

Taiwan and China are drifting apart

Written by Christian Fan Jiang 陳建江
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Tainan Mayor William Lai (賴清德) caused an uproar last week when he said that he feels “affinity toward China as much as he loves Taiwan.”

Fellow Democratic Progressive Party (DPP) member and Kaohsiung Mayor Chen Chu (陳菊) responded by describing herself as “at peace with China,” while Taoyuan Mayor Cheng Wen-tsan (鄭文燦), another DPP member, described himself as being “China-friendly.”

Commenting on the three mayors’ remarks, Lee Hsiao-feng (李蕭峰), a professor at National Taipei University’s Graduate School of Taiwanese Culture, said: “They are idealistic expressions of hope, but also expressions of goodwill. It is not simply wishful thinking on our part, but for this goodwill to be turned to practical use does require reciprocity from China.”

Lee is correct: The ball is in China’s court. President Tsai Ing-wen’s (蔡英文) China policy stresses that her government will “continue to pursue the peaceful development of cross-strait ties, in accordance with the framework of the current Constitution of the Republic of China [ROC] and general public opinion.”

The above formula contains an enormous amount of goodwill. In a democratic nation, “adhering to general public opinion” goes without saying. As for the phrase “in accordance with the framework of the current Constitution of the ROC,” this means that Tsai’s government is committed to adhering to the Constitution, in its current form.

In its present form, the ROC Constitution is closely related to a final draft of the constitution known as the Constitutional Draft of the Political Convention, which was jointly drafted by the Chinese Nationalist Party (KMT) and the Chinese Communist Party (CCP).

The CCP later boycotted the National Assembly and declared that it would not recognize the ROC Constitution, following its promulgation by the Nationalist government on Jan. 1, 1947.

Generally speaking, China has no problems with this part of Tsai’s China policy. However,

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ever since Tsai refused to accept the so-called “1992 consensus,” Beijing has been winding itself up into a frenzy.

China’s leaders see the government’s non-recognition of the “1992 consensus” as saying that it sees China as another nation, and as a result have been using every opportunity to demand that Taiwan express its acceptance of the “consensus” and claiming that Taiwan and China are “joined at the hip,” and must unite.

One can see that Beijing will be satisfied with nothing short of the full annexation of Taiwan.

Last month, the Council of Grand Justices issued Constitutional Interpretation No. 748, making Taiwan the first nation in Asia to guarantee the right of same-sex couples to marry.

The news was a shock to Chinese citizens, and online media outlets made the observation that the grand justices’ decision clearly demonstrates that there are two legal governments on either side of the Taiwan Strait.

The phrase “in accordance with the framework of the current ROC Constitution,” undoubtedly gives Chinese the impression that Taiwan and China are attached by an invisible umbilical cord and creates a feeling of commonality between the two nations.

The problem is that since the enactment of the original ROC constitution in Nanjing, it has been revised no less than seven times by the legislature in Taiwan, to the extent that it has essentially morphed into a “Taiwanese constitution.”

Furthermore, the old National Assembly was “suspended” in 2005, which effectively severed the umbilical cord with China.

In addition, while China has its own grand justices, they are not charged with making

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constitutional interpretations.

In Taiwan, constitutional interpretations carry the same weight as the Constitution. This means that the sensation in international media when a constitutional interpretation guaranteed the right of same-sex couples to marry had the effect of signaling to the world that Taiwan, with its mature legal system, exists as a nation that is separate and distinct from China.

This has of course touched upon a raw nerve in China, which is why, after the interpretation was announced, China Central Television severely criticized “the Taiwanese authorities” for “violating ethical codes governing human relations.”

One can reasonably infer from this that same-sex marriage is not the real issue for Beijing; it was really an expression of impotent rage from a dictatorship at its inability to block the constitutional interpretation.

Taiwan was only able to achieve this milestone because it is a legally founded state. This fact was not lost on Chinese Internet users who lamented that Taiwan has “in the blink of an eye drifted apart from China; the pace of change is too fast.”

Taiwanese might well respond: “Whose fault is that?”

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Translated by Edward Jones

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