

Law needed to prevent Beijing's infiltration

Written by Hung Cheng 鄭宏

Wednesday, 20 March 2019 06:30

President Tsai Ing-wen (蔡英文) on March 11 posted a message on Facebook entitled “Guiding principles for the response and opposition to China’s ‘one country, two systems’ plan for Taiwan.” The government’s strategy deserves the public’s full support.

Upholding national security and the nation’s sovereignty can be split into two distinct areas: external — national defense and foreign affairs — and internal — counterespionage and infiltration.

Although the Tsai administration has made considerable progress on the external front, it has placed less of an emphasis on countering Beijing’s comprehensive infiltration of Taiwanese society, which has made it increasingly difficult to distinguish between friend and foe.

The reason for this is, first, the nation’s economic dependency on China and the infiltration of Taiwan through cybertechnology, and second, Beijing’s use of Taiwan’s democracy for its antidemocratic purposes.

In the past, Taiwan and China were clearly separate and the enemy could be excluded, but an intertwining of economies — the result of globalization and the Internet — has brought porous borders and created a range of challenges that hitherto did not exist.

Tsai’s seven guiding principles, although highly commendable, nevertheless beg the question: What is the next concrete move that the government should make?

The US is at the forefront of the democratic free world’s pushback against China. Washington has for some time been taking steps to counter Chinese infiltration in US society.

Two bills in Australia show Canberra’s realization that laws there are inadequate to deal with the problem of meddling by foreign powers in domestic affairs: the Espionage and Foreign Interference Bill and the Foreign Influence Transparency Scheme Bill, both introduced by Australian Attorney General Christian Porter and passed into law on June 28 last year.

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New legal tools are required to counter the threat of Chinese interference and infiltration.

National Security Council Deputy Director-General Arthur Lap (廖正興) has stated that “the enemy is already among us.”

The next step is for Taiwan to create its own set of defensive legal tools, so Tsai's aim of creating a “democratic defensive shield” can become a reality.

As the fifth anniversary of the 2014 Sunflower movement approaches, many politicians are calling for a new legal framework to govern cross-strait political agreements, taking the nation from the Cross-Strait Agreement Supervisory Act (兩岸關係條例) to a “cross-strait political agreement supervisory mechanism.”

However, is this really necessary? The situation in Taiwan today is different from that of Hong Kong before the handover to Beijing.

Britain was forced to enter into negotiations with China over Hong Kong because the territory's limited land mass had reached a saturation point relative to the population size. British officials feared that the uncertainty caused by its 99-year lease coming to an end would have detrimental effects on investments in Hong Kong.

By contrast, the Taiwanese government does not need to enter into negotiations with China. The nation does not need supervisory laws to govern any future negotiations with Beijing, but rather fresh laws that protect and defend Taiwan from China.

If next year's presidential election ends up sending more pro-China signals to the international community, countries that are friendly toward Taiwan might stop lending their support. After all, selecting a president is the embodiment of the public's collective will.

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Translated by Edward Jones

Source: [Taipei Times - Editorials 2019/03/20](#)