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The DPP Mission's Response to China's "22-points Opinion" Targeting Taiwan Independence Supporters

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Weaponization of Domestic Legislation

China has utilized its domestic legislation to undermine the status quo and coerce Taiwan and other countries in the Indo-Pacific. Although China has no jurisdiction over Taiwan, on June 20, 2024, the Chinese government's political and legal apparatus, along with the Taiwan Affairs Office, published the "22-points Opinion," calling for severe punishment of "Taiwan independence supporters." In the Opinion, the definition of Taiwan independence is vague and ambiguous, encompassing most Taiwanese people and even foreigners. Along with China's recent enactment of the National Security Law and the Anti-Espionage Law, this policy clearly shows that the Chinese side is weaponizing domestic legislation to coerce Taiwan—especially as it was released just one month after the Lai Administration took office. Potential impacts include:

- Many Taiwanese people doing business, studying, or traveling in China, Hong Kong, and Macau are exposed to judicial risk; more than a dozen Taiwanese individuals have already been detained in China for violating the National Security Law.

- China has police stations and extradition treaties all around the world; Taiwanese businesspeople, tourists, and students abroad may also be at risk of illegal detention. China may also leverage other countries' economic dependence to force them to cooperate.
- Whenever any Taiwanese person is detained by the Chinese government on charges of supporting Taiwan independence, it is a violation of free speech granted by the ROC Constitution and negatively impacts cross-strait relations. China will always rationalize by claiming it is enforcing Chinese law—weaponizing domestic legislation.
- In addition to Taiwanese people, anyone who supports Taiwan's global status, recognizes cross-strait "mutual non-subordination," advocates for Taiwan's international participation, supports strengthening Taiwan's defense, or opposes China's regional aggression is also subject to similar risks.

The Coast Guard Law and Legal Expansion in the South China Sea

The weaponization of domestic legislation is a part of China's broader external legal warfare (lawfare) strategy. The 22-point Opinions are not an exception, and Taiwan is not the only target. The June 17, 2024, Second Thomas Shoal incident in the South China Sea, wherein the Chinese Coast Guard used excessive force against Filipino personnel, was caused by enforcement of China's "Coast Guard Order No. 3," enacted June 15, 2024. The law authorizes the Coast Guard to use force when necessary and even to detain foreigners or foreign vessels for up to 60 days or longer without trial. Thus, the June 17 aggression toward the Philippines aligns with China's own domestic regulations—even if those regulations do not conform to international law or custom. The impact of China's Coast Guard Order No. 3 is comprehensive, including:

- In the South China Sea, there will be more expansionist actions and excessive maritime claims disguised as domestic law enforcement. This will lead to ongoing conflict between China and the Philippines, further escalating tensions in the South China Sea.
- Although China is focusing pressure on the Philippines, it also has sovereignty disputes with Vietnam, Indonesia, and Malaysia. Indonesia, in particular, enforces strict laws against Chinese fishing vessels, and Chinese warships have operated in waters

claimed by Indonesia. China's Coast Guard Order No. 3 will continue to raise tensions in the South China Sea, severely affecting regional peace and stability.

- Coast Guard Order No. 3 also significantly impacts Taiwan. After the February 14 Kinmen incident, Chinese Coast Guard ships have been making daily movements in the restricted waters around Kinmen, occasionally multiple at a time, multiple times a day, causing serious disturbance in Taiwan. During the May 23 - 24 Joint Sword 2024A exercises this year, China also deployed several Coast Guard ships off the eastern and southwestern coasts of Taiwan, presumably to practice future boarding and inspection operations around Taiwan, possibly in coordination with the PLA in preparation for a future quarantine of Taiwan.
- China's Coast Guard Law also affects Japan. Chinese Coast Guard ships are entering disputed waters with increased frequency. Recently, observations indicate that multiple armed Chinese Coast Guard ships are entering contested waters together.
- The China Coast Guard is directly under the People's Armed Police and, like the PLA, is under the Central Military Commission's command. Under the Coast Guard law, the China Coast Guard has significantly expanded its armament and can direct hundreds of maritime militias (armed fishing boats) to conduct harassment operations.

Overall, the purpose of Coast Guard Order No. 3 is to act as a basis for gradually incorporating the waters of the first island chain—including the East China Sea, Taiwan Strait, and South China Sea—into China's internal waters. If China's actions are not constrained, it will not only affect Taiwan and regional countries but pose a risk of unreasonable boarding and inspection to all ships passing through the island-chain waters. China's ongoing maritime expansion and gray-zone harassment in the first island chain are challenges that the entire international community must face together. The lack of consequence or obstruction will encourage China to persist in its aggressive expansionist behavior. To build deterrence, like-minded countries should reach a common understanding on China's behavior and take joint, decisive action against China's gray-zone and legal warfare.

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