the data will be 51, and the full member status will be 32, and observer status, 15, and associate members, only 2. And there is some interesting member status corresponding members, and there's one, and -- actually, that's a cooperating -- the final one, cooperating non-members, that's actually 1.

(Interruption)

DR. LEE: Keep on going. Another projector slide you are going to see is that basically I've divided from the time periods. So, prior to 2000, you will be able to see the full membership, 21; and the observer status, that would be 7; and then the corresponding would be 1 and cooperating non-members will be another 1. 2000 to 2008, the full membership will be 8, observer status will be 7, and the associate member will be 2. After 2008, they acquire 3 full membership and the 1 observer status in organizations.

The next slide you are going to see, that will be -- I break down in terms of categorizations, in terms of the functional areas. So, 24, that would be for economic trade and finance and anti-money, for example laundering, that area, so 20 more pretty much get into the economic side trade, finance, that side. Eight will be agriculture related, 7 will be fishing related, and the 5 will be in the general areas, and 4 will be in the science and biology status.

Does it work? Okay. Great. So, that's pretty much the data I want to show to you.

So, you can see the distribution in terms of the time period. And the next one that will be in terms of the categorization, 24 in economic. The point I want to draw your attention will be, yes, Taiwan is probably concentrated a lot in the economic trade, finance areas, but in terms of the new transnational areas or transnational issues -- Taiwan probably still needs to push it a little bit more. But I think we realize that Japan's recent earthquakes and tsunami, all those areas pretty much require transnational or trans-governmental cooperation of it.

And then in terms of foreign participation, again, in terms of full membership, that's the tricky part really comes in. Sometimes Taiwan is classified as a customs territory, so all the regional entity or economic entity or the state, but most likely it will be an economic entity in the sense -- or maybe in terms of, for example, World Trade Organization, that would be special custom territory in those areas.

So, it's getting to the muddy waters whether that -- whether Taiwan's sovereign statehood is really brought out through the participation of international organizations. They also have a lot of associate members and associate members; again, it varies in different kind of entity. So, they take part in policy deliberations with a similar rise of the regular members, but they don't have a voting right, and the typical example, that would be the General Conference on Weights and Measures from 2002, that was Chinese, Taipei.

And then the observer status, again, granted to non-member states -- to member states which really want to join in, but unfortunately, there is some kind of political barriers over theirs. And then the observer, some time, for example, are granted to the national liberation organization, for example, in the UN we are all quite familiar with the Palestinian Liberation Organizations or some other international organization within the international organization they are affiliated with. Other international organization are observers.

And then, again, they don't pay contribution sometimes and sometimes they don't even vote. They cannot circulate the official document because, again, it depends on different organizations' requirements.

Now, all these things are probably very beneficial, that would be the access to the informal decision-making process. In other words, in the cocktail parties or maybe in some kind of conference meeting they are able to attend and then contribute some opinions for it, and -- but that really, again, varies, depends on the cases. And then corresponding members, pretty much Taiwan has only one and then they don't have a voting right, like the observers, but then again they sort of indicated they are willing to participate and want to receive the information, they want to be on the listserv, to some extent, that's -- Chinese Taipei, there is only one, and that one is International Organization of Legal Metrology, but again, for the corresponding members they've also got 54 states and economies.

And then the final one is cooperating -- corresponding non-members, okay, there's another one. So, you can see all the examples. I'm going to run through it very quickly. For example ADBs, Taipei-comma-China, and so continue going on, for APEC, that would be Chinese Taipei's, and Asian Productivity Organization. Even though the name is Republic of China, but actually the representative participating in the organization, that would be China Productivity Centers, in other words, that's really put into a different categories of international organizations but for the Ministry of Foreign Affairs they put it together.

You also have the International Satellite System for Search and Rescues, and that's basically Zhonghua Dianxin, or Zhonghua Telecom, that decided to put into that particular organizations all the companies to be the representative.

And then the final one I wanted to mention, the Egmont Group. For

most of Taiwanese, we are quite familiar with this one because they track all the financial data, transactions, money laundering information, and then so when former -- Chen Shui-bian, President of Taiwan got all kinds of problems and a lot of information actually coming from these particular organizations. Okay, and also the World Customs Organization, just tried to bring out some of the examples in terms of Taiwan's participation in different names.

If you look at all these examples, then you're going to see that the name really varies. What's in a name? Sometimes it's an interesting question. If you get into the linguistic studies, you've got the Republic of China, you've got Taiwan, you've got Taipei-comma-China, you've got Chinese Taipei, you've got customs territories, you know, you also mention about economic entity, and again, the fishing entities, health entities, and you have -- even using the participating organizations and to indicate that, well, that's really representing Taiwan.

And all this certainly goes back to one particular example: that would be International Olympic Committee. This one, certainly we can argue that that's not an IGO. It's not even listed on the Ministry of Foreign Affairs websites because that's really a non-government organization, strictly speaking, legally speaking, and so you've got the Chinese Taipei Olympic Committees and then translate into Chinese, it becomes *Zhonghua Taibei*, it's not *Zhongguo Taibei*. *Zhonghua* sort of indicating in a cultural sense that it's Chinese, but then actually politically speaking, that's different. And then also, in terms of opening ceremony, if you watch all those hooplas of the opening ceremony, you're going to see that Chinese Taipei, actually, classified by going along with the T group instead of C group. Again, there is a political understanding as well as the consensual memoranda of understandings put in this one.

But at least the success of this particular negotiation really brings out Taiwan's willingness in terms of flexibilities, in terms of calling names, to some extent. And my final point is, really, Taiwan tried to get into the international communities. Now, it has the same rights and duties, so who cares about name, to some extent? As long as the name does not cause the domestic problems as well as international confusions, to some extent.

At the same time for the international organization, they are also willing to accommodate both, accommodate both meaning that you've got China on one side, Taiwan on the other side, and at the same time that they try to maneuver between all those competing interests.

This one I bring up because this one has been the model for a lot of NGOs as well as some of the IGOs, and the Asian development banks, Taiwan was the original member, so it was called the Republic of China until 1985, then it started for 1986, through negotiations it changed to Taipei, China, and then, again, that's a negotiation process. China, under Deng Xiaoping's leadership, during that time said, well, you cannot allow them to have the Republic of China if you want me to join in.

And so he proposed that Taiwan, China, and certainly Taiwan can now accept it, and so U.S. proposal -- counterproposal, at the same time with congressional pressures, so it decided to propose "Taipei, China." And so, Taiwan, certainly, for two years decided not to participate, but then they decide to participate, but every time Taiwan participates, they put a sign over there, "under protest," because they don't like this mixed kind of name. But then I still want to participate.

That's the resilience of the Taiwanese delegate.

So, they have same kind of rights, actually, everything in terms of the ADB, okay? And if you go to the ADB's website, they talk about member countries, but then they really put the quotation over there. When they talk about countries, they indicate that there is no reference in terms of sovereign independent status. In other words, for the ADB they say, well, it's an economic functions, activities, economic entities, and then again, another accommodation will be they don't -- in the headquarters, they only fly the ADB flag, no national flags of the members in the headquarters unless there is a session in member states, and then the member states certainly can fly their national flag.

So, this -- again, this is another breakthrough to some extent, and then the name change, Taiwan's certainly very reluctant, but Taipei, without comma, this time, "Taipei China," also if you check on the EBRD's website, the European Bank for Reconstruction and Development, there again, they put "Taipei China." Actually, they've got Taiwan's flag over there, on the website, and so that's sort of becoming a model.

Again, ADB, they've also got institutional accommodations and China at this moment -- at this particular time, again, political contextual environment becomes very important. Timing. China, at that time, they are willing to accept this name because China is really looking for a lot of aid or loans from the ADBs, so they are willing to accommodate.

APEC is another one. The economic entities and Chinese Taipei, again, through the understandings, memoranda of understandings in 1991 changed names, Chinese, they decided to have this name Chinese Taipei, but then they also indicated that minister of Foreign Affairs, or Taiwan's political leaders, cannot attend any kind of meetings except the minister of Economic Affairs can attend the meetings. China emphasized very much on one China principles, okay, and because the APEC memberships also lead to three organizations and Chinese Taipei is an economic entity, China, Taiwan, and Hong Kong also joined APEC simultaneously.

WTO is another issue, this one everyone quite familiar, joined WTO as special customs territories, but again, in a brief reference it referred to the Chinese Taipei, and the WTO membership also brings out additional membership in those WTO affiliate organizations, and that's a reason, at the beginning of the slide I show

you 51, but sometimes you can say, well, 40-something, because Taiwan counted those affiliate organizations also it's an individual one.

But that doesn't necessarily mean that in the process everything is very smooth and you can see that, for example, just read a website or news reports or all kinds of papers, discussion, how are we going to translate the name? Chinese Taipei becomes *Zhongguo Taipei* or *Zhonghua Taipei* and, again, everything has a different connotation, hidden agenda behind it. And it also changed the “permanent mission” to “economic trade office,” to some extent. And if there's a trade dispute, WTO does have a dispute settlement mechanism, or dispute settlement bodies, and they're different on the procedures. When they are in the negotiation, China in one particular case, decided to send a document in Chinese only -- it's supposed to have a different language -- in Chinese only, sent it to Taiwan and addressed to Taiwan, it's simply just *Zhongguo Taipei*. And certainly Taiwan was not very happy about it, protests it, all talking about Taiwan's mission in WTO, basically called an economic trade office. It's pretty much like Hong Kong's office or Macao's office.

And then a final one I want to mention Inter-American Tropical Tuna Commission, since I love sushi I cannot escape this one. Taiwan, actually, is a very substantial player in terms of fishing activities, so all of this is eventually IATTC decided to invite Taiwan to join in and then previously they just call it Taiwan. Then when they decided to join because China also wanted to join, they decided to set up organization format, so they ask Taiwan to join in 2009 and the name would become Chinese Taipei.

Actually the first session was not very pleasant according to one scholar's participations. China demanded that Taiwan's flag, Taiwan's name, Taiwan's everything, anything touch upon Taiwan supposed to be excluded from the documentation process and then eventually couldn't get whatever China wished, they simply just veto it, because the decision-making procedure is supposed to be based on the unanimous decision, so one vote can veto everything. So, it's really a difficult situation but at least -- maybe hopefully in the future they will be much better.

Here I want to show you the recent articles I published with my co-authors and T.Y. Wang as you can see, and then we got some data in 2008. If you give Taiwanese voters some of the choice and you ask them and say, well, what kind of name do you want? And then they will say, well, Republic of China, Taiwan, and the Chinese Taipei, and you can see the Chinese Taipei only 7.4 percent. The survey actually done by Chengchi University's Election Center, they're quite reputable and reliable, and so you can see that in 2008 the data will be showing that. Well, Republic of China and Taiwan actually they are preferred, to some extent. Chinese Taipei, well, they are not preferred.

And so then, again, you need to go back to identity politics in Taiwan. If you take out the ROC and Taiwan – “Taiwan, China” and “Chinese Taipei”:

“Chinese Taipei” becomes the preferred one. So, it's an interesting part, pragmatic attitudes towards Taiwan's participation in international society. But keep this one in mind, what are the benefits to Taiwan? We all remember the Robert Putnam's "Bowling Alone," you know, you go bowling by yourself, no competition, no networking, no kind of community sense, okay. Taiwan's situation pretty much indicating into that kind of phenomenon, say, well, I want to participate, but then I tried to do everything, but then no one cared.

That's really, if you generate it into a domestic politics, it's a sense of loss and a sense of sadness. You cannot deny Taiwan's economy is good, in relative comparison, of course, and then in terms of all other issues Taiwan deserves to be part of the international community, but you want to contribute, you want to participate, you want the voice, but then, well, they don't want you, and that sense of frustration really is very high.

But at the same time if you look at the -- if Taiwan can participate, you can reduce the transaction cost internally -- okay, internal political process, Taiwan-China, Taiwan-world, you can really reduce the transaction costs. Peace promotion, because for example, WTO, you do have a dispute settlement procedures, or in any different kind of international organization, at least provides the forum for discussion. Economic benefits, and consultation, for example, Taiwan joined all kinds of development banks, go through a long aid process sometimes they can get some economic benefits of it. Democratic aspirations, interest articulation, interest representation for 23 million people, okay, prevent political spoilers in domestic politics.

From using the international frustration as some kind of political gain in electoral process is causing all kinds of problems, confirmation of 1992 consensus actually is a win-win game. If you want to win the hearts and minds, well, where are you going to go? Very simple things -- allow them to participate. On the counter part -- that means Taiwan -- actually, they are quite pragmatic particularly under the current administration. And then a hole in the global commons. We're all familiar with the tragedy of the commons, you know, free rider problems and all these kind of issues.

So, if Taiwan is over there forgotten, to some extent, you've got not necessarily like a green gas and the kind of hole over there, in Arctic regions, but at the same time global commerce actually you want to have more participation.

The final one is the diplomatic link. Go through the international organization actually can talk to those countries which you don't have diplomatic ties. That's really a beneficial one.

A lot of benefits through the global communities, a process legitimacy for the (inaudible) legitimacy for the creation of international norm. Actually, we

were talking about the standardization of the international communities, we're talking about the creation of international norms. The more participation extra stress and the efficiency and the effectiveness of international community of governance, or you can avoid the jurisdictional gap, the operational gap, or incentive gap, for particular trans-governmental issues. Free rider problem is always, Taiwan doesn't want to be a free rider, but then if that's the case, take them in and then you solve partial, not completely, partial free rider problems.

And the final one is the connection between the people, IGOs, for the fairness of the global governance.

That's, pretty much, that's the argument I want to present it and saying that, well, Taiwan really deserves it, particularly on the counterpart, Taiwan doesn't mind too much about the official name really sticking to it, and there is some kind of solution, there is some kind of compromise. That's the end of it.

DR. BUSH: Thank you very much. Dr. Lee did mention he has an article in the current *Journal of Contemporary China* if you want to know more.

Now, Sandy Yeh will talk about the international dimensions of law enforcement and fighting trafficking of women. Sandy?

SANDY YEH: Thank you, Richard. Good morning, ladies and gentlemen. It's my honor to be here to share with you some of my observations on Taiwan's participation in international organizations with a focus on law enforcement and women.

Two months ago I was attracted by an obituary of the father of a Hong Kong movie star. Normally I was not a big fan of entertainment news, but this deceased, Mr. Tsang Kai-Win, happened to be a police officer, a very famous police officer, in Hong Kong, and actually a movie was made, even -- based on his story, and he was wanted by Hong Kong's ICAC, Independent Commission Against Corruption, since 1977. His boss -- and he's Lee Rock, was even more famous. He had nickname, we called it Detective with \$500 million, that's how rich he was. And they were both indicted and wanted by ICAC, but see what happened, even after 14 years of his being wanted by ICAC, there was a movie made in his name and even called him "Legion of Hong Kong" how ironically.

As a matter of fact, both Lee Rock and Major Tsang, they fled to Taiwan after they were wanted by ICAC and lived there ever since until they were both summoned by God. Lee Rock passed away last year at the age of 90 and Mr. Tsang, as I mentioned earlier, recently at the age of 94. They both led a pretty good life.

And people may wonder why Taiwan would be a safe haven for foreign

outlaws. The fact is, actually, there's no bilateral or multilateral agreements between Taiwan police and Hong Kong, or even the neighboring -- neighbor countries. And there's no extradition agreement signed either. This problem occurred to almost every country, not only in Taiwan or Hong Kong, so that's why we need an international police organization.

The Interpol is the world's largest -- we name it the largest international police organization because it has 188 member states. By this great membership it can cover almost the entire world, and it was established at the cross-border police cooperations, they try to prevent or combat international crimes. And even they have a structure, you know, by their constitution, every country has a national central bureau. Each member state has a national central bureau. And it's -- typically it's a division under the national police force, and the Interpol will interact with their member state by providing capacity building or police training and a very efficient I24/7 secure communication system.

This I-24/7 communication system stands for information 24 hours a day, 7 days a week and it's designed to enable all the police in the world to exchange information securely and rapidly. They even provide a database sharing information. For example, if a country has known criminals then we can look up fingerprints database or DNA database or stolen cars, stolen passports, so on and so forth, and the Interpol even issues different types of international notice. There are six different colors ranging from, for example, the yellow notice means the missing person, and the most serious one would cause the serious tension of every country's red notice, the most wanted fugitive.

In the age of terrorism, they even cooperated with UN to issue an Interpol UN special notice against terrorists, Taliban, and al Qaeda.

Taiwan, just as mentioned by Dr. Lee's presentation, actually we joined the Interpol at a pretty early time. We applied to be a member in 1961 and we had a National Central Bureau, NCB, station inside a criminal investigation bureau of National Police Administration, but in 1984 when China applied for the membership, with a request that Taiwan should be downgraded to be a sub bureau of China, this became a big no for Taiwan government at that point of time, so Taiwan was forced out of Interpol, but we still remained the NCB's units inside the criminal investigation bureau. We claimed that we exchanged information and intelligence with other countries by telegram and fax, not the I24/7 because we don't have any authorization code anymore.

And we still acknowledge the international notice. Instead, Taiwan still tried to be internationally active by attending as many conferences or associations, as many as possible, but we can see all the conferences, all the associations, they are more like a social network or clubs. We tried to be heard by international law enforcement community. What else we can do? So, we started to send out police

attachés to eight countries we have police attachés.

We also work with foreign law enforcement agencies through their representatives or attachés in Taiwan or even in Hong Kong, or anywhere. We have several success stories. For example, two years ago when FBI notified Taiwan there was a child molester in Taipei, we recognized the notification and we found this guy and arrested in like five days, and send him back to the United States, and he now -- I think this trial is still going on in California. In 2008, we helped the U.S. Secret Service to serve a super notes case, a counterfeit American bills case, the face value was like \$400,000 U.S.

But worth mentioning here is that this kind of, you know, cooperation, I would say it's just like one-way. Whenever we receive a notice from our counterparts in U.S., in Australia, in UK, or in Hong Kong, we would try our best to help our friends to apprehend, to arrest, these criminals, try our best, but how about the Taiwanese criminal that escapes to other countries? Then there would be no extradition agreement or no so-called treaty -- bilateral agreement sign up.

And now let's go back to global life -- crime. This is my -- the subject of my research here in Brookings, human trafficking. As President Obama mentioned, everybody can be victims of human trafficking. This is a crime beyond border. And Secretary Clinton mentioned that we need punishment, not domestically, but also internationally, to combat this crime. And the United Nation, UNODC, Office of Drug and Crime, they claim that 80 percent of the detected victims of human trafficking are women and girls, but under the influence of UN's One China policy, there's no way for Taiwan to be part of it, to be part of the global partnership.

I was a leader of a women's NGO back in Taiwan and in the early years, like early 2004 or '05, I was able to participate in some UN's conference or activities as an individual expert, but in the past few years, like last year, I went to New York City trying to provide my professionalism or my experience at UNCSW, Commission of Status of Women. I was rejected because I am a Taiwanese passport holder. If I present my expired Illinois driver's license, I can be admitted, but that's so ridiculous, even they know who I was and I was just participated as a member of INGO, but still I was denied.

So, as long as Taiwan remains excluded from the global network of anti-human trafficking, or as long as Taiwan is invisible internationally, I would say more women and children will be victimized and suffer. This ends my presentation. Thank you.

DR. BUSH: Thank you very much. (Applause)

DR. BUSH: Thank you, Sandy. Now Jacques will talk about questions of sovereignty and membership. Jacques?

JACQUES DeLISLE: Thank you, Richard, and thanks for bringing the lights back up. With the first day of Daylight Saving's Times in the dark I was about to pass out.

I've been asked to address questions of sovereignty and membership or participation in international organizations for Taiwan, describing the arguments about sovereignty or status and its implications for international organizations membership. Obviously the question of Taiwan's sovereignty or status has produced more arguments, claims, controversies, even crises, than one could list in the 10 or 12 minutes that I have let alone go into detail. Some of those are narrowly legal. Many of them are at least superficially and in many ways seriously political but often the legal issues lurk just behind the surface and sometimes erupt into full view. I've got a couple of tasks. The first part is to talk about the sovereignty and status issue, and the second part is to talk about international organizations.

In terms of Taiwan's sovereignty and status, I think there are really three strands to this discussion. The first is does Taiwan meet the criteria for statehood or something very close to statehood in the international system and specifically in international law? Here the *locus classicus* is a dusty old document called the Montevideo Convention that states what most people take to be the customary international-law standard. What do you have to have to be a state? You have to have a distinct and substantial territory and there's nothing like a good-sized island for meeting that. You have to have a distinct and substantial population and 20-some-million without a whole lot of immigration or emigration does pretty well. The Mainlander-Bantul Divide has faded enough and the temporary residence of many Taiwanese on the Mainland doesn't really undermine that. The third criterion is do you have a government, one that provides order at home and that doesn't answer to anybody else abroad? Again there are pretty good metrics on that for Taiwan.

Then it gets tricky. The fourth criterion is the capacity to engage in relations with other states. Here Taiwan has some troubles on the formal side with no recognition by anyone of Taiwan as a separate state, a relatively small number, a couple-dozen, of countries that either recognize the ROC government or more commonly maintain formal diplomatic relations with it and that number of course has stabilized with the de facto diplomatic truce, but of course as we're talking about today, Taiwan has been excluded from many international organizations including the so-called state member only ones.

On the informal side, Taiwan does pretty well with quite robust international relations, a massive network of quasidiplomatic relations informal diplomatic relations or not quite diplomatic relations, membership in many, many international organizations, some IGOs and many INGOs and participation without membership in a good many others. Then there was the old joke in China about the Gang of Four and Mao was the thumb, there is the fifth of the four criteria for statehood which is some assertion that the entity is in fact a state. Here it gets very,

very complicated and complex. Of course, in the Jiang era there was a resounding no. There was one China that included Taiwan, the only question was which government was the proper government of that China and then it got complicated. Lee Teng-hui's reference of course to cross-strait relations has being nation-to-nation or special state-to-state, not fully international but not fully domestic, came pretty close to a separate statehood claim and his claim that the Republic of China was an independent sovereign state since what is now nearly 100 years ago went a step further. Chen Shui-bian of course farther out on that limb with -- equal, one country each side, repeated references to the sovereignty of Taiwan and scuttling part of the four nose one knot, particularly the National Unification Council and the guidelines for national unification. All of these sound a bit like they're edging toward a declaration.

Ma Ying-jeou of course spoke of the sovereignty of the ROC and sovereignty of the nation and insisted on significant equality in cross-strait negotiations which gets you at least into ambiguous territory and has articulated mutual nondenial between the Mainland and Taiwan as policy goals. On the other hand, Ma has also said recently that the contrast should be Taiwan and Mainland rather than Taiwan and China which backs away from things that look like a declaration. And of course the '92 consensus which has an element of one-Chinanness to it although with two separate interpretations. So a lot of things have come fairly close in many ways to the requisite declaration and by some analyses would go up to and perhaps even over that line but stopping short of something like saying there is a Republic of Taiwan or a totally separate State of Taiwan.

That last bit shades into the second strand in the issue of Taiwan's sovereign status and this is a factually overlapping but conceptually distinct question. Has Taiwan separated from China, has it separated from Mainland China, essentially a question of secession, a change of state question rather than a measurement against some objective criteria of statehood. Here one needs to look at this long inventory of events and this is why the PRC makes these lengthy white papers going back to the Ching Dynasty and before. The question is what is it that could have changed status with Taiwan? You can go through the litany. You all know it and I'll do it very quickly.

There is the strong assertion among Taiwan independence supporters that maybe China never had sovereignty over Taiwan. The exercise of rule was too thin in the Ching Dynasty and at the very least Taiwan left with the treaty with Japan in the late 19th century, the Shimonoseki Treaty, and you had very thin exercise prior to the 1890s and then only briefly a central Chinese government ruling from 1945 to 1949. If you believe that, there is no need to separate and of course the PRC pushes back very hard saying that treaty never meant anything, Taiwan never left.

Then you fast-forward through history. What happens after World War II? Taiwan was under Japanese sovereignty as a colony. After the war in the PRC view, everybody agreed that Taiwan would go back to China. That's the Cairo and

Potsdam Declarations analysis. Another take on this is the surrender of Japanese forces to ROC forces on Taiwan which meant that Taiwan on that theory went back to the ROC, and one could argue from the PRC side as the PRC does that whatever the ROC had in 1945 the PRC got in 1949 when it became the government of China, or one could take the other view that the ROC got the territory of Taiwan in 1945 and never gave it up. The logic of that is maybe that the Mainland seceded from the ROC but that's a complicated international legal argument that I wouldn't want to have to make. My rates are not high enough to get that kind of laughter.

Then there is the argument that Chen Shui-bian trotted out in his litigation here in Washington when he was trying to avoid criminal prosecution saying Taiwan has been under U.S. occupation, that the U.S. is the leader of postwar occupation and it never ended and that throws Taiwan into limbo and then you can cite the State Department never retracted statement about the to be determined status of sovereignty.

We can look at the San Francisco Peace Treaty and the Treaty of Taipei. Japan renounces sovereignty and where does it go? It goes up in the air in San Francisco, it lands a little more on Taiwan with the Treaty of Taipei, but on the PRC view, that ROC government after 1949 had no right to exercise any authority at all. So it becomes this incredibly complex litany and that's why you get these long discourses and the white papers.

The final piece of this old story is the notion that Taiwan may be a case of incomplete decolonization. Japan gave it up and where did it go? There were lots of postwar decolonizations. All of those seemingly kind of dusty historical arguments are freighted with this question, Was Taiwan ever part of China and there is some event that led to its departure?

Here the events of more recent years start to weigh a bit more heavily as well. Sixty years, more than sixty years, of de facto separate rule on many accounts matters. Whatever the legal niceties, that's a fact about the world that maybe law needs to take account of. Some of the statements that I referred to above by Taiwanese leaders get awfully close to an event that would matter, that is, a declaration of independence. I used to fanaticize that Chen Shui-bian would stand up probably at the Chang Kai-shek Memorial and say "*Taiwan minguo xianzai chuangli le*," but that wasn't going to happen. So what goes almost to that edge and doesn't go there? Things like the referendum on joining the U.N. under the name of Taiwan is an assertion or very close to an assertion of independence and that's why it caused such a dust-up in Washington, Taipei and Beijing. So there are things like that that one can point to. The other issue during the Chen years of course was the new constitution which might have suggested a new state because of a new constitution. Neither of those were unambiguous but they got closer and they stopped short of my fantasy.

The third piece of this story about Taiwan's status is a squishier one because it doesn't speak to statehood, it doesn't speak to whether Taiwan meets the criteria of statehood and it doesn't speak to whether there is an event that separated Taiwan or a claim that no event was necessary because Taiwan was never part of China. Instead it invokes the softer things that matter for status if not statehood in the international system. Self-determination. Is there a people of Taiwan, a distinct people of Taiwan? If you make that argument then they have a right to something which may or may not be full statehood. International law says you get autonomy, you get accommodation and then it becomes a very dense factual inquiry. How much autonomy do you get? How much recognition of your separateness do you get? There is an underlying debate about how separate the Taiwanese people are and that's what led to Lee Teng-hui's discussion of the new Taiwanese, a Taiwan Gemeinschaft and that sort of thing. Ma of course has gone back more to talk about the common Chineseness on both sides of the strait and this all speaks to that issue.

Secondly with this category, democracy and human rights matter. It doesn't get you over the threshold into statehood if you have a bad record, it doesn't bump you below it if you have a bad record, but if you're in the gray zone it's a good thing to be in step with international norms like human rights and democracy especially cold war.

Let me turn since I'm almost out of time here to the second task which is the implications for international organization membership and participation. Here there are a couple of issues that need to be untangled. The first is the question of organizational structure. What kinds of international organizations are we talking about? Many organizations are not states-member-only organizations and Taiwan of course has had relatively high success in participating in those and often joining them. The WTO is the biggest example, the large robust international organization that Taiwan has gotten into. APEC is another, the ADB, the International Olympic Committee, lots of NGOs and so on. Here Taiwan again has been successful despite lots of indignities with the nomenclature that we're heard about. But there are other types of organizations that are states-member-only or at least are arguably states-member only. The U.N. is the classic category here. Clinton's three no's more or less accepts the categorization that Beijing has long pushed and that's what made the U.N. referendum that Chen Shui-bian pushed particularly toxic.

What are Taiwan's options and tactics for dealing with organizations that are or might be state-member-only? One is to say Taiwan is a state and meets the criteria. There may be some intellectual force to that argument but politically it's something of a nonstarter. Another is to point out the hypocrisy of the organization. Lots of entities that aren't full-fledged indisputable separate states have participated and indeed been members in the U.N., the two Germanys being perhaps one example of at least temporary separation and nobody really thought that Belorussian and Ukrainian SSRs were separate states when the Soviet Union had three seats in the U.N. But most of the game that goes on here is something less than that.

As you all know, it has been an attempt to engage with these kinds of organizations without full membership and there are two roots here. One is a less-than-full-membership status, something like observer status or perhaps less which has been accorded to nonstate actors in the U.N. system. The alternative is not to talk about status but to talk about some right or opportunity for participation without broaching the status question and Taiwan has combined both of these tactics in dealing with the U.N. particularly the U.N. specialized agencies. The WHA is one example where there was much discussion about whether to go for observer status or as the U.S. had pushed meaningful participation and what came out of it was a kind of hybrid, a sort of ad hoc year-by-year but likely-to-be-renewed- annually observer status.

Some of this discussion is now going on with the ICAO and the U.N. Framework Convention on Climate Change which was talked about on the run-up to the Hu-Obama summit and now there's talk about meaningful participation on the technical side of the ICAO. So there are lots of attempts to move incrementally here, but I want to stress the incrementalism. One is not the core U.N., just a specialized agency; the other is not full membership but these kinds of other forms of participation.

The problem with this approach is of course it's hard to build momentum. Beijing puts down lots of markers saying you can't use this as a precedent. It's done case by case. And some of this is a technical legal point. Each of the U.N. specialized agencies has its own funky structure. It's got its own constitutional arrangement for how you get membership or participation, it's got its own practices and norms, so it is kind of hard to build a lot of momentum and once you get outside the U.N. specialized agency framework and talk about other international organizations, these questions proliferate.

I know I'm out of time here so I won't go into more detail except to say that the second question here that matters when we ask what type of international organization is subject matter focus. Subject matter matters. Here I think there are a few strands. First, is Taiwan an important player in the regulated field such that you can say it is in the global interest to allow Taiwan to participate? WTO clearly does that and WHA does it especially after SARS, financial institutions and economic institutions and all that, shipping, fishing, civil aviation, these are all arguments, nuclear energy, potential dual-use technology, all those kinds of things.

Second, is the regulated field particularly important to Taiwan? This is a fairness argument. Taiwan is being hurt by being excluded. The world may be hurt too but it's hurting Taiwan in an area that really matters. Here you can see SARS and trade being obvious issues, criminal law is another, talk about how Taiwan will be affected global warming and these kinds of issues.

Thirdly, has China wrong-footed it? Has China misplayed it in a way that has created sympathy for Taiwan? That's very much the SARS-WHA story. It may be another story with human rights especially if you juxtapose Liu Xiaobo's Nobel Prize and Beijing's reaction on the one side with Taiwan's rather late ratification of the long-ago signed human rights conventions even though it can't deposit them.

The last thing I'll say is that one final strategy available to Taiwan is not membership, not participation, but what I call "as-if participation." Taiwan behaves in a way that says Taiwan will act as if it's a member of an international organization and will live up to all those standards and that's a way of making the point and although much of this is about functional performance as Richard said in his introduction, much of this is also about status and the more Taiwan can walk and talk and act like a member of the regime, the more it gets those kinds of status benefits.

DR. BUSH: Thank you very much. Now we turn to Bonnie who will talk about the diplomatic truce and Taiwan's international participation. Bonnie?

BONNIE GLASER: Good morning. Thank you, Richard. I will focus on the diplomatic truce issue and its relationship to Taiwan's quest for international space.

One week prior to his inauguration in a speech to the ROC Association of International Relations, Ma Ying-jeou proposed a diplomatic truce with Beijing under which Beijing and Taipei would no longer compete for diplomatic ties with other states. He repeated the diplomatic truce idea in his inaugural address and subsequently discussed it in many media interviews. It seems to me that President Ma had several objectives in putting forward this diplomatic truce proposal and I won't go into all of them at length, but I do want to at least mention what I think they are.

The first is what Jacques has just talked about and that's essentially that retaining Taiwan's diplomatic allies are important to Taiwan's claim to be an independent sovereign state. Nobody in Taiwan talks about what numbers you have to have. Sometimes people say if you go down to the single digits you're in trouble. But I think that President Ma really wanted to arrest the trend of declining numbers of Taiwan's allies.

Secondly, I think part of President Ma's effort to improve cross-strait relations was also related to the diplomatic truce. Clearly this eliminated a source of friction with Beijing and President Ma did have the ambition to have a better relationship with China.

Thirdly, President Ma wanted to improve Taiwan's own foreign aid program and its international image. He recognized that foreign assistance that was aimed at wooing allies from Beijing was promoting corruption in the countries that were receiving assistance and it was harming Taiwan's international image. President

Ma before he was elected had received an earful when he had traveled to other countries and heard particularly for example from Australia negative things about the competition between Taipei and Beijing in the south pacific.

Finally, President Ma had in mind the objective of expanding international space. He believed that a diplomatic truce would help to open the door to greater participation by Taiwan in various international organizations. So I would say in the first three of these objectives I think President Ma has scored a good deal of success. He has had limited success in the fourth, increasing Taiwan's international space.

After President Ma unilaterally declared this diplomatic truce, Beijing didn't make any official response, but in essence it abided by it and in the months after President Ma came to power, China turned down requests by several Latin American countries including Paraguay, Nicaragua, Panama and Guatemala to switch diplomatic recognition from Taipei to Beijing. In a few of these cases China apparently reneged on prior commitments to do so but it felt that it was necessary to not use the competition for allies with Taiwan to improve its position vis-à-vis Taipei. It felt it had to respect President Ma's diplomatic truce even though it didn't explicitly accept it. To date almost 3 years after President Ma's inauguration, Taiwan of course has not lost a single one of its 23 diplomatic allies.

Let me turn to the issue of international space. I want to quote two sentences from President Ma's inaugural address. He said, "I would like to call upon the two sides to pursue reconciliation and truce in both cross-strait and international arenas. We should help and respect each other in international organizations and activities." It seems to me that in President Ma's mind the diplomatic truce was from the beginning linked at least loosely to a hope that Taiwan would be able to expand its participation in the international arena. Of course in President Ma's first year in office, Beijing did show some diplomatic flexibility. This began first with accepting former Vice President Lien Chan's participation at APEC and the summit in 2008 and then of course a bigger success was achieved the following year when Taiwan again under the name of Chinese Taipei sought and received observer status in the World Health Assembly.

Since then there has been small progress and not major progress and the major progress that Taiwan has sought, it identified in 2009 two organizations that Taipei wanted to have meaningful participation in and that was the International Civil Aviation Organization and the U.N. Framework Convention on Climate Change. Beijing of course has yet to respond positively on both of these organizations. Instead, China has called for cross-strait discussions to work out the terms of Taiwan's participation in international organizations overall, insisting that a solution cannot give rise to two Chinas or one China, one Taiwan. Notably Beijing seeks to include in such discussions not only official international organizations but also unofficial NGOs.

China has not only withheld support for further expansion of Taiwan's international space, it has also continued longstanding efforts to squeeze Taiwan's international space. In some instances, Beijing has tried to compel Taiwan to change the name that it uses in specific international organizations and of course in NGOs. In one well-known case that occurred last October, Chinese representatives at the 23rd Tokyo International Film Festival demanded that the Taiwan delegation be renamed the China-Taiwan Delegation shortly before the opening ceremony, and when the festival sponsors decided to introduce the delegation separately as Taiwan and China, the Mainland representatives then withdrew and neither delegation was permitted to participate.

In February of this year as part of an attempt by China to upgrade its membership status in the Asian Medical Student's Association International, upgrade from observer to full membership, and Taiwan did not oppose this effort by the Mainland, but as part of it Beijing tried to compel Taiwan to change its name in the organization from Taiwan to Taiwan, China. And there are of course many other such examples.

Still Taiwan did make limited progress in the past year. I think Dr. Li has already told us that last August Taiwan did become a full member of the Inter-American Tropical Tuna Commission, and in January of this year even though it was not able to join ICAO, Taiwan did join the Civil Air Navigation Services Organization known as CANSO which in itself is an observer at ICAO so that joining CANSO can help Taiwan to better synchronize its aviation regulations with those of the international community.

Another measure of Taiwan's international space although not directly related to international organizations is its ability to negotiate trade agreements with other nations and since others have not spoken on that I want to make a few points. As a WTO member, Taiwan does have the right to sign free-trade or economic-cooperation agreements with other members. Beijing of course has not encouraged this practice. The Mainland apparently has given the nod to Singapore to begin talks with Taipei on an economic-agreement and this took place last year, but it has said that it has to evaluate how that goes before it takes a position on other possible countries entering into negotiations with Taipei on these economic agreements. In other words, Beijing has to be certain that the one-China framework remains in tact. However, a few weeks ago India announced that it had begun work on a feasibility study with Taiwan to pave the way for the opening of formal talks on a free-trade agreement and assuming that Beijing does not oppose this, I would say that that is a step forward.

There is some evidence that the Mainland is increasing pressure on other countries to treat Taiwan as part of the PRC. The most recent case took place this past month when the Philippines arrested a bunch of suspected Taiwanese criminals and extradited them to Mainland China. Manila's representative office in Taipei issued a statement saying, "The actions were taken considering that all the

victims are Chinese, all the accomplices are Chinese and the results can be best settled in China." It is not known whether the Philippines took this action under pressure from Beijing or whether it did it independently to curry favor with China, but either way it suggests that despite the improvement in cross-strait relations and the success of the diplomatic truce in preserving Taiwan's allies, there may be a worrisome trend toward treating Taiwan as an entity that is part of the PRC.

There are also cases of countries seeking permission from China prior to taking steps to strengthen ties with Taiwan to prevent punitive actions against themselves. This was certainly the case with Singapore. Singapore consulted with Beijing prior to announcing its intentions to explore an economic agreement with Taiwan. And another example is the case of Malaysia which recently announced that it is considering giving landing visas to Taiwanese citizens but it would inform Beijing of its plan to avoid any unnecessary negative diplomatic impact in the words of its representatives.

In conclusion, the diplomatic truce has been certainly successful in preserving Taiwan's diplomatic allies and in easing tensions with Mainland China. It is difficult to assess however whether this diplomatic truce has in any way helped to pave the way for the limited progress that has been achieved in expanding international space in President Ma's three years in office. It's impossible to draw any judgment about whether the diplomatic truce enabled Taiwan to achieve such gains as observer status in the WHA or whether it really played no role whatsoever. But I would say that there is one conclusion that is irrefutable and that is that Taipei continues to face very difficult challenges in its efforts to enhance its role in participation in international organizations and Beijing continues to prevent Taiwan from gaining much ground. Thank you.

DR. BUSH: Thank you very much. I think you'll agree that we've had four outstanding presentations and now we have some time for Q&A. Jacques deLisle will have to leave in the middle of the Q&A. Since your students have already paid for your services, I wanted you to honor your contract with them. If you have a question, wait for the mike and then identify yourself if I haven't already identified you, and if you want to direct your question to a specific member of the panel, please so indicate.

QUESTION: Claude Barfield with the American Enterprise Institute. I guess this is to Bonnie or Mr. deLisle in addition to both who touched on this. I'd like to go beyond the points you made about the free-trade agreements and where the Mainland stands and where Taipei stands. Assuming for the moment that we're still going to get over the next few years opposition for expanding Taiwan's participation and assuming also that the United States is going to continue to try to put together a regional economic architecture through APEC and through the Transpacific Partnership, what should the United States position down the road? Should we push to allow Taiwan to be in the transpacific agreement at some point? I'm assuming also

that other nations won't act out there without the United States acting one way or the other. What should our policy be?

DR. BUSH: Bonnie?

MS. GLASER: The first question of course is Taiwan's interest in joining TPP. So far I think the government has not made an official statement one way or the other. This is obviously a very robust agreement that would place demands in Taiwan and I think it is uncertain at the moment whether they would be willing to accept. But if Taiwan is interested in joining the TPP, my personal view is that we should welcome that just as Taiwan has been a member of APEC. There are many questions then again about the status and the nomenclature, but I think that excluding Taiwan from this regional economic integration process is harmful not just to the interests of Taiwanese citizens but to the rest of the region and certainly other countries in the world. So I would be in support if Taiwan is willing to meet the very high threshold of trade liberalization that would be required in the TPP that the United States support that.

DR. DeLISLE: I would agree with that for very much the same reasons. That would only underscore that it fits the basic model of it's in global interests, it's in Taiwan's interests and in the U.S.'s interest if the U.S. and Taiwan both agree that it makes sense if Taiwan wants to push it. But beyond that I'd say that the relationship to the broader issue we've been talking about here is preventing a backsliding. The WTO is under siege in a variety of ways. The Doha Round has famously run into trouble. But in the narrow cross-strait context there has been a lot that China has done to essentially claw back some of the gains that Taiwan achieved and that the universality of the system achieved by including both China and Taiwan. If you see ECFA, if you see China's ASEAN-China Free-Trade Area, there are all things that carve part of the trading relationship out of the WTO framework. That's not necessarily bad. There are all sorts of good reasons for regional trade agreements. But it does interact with the status question and if China starts essentially bumping Taiwan down more outside the WTO context than in others then we do have that dynamic going on and I think it's something rightfully to worry about from Taiwan's perspective and from the universality of a liberalizing trade regime perspective.

DR. BUSH: If I can follow-up from a political perspective, if Beijing successfully excludes Taiwan from various regional trade liberalization schemes, the implication of that I think would be to put even greater pressure on Taiwan as it seeks to maintain its economic competitiveness overall and for the long-term future. I can see going in two directions in terms of how Taiwan responds. Either it gets really annoyed that it has been put in this position and so is less and less willing to talk long-term about resolving the fundamental dispute, the Mainland, or it loses its confidence and runs up the white flag. I take that as agreement.

QUESTION: My name is Gerrit van der Wees, editor of *Taiwan Communiqué*. I had a question on the WHA and the WHO. Much is being made by the Ma administration of the fact that Ree May, the Minister of Health, travels to Geneva and attends the meeting there sitting on the back row. But people in the health community and the health field tell me that there is hardly any participation by Taiwan health officials in the technical meetings so that everything still has to be channeled through Beijing. This whole scheme that we do have now, isn't that more meaningless instead of meaningful participation?

DR. LEE: I think that's probably a correct observation in the sense that in terms of the WHA, for example, if you serve as observers and suddenly you participate to some degree, but since you are an observer suddenly you don't have a lot of extensive participation just like the regular members in a sense. For example there are some studies showing that in terms of circulation of all the health rules, all the bulletins and all kinds of information, Taiwan receives not a lot. That becomes a serious problem for Taiwan. In other words, on one hand you receive observer status in the WHA, but on the other hand you don't get any kind of things substantial, but hopefully in the future maybe it will continue although that's a first step.

Then again just go back to the discussion where we are dealing with China and China again every country has a bureaucratic mentality so recommendation inside the country in the decision-making process. Maybe at the top they are waiting more compromising, but then you're dealing with the Ministry of Foreign Affairs and sometimes it's very tough to really change their mindset. It's pretty much domestically they got one country with two systems in a sense.

DR. BUSH: Are there any other comments?

DR. DeLISLE: Compared to what. Right? It's better than the status quo ante of being completely excluded from any dealings with any U.N. organization which had been China's position. On the other hand, a lot less good than a durable not-subject-to-being-taken-each-year form of meaningful participation or full observer status much less full membership. The one thing I'd layer on to that is the WHA was first because it was the easiest case and the fact that it hasn't gone further is somewhat disconcerting for those who hope to see it as a step forward. The issue started right after SARS when the PRC was in about as bad a position as one could be on that issue. Taiwan was especially vulnerable to the health consequences of SARS and was a pathway to the wider world. It really was the one that should have fallen fairly easily. It was still fairly hard and Beijing has tried to contain the precedential value so in that sense if you want support for pessimism I guess that's support for pessimism. On the other, China said, no, no, no, no, for a long time and this is something.

DR. BUSH: Mike Fonte?

QUESTION: Thanks for a good panel. I'm Mike Fonte and I am the Washington Liaison for the DPP here in Washington. I want to get to a point that you raised, Dr. Lee, that one of the benefits of Taiwan joining international organizations or Beijing allowing it to would confirm the '92 consensus. I guess by my logic Beijing not allowing Taiwan to enter international organizations gives a lie to the fact that there is a '92 consensus, that the mutual nondenial that President Ma has tried to encourage has in fact not worked, that it's a one-way street and I think Dr. Yeh's position when she talks about being allowed into meetings or Taiwan's interaction with INTERPOL, Dr. Glaser's point about what's happened with the diplomatic truce underlies that point. I think this is a key point here that underlies the whole panel that for Beijing there is one China for sure and that's the PRC. President Ma has tried to use his analogies, his confirmation of the constitutional framework as allowing for this fudginess, but I think that's an important point. Clearly the DPP is very forceful on this that there was no consensus around different interpretations and I'd like to hear how that plays out for them.

DR. BUSH: Dr. Lee?

DR. LEE: First of all in terms of the 1992 consensus, it's one China with different interpretations. Again that's also in Taiwan you have a different interpretation suddenly. The DPP probably has a different view of it. That's why I go back to what's in a name? What's the concept? What does the phrase imply? In the sense that someone even claimed that there is no consensus. It's an understanding. It's spirits and all kinds of things. That's the first point.

But last of all the current administration, their point of view is since Chen Shui-bian suddenly tried to expand the international space, he got 8 years and it didn't come out very well and becomes a troublemaker to some extent. I can also understand his point of view because domestic identity politics plays into the politics extremely so that suddenly you want to express it internationally and again I showed you the figures of Taiwan's identity politics and then you can realize that 2000 to 2008 you can see a lot of people who identify themselves as Taiwanese is going up, and certainly not to mention that in the 1990s you have Lee Teng-hui, the big boss and certainly he is quite creative and again he pushed for that kind of Taiwanese identity, indigenous identity and that kind of creation. So you have domestic politics deciding to push for external expression of international identity reconstruction that did not go very well. Again if that route doesn't work, plan B, Ma is going to come back and certainly also maybe his personal conviction or maybe the party programs and you have all kinds of variables kicking in so that in that case plan A didn't work very well and plan B suddenly kicks in and that's the one thing I wanted to mention.

Another thing also I want to mention is maybe in terms of getting to academic jargon in a sense, the security dilemma in the sense that you decide to push forward and even though you -- self-determination when Jacques just mentioned about all of those sovereignty issues and statehood and all these kinds of issues and if it

becomes tough, the other side also counters with tougher measures so that you try -- spiral in a sense and in this case it's simply competition spiral keeps on going up.

What Ma tried to do, I don't know whether you recall it, during the electoral campaign at that time in 2008 he talked about a smart strategy. One of his smart strategies was I want to make sure that the status quo is maintained and I want to make sure that we can expand the international space. So the plan B is I tried to calm down everything to reduce the tension so he popped out the 1992 consensus. I understand your view. The 1992 consensus, what's the interpretation? Again it depends on everyone's interpretation. But the key part of his view is he is more pragmatic. Again I can also assure you that in the past the Taiwanese government also under whoever is in charge tried to be very pragmatic, talking about flexibility and all kinds of things creating all kinds of terms. So the point is let's really try to bring down the tension, try to expand Taiwan's expansion but unless you have a much better solution and then I think that Ma is probably is willing to listen to it.

Going back to the Tokyo Film Festival, again you can consider that's an instance, just happened once or maybe at the top level they want to do something but at the bottom level again they have that kind of cultural reconstruction so long that Taiwan is supposed to China and Taiwanese are supposed to be Chinese. Then they express it and it's probably fine and then probably it was not fine. Everything changed. So in that case you want to treat that instance as one single incident or you want to say that's eventually showing that there is some kind of pattern over there. From Taiwan's point of view at least from the current administration's point of view they say we tried to calm down because we tried to reverse that kind of security -- issues. But whether that's successful or not, we're going to see.

QUESTION: My name -- my question is I want to seek the panelists' comments, also Dr. Bush's comments on Professor -- with an argument of abandonment of Taiwan for North Korea. My second question is the chairman of AIT recently announced that arms sales to Taiwan, the U.S. wants to sell arms to Taiwan until next March or April and do you think this is a step backward by the U.S. on this issue?

DR. BUSH: On your second question, I don't think we've heard that promise by Chairman Burkhart and I wouldn't give much credence to it.

QUESTION: I'm sorry. Let me rephrase. He said the U.S. won't upgrade F-16A/B until March let alone selling of F-16C/D.

MS. GLASER: Perhaps you're confusing that with something that Rupert Hammond-Chambers recently wrote. He is the Chairman of the U.S.-Taiwan Business Council. Is that what you meant?

QUESTION: No, AIT.

MS. GLASER: Neither Richard nor I have read anything by the Chairman of AIT, statements referring to the F-16 upgrade so I don't think we can comment on that. I don't think any U.S. official has said publicly when we are as a government are going to consider that. I don't think anybody has said that it's not possible this year.

DR. BUSH: Bonnie, do you want to talk about Charles Glaser who is not related to you? Charles Glaser is a great scholar from a theoretical point of view, but applying that theory to specific situations requires a deep understanding particularly in this issue area and I don't think Professor Glaser has that necessary deep understanding in this case. Anybody else? Disagreements?

QUESTION: Russell Hsiao with the Jamestown Foundation. I'd like to thank the panelists for a great presentation. I think it covered a lot of ground. I initially had two questions but one was taken by Mike over there which was about the '92 consensus and an assessment of the one-country different interpretation policy and its impact on Taiwan's ability to participate in international organizations and I wanted to get comments from the other panelists as well about what they assess the policy to be and how effective it has been in contributing to Taiwan's participation in different international organizations.

Secondly, I wanted to hone in on the case that was brought up by Bonnie, the case about the extradition of Taiwanese nationals to Mainland China by the Philippines' authorities. I wanted to also ask the panelists to discuss the legal implications of this and what kind of precedent this sets because in my understanding this is unprecedented in the sense of the Philippines sending Taiwanese nations to Mainland China and whether or not there are any legal implications on Taiwan's status and so forth.

I guess there is another area that I wanted to also bring up which is to really hone in on the issue of the diplomatic truce on what Professor deLisle mentioned about the fifth article of the Montevideo Convention which is of some assertion of statehood and it seems to me at least that the current administration, Ma Ying-jeou's administration, is downplaying that article and whether or not you see that as being the case and your interpretation of this matter. Thank you.

DR. DeLISLE: Certainly in terms of things that count as the implied clear statement rule, that is saying this is a state, a sovereign state under international relations and international law, clearly the Ma administration has taken a more ambiguous, less-assertive line than Chen Shui-bian and then at least parts of Lee Teng-hui. There is no doubt about that. Chen danced right up to the edge of the red line, somewhere in the pink fringes of it; Ma's language has been much less in that vein. There are references to China, references to the Republic of China, yes, there are references to Taiwan mixed in, but it's certainly short of where Chen was going

especially with things like one country each side and things like the discussion of a new constitution which doesn't mean a new state but could mean a new state and U.N. membership under the name of Taiwan. Those were all things that got very close to a statement that Taiwan is a state distinct from the Mainland rather than assertions of sovereignty for the ROC which rules Taiwan or the sovereignty of the nation and leaving ambiguous whether we're talking Taiwan or China and really openness to a one-China notion even with respect to interpretations as opposed to being a possible distance-future reunification thing, those all make a difference on that stature.

That said though, I don't think the diplomatic truce is a big part of that. I think if anything the diplomatic truce is a tactical accommodation that doesn't entail retreat and is the sense that it was a better way to do it and this is implicit I think in what Bonnie was saying that the fear was that the 23 was going to keep dropping and dropping and dropping and when that happens you've got a real problem to the extent that that fourth, unlike the fifth, the fourth articulated criterion for statehood is that you maintain relations with other states, formal is better than informal, and so trying to stop the bleeding I think is actually a way of keeping an assertion of state status or at least the government which implies a degree of statehood.

As to the extradition issue, the issue there is one needs a clearer reading than I think we have. I haven't followed this in enough detail so I may have missed something. But I think we need a clearer reading than we have so far of why the Philippines sent people back. There is nothing problematic really under international law, unless you have a treaty constraining you which doesn't apply here, about sending state A's nationals to state B if they committed a crime in state B. You're state C. The Philippines says these Taiwanese were doing something back in China or doing something bad with an effect in China. You could still think Taiwan, the Philippines and China are all countries and it's still okay to send them back to China. If they said we're sending them back to their country, we are extraditing your citizens back to you and that were clearly the statement, then you've got obviously a problematic assertion but it's not the essential condition to having done the sending.

There is one other piece I wanted to add to the story which I missed earlier is that one of the other tactics that Taiwan has tried in this and this is one that can float around despite the changes in different presidential assertions is essentially a claim of universal representation, that the people of Taiwan need to be covered by these supposedly universal systems, the human-rights regime and the U.N. regime and Beijing can't effectively do that so that one way around all these problems of asserting Taiwan as a state that represents the people of Taiwan and system is to say whatever you think of it the people of Taiwan need to be part of the health regime, need to be part of the human-rights regime and there is no other entity that can really represent them absent from level of participation from Taiwan whatever it is.

MS. GLASER: Let me add a few things on the Philippines incident. First I don't know if anybody else is clear, or Richard or I are not clear, whether the 14

criminals were actually deported or whether they were extradited so that I'm not too clear. But in any case I think that in this instance probably something positive has come out of a negative situation where now the Philippines agreed to take some actions in order to help Taiwan safe face on this issue including firing their chief of I think it was immigration, and in addition there was another criminal who was recently arrested and that person was sent back to Taiwan so that the Philippines is essentially saying we'll do it your way in the future, we won't send them to the Mainland. In addition, there was an official who went from Taipei to Beijing to discuss the fate of the 14 who had been deported or extradited from the Philippines and now the Mainland is apparently willing to begin to send some of them, I think the first group will be seven of them, back to Taiwan so that in this case maybe something positive came out of that.

On your question briefly relating to the 1992 consensus as a basis for improving relations and its implications for international space, I think it was very clear before President Ma was elected that Beijing had told the KMT that this was a minimum position in order to resume the SEF-ARATS talks in order to begin to improve the relationship. Of course the KMT had a prior position that it recognized the 1992 consensus so it wasn't a concession so that they have stuck with that position. I think that at certain junctures the Mainland is looking to see whether they have to give President Ma something in order to help him shore up his domestic political position and I think in his first year in office, beginning in 2009, they agreed to the WHA and that was a big deal for President Ma and I think it showed in the polls.

In 2010 I think the big issue is ECFA. In fact, I think that the KMT government really didn't attach a lot of importance or priority I should say to the international space issue. ECFA was really the highest issue on the agenda. Now going forward I think if President Ma is low in the polls, if China is worried about whether or not he will get reelected, yes, international space is another area where Beijing can do something for Taiwan going forward and maybe giving the nod to Singapore and maybe India is part of that calculus.

DR. DeLISLE: One correction. You're right; it is deportation and not extradition. Deportation is typically back to your home country but not necessarily.

MS. GLASER: Thank you.

DR. BUSH: I would note that if there were a change in consciousness in Pakistan and they captured Osama bin Laden we would want him here on the next available flight. We would not care that he is a citizen of Saudi Arabia. Right?

MS. GLASER: Very good.

DR. BUSH: Walt Slocombe. Thanks for coming. It's nice to see you.

QUESTION: Thanks for an excellent series of presentations. I expect I'm the only nonexpert in the room. It was very informative. I'd like to ask a question about the broader international aspect of this. I'm not sure who it was. One of you made the point that the WHA move was possible because of the sense both that China had wrong-footed itself and second that there was a powerful international reason which is sort of related to the universal representation issue. Are there other areas in which international pressure or international wishes, this is not strictly a China-Taiwan or even U.S.-China-Taiwan issue? And the converse is Taiwan is not the only situation in which there is an ambiguous situation of a state, the most obvious being Israel and the Occupied Territories. This is I suppose mostly to Professor deLisle. Are there other countries that take an interest in this issue not because of the Taiwan-China issue but because of the implications for other sovereignty or status questions in which they have a direct interest?

DR. DeLISLE: I think that Taiwan's leaders have been very much attuned to this issue, that is what are the things that look most like the WHA? You're unlikely to get the perfect storm of a seemingly nonpolitical issue, a really scary pandemic and China botching it as badly as they did. But if you look around the way Taiwan has pushed other areas, it has been to make primarily the claim -- one of the important tactics has been to look at where the exclusion of Taiwan has harmful effects to the global system. I think that's one of the reasons that we saw ultimately the push at the end for WTO membership, Taiwan was a major trading entity, it had come into conformity with the rules and that was part of what was going on in pushing China to strike a deal before it got really ugly. Would the WTO have admitted Taiwan without China? No. But it gave Taiwan I think more leverage.

I think you see it with the ICAO, the argument that there is a lot of air traffic around the straits; Taiwan is a major air-shipping entity, so if you have them out of the system they're a risk. You play the 9/11 card, that if you can't have a unified international system for air traffic for shipping with IMO. Money laundering is another area of financial things. Basically anywhere where if you leave Taiwan out of the system there's a big hole because Taiwan is important or leaving Taiwan out of the system creates a possible route around a universal system which is true with a lot of the crime issues particularly financial crime and money laundering, that becomes a powerful argument and I think that's why Taiwan has emphasized those sectors as the next best steps.

They also have the virtue of not being overtly political, health, fish, environment, crime, everybody can agree that those are good or bad things depending on where you are on the list. As to the other ambiguous entities in international systems, this is going to get back to Richard's dig at the other Glaser, that theoretically there's a nice symmetry. Politically nobody wants to go there. Taiwan is the third rail of our lives here but Israel and the Palestinian Territories are a problematic analogy for all sorts of reasons, in some ways even more controversial and certainly scrambling some of the international left-right alignments shall we say compared to Taiwan.

What's your other big candidate? North Korea is the other entity with the most questionable status but that's not an analogy one really wants to push either. It's desperately clawing for status and Taiwan gets some weird indirect benefit because China is so committed to North Korea's continuing status that international opprobrium and isolation doesn't really take them out of the mix of states in China's view and that maybe helps a little bit. But the tactic from Taiwan has much more been to stress the entities that make it over the hump. So when you see the various fragments of the former Yugoslavia including most recently Kosovo, that kind of discussion I think is where that international-system behavior tends to be a plus for Taiwan.

DR. BUSH: Walt, I would say that the other possible candidates have lacked two things that Taiwan has. One is the international footprint and, second, the state capacity to make a contribution so that this is *sui generis*.

MS. GLASER: May I say one thing? The other piece to your question, Walt, is not just of course whether there is an issue in which other countries will sympathize and then put pressure on China; it's also the structure of the individual organizations. If there is an observer status like there was with the World Health Assembly then it becomes easier for Taiwan potentially to join. If the charter of an organization doesn't allow for observer status and Taiwan can only join as a member, and I think this is the case but you probably know better than I do of UNFCCC.

DR. DeLISLE: The U.N. writ large does.

MS. GLASER: It does? I'm not sure about that individual organization. I was told that Taiwan has NGOs that participate and that the next step would actually be joining and that Taiwan had applied for membership, but perhaps I'm wrong on that. But I think again that's one of the challenges, that if they want to join an organization there has to be some category in the charter that enables them to do so.

DR. BUSH: Or you can change the charter.

MS. GLASER: That's very complicated, but it's possible.

DR. BUSH: I understand. Are there any final questions?

QUESTION: Nancy Talbot with the Department of State, East Asia Pacific Bureau. I have a clarification and a question. The clarification is in regard to the question you asked about arms sales and I wanted to echo what the panelists said that arms sales are continually under review, that there is not a timeline that we can say on that.

My question has to do with FTA-like agreements; it's probably for Bonnie or maybe for one of the other panelists, regarding India since we've been hearing a lot about that in the press. Do you have any indication from your discussions with the PRC, whether scholars or government officials, on how receptive or not they might be to something like that with India specifically?

MS. GLASER: I can only speak in general terms and perhaps others know more than I do, that from my conversations with very senior Chinese officials I had the impression that Singapore was a test case, that the Mainland wanted to see how that was managed and of course the negotiations have not yet gotten underway and it could take a year or longer. I had heard very clearly from officials that they did not want to see other cases going forward. I was frankly surprised to even read about the India case, though I would be really shocked if India went forward with this without consulting with China. So my guess is that there was some kind of a conversation and that India and China came to some understanding, but that part of it is just total speculation. But I was rather surprised. Perhaps this is related to the various tensions that have been taking place between China and India.

DR. BUSH: With that I think we've come to the end of our time. I'd like to thank all of you for coming and for your great questions and particularly thank the panelists for their outstanding presentations and their answers. Thank you very much.

(Applause)

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