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The DPP Mission's Response to China's "Punishment of Pro-Independence Advocates"

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Misguided Assertion of Authority is Orwellian Aggression towards Democracies

Today the world woke up to the PRC government's shocking announcement of a set of guidelines on "imposing criminal punishments on diehard 'Taiwan independence' separatists for conducting or inciting secession." This move is another step in Beijing's campaign to annex Taiwan while raising significant legal and ethical concerns. It is imperative to dissect this action and underscore its illegitimacy and potential repercussions on cross-strait relations and international law.

Legal Overreach and Jurisdictional Issues

The Chinese government's latest edict is a blatant example of extra-territorial jurisdiction. By attempting to apply its criminal laws to individuals outside its borders, China is weaponizing its legal system in a manner reminiscent of authoritarian overreach. This tactic, which seeks to criminalize pro-independence advocacy and punish Taiwan independence supporters through the Chinese legal system, contradicts fundamental principles of international law.

Notably, Beijing's claims of jurisdiction over Taiwan are entirely unfounded. The Republic of China Taiwan is a sovereign, independent nation. The People's Republic of China (PRC) has never governed Taiwan. The Republic of China and the People's Republic of China are not subordinate to each other. Therefore, PRC unilateral declarations have no bearing on the island's sovereignty.

The United States does not accept the PRC's claim to jurisdiction over the ROC. The US has only acknowledged, without recognizing, the PRC claim. The US position is that any resolution must be peaceful and mutually acceptable and, because Taiwan is a democracy, must have the assent of the people of Taiwan. The PRC's legal pronouncements are, therefore, irrelevant and inapplicable to the 23 million people of Taiwan who live under the protection of a robust democratic system and the ROC Constitution.

Undermining Human Rights and International Norms

China's move to criminalize pro-independence activities extends beyond its borders and poses severe risks to international norms of human rights. The document's vagueness in defining "Taiwan independence" and its broad criteria for what constitutes incitement or advocacy are deeply troubling. Such ambiguity could target a wide range of activities, including those protected under international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR). This not only threatens the rights of individuals but also undermines the very foundations of international norms and agreements.

Moreover, the document's scope is not limited to Taiwanese citizens; it also criminalizes international figures and activities supporting Taiwan's international participation and exchanges. This means that foreign nationals who engage in ill-defined "pro-Taiwan independence" advocacy or collaborate with Taiwan in various capacities could also be subjected to prosecution under China's Criminal Code. Such overreach further underscores the extraterritorial ambitions of Beijing's policy and its disregard for international boundaries and sovereignty.

Furthermore, the document suggests that Beijing can issue arrest warrants and conduct trials in absentia against those it deems guilty of secessionist activities. These actions are typically reserved for the most egregious international crimes, such as war crimes or piracy, and are

usually conducted under the auspices of international courts, not domestic jurisdictions. China's assertion of this power over ill-defined "Taiwan independence advocates" represents a dangerous escalation and a misuse of legal mechanisms.

Impact on Cross-Strait Relations

Beijing's latest maneuver will only exacerbate tensions between the two sides of the Taiwan Strait. By imposing its will through coercive legal means, China is not only undermining any prospects for peaceful and constructive dialogue but also posing a direct threat to Taiwan's sovereignty and democratic governance. Such actions will likely harden people's attitude against Beijing's overtures, further entrenching the divide and potentially leading to a more destabilizing situation in the region.

Taiwan is a beacon of democracy in East Asia, and its people enjoy freedoms and rights protected by their constitution. Any attempts by Beijing to intimidate or coerce Taiwan's citizens are not only futile but counterproductive. Instead of fostering understanding and cooperation, China's aggressive stance serves to alienate the people of Taiwan and disrupt the potential for harmonious relations.

A Call for Rationality and Diplomacy

We call on the international community to recognize the severity of China's overreach and to support Taiwan's right to self-determination and democratic governance. It is crucial for countries that cherish freedom and democracy to condemn Beijing's attempts to export its authoritarian legal practices beyond its borders. We urge the international community to stand with us, uphold the principles of democracy and human rights, and reject any attempts to undermine these values.

China must abandon its hegemonic ambitions and engage with Taiwan in a spirit of rationality and mutual respect. Only through genuine dialogue and diplomacy can the two sides hope to find common ground and build a peaceful future.

Taiwan will not be swayed by intimidation or legal threats from Beijing. The island's commitment to democracy and freedom remains unshaken. We urge all Taiwanese citizens to remain vigilant and steadfast in the face of external pressures and to continue to uphold the

values that define our nation.

Reference:

[Mainland Affairs Council statement >>>](#)

[Instant Analysis from international law expert Cheng-en Sung >>>](#)

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