

Issuance of the “Opinions on Punishing ‘Taiwan Independence’ Diehards” and Its Implications for China’s Taiwan Policy

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Abstract

The issuance of the legal document titled “Opinions on Punishment of ‘Taiwan Independence’ Diehards Who Commit the Crime of Splitting the Country and Inciting Secession” by Chinese authorities earlier this year signifies Beijing’s intent to intensify lawfare against efforts to promote Taiwan independence. This paper reviews the background of this document and discusses its implications for China’s current Taiwan policy. It argues that the “Opinions” illustrate Beijing’s attempts to specify behaviors, conditions, crimes, and liabilities related to activities pursuing Taiwan independence, signaling increased pressure on Taiwan. However, while Beijing aims to intimidate Taiwan independence activists, it does not wish to escalate tensions in the Taiwan Strait, as this would conflict with its goal of integrating more Taiwanese people into the “mainland.” This reflects Beijing’s strategic thinking that intimidation and integration can work together. As a result, China has repeatedly emphasized that the “Opinions” target only a small group of “Taiwan independence diehards.” This mindset is likely to reinforce Beijing’s resolve to exert more pressure on Taiwan through domestic and international lawfare, which could inadvertently trigger an unwanted military conflict. In the future, Taiwan and like-minded countries should collaborate to counter China’s lawfare efforts. Additionally, Taiwan should make the consequences of such lawfare more apparent to remind China that these actions will backfire, fostering greater distrust across the Taiwan Strait.

Keywords: China, Taiwan, Lawfare, Taiwan Independence Diehards, Cross-Strait Relations

I. Introduction

China has recently reinforced its policy measures against potential attempts of promoting Taiwan independence by activists. Among these measures, one of its latest and strongest tools is the issuance of the legal document titled “Opinions on Punishment of ‘Taiwan Independence’ Diehards Who Commit the Crime of Splitting the Country and Inciting Secession” (關於依法懲治「台獨」頑固分子分裂國家、煽動分裂國家犯罪的意見) (hereafter referred to as “the Opinions”).¹ The document was jointly announced on June 21 by the Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Public Security, the Ministry of State Security, and the Ministry of Justice.

The Opinions include 22 items, stipulating specific behaviors that constitute the crime of promoting Taiwan independence and secession from the country. According to the Opinions, the maximum criminal liability for advocating Taiwan independence is the death penalty if the activity is considered to have caused “particularly serious harm to the state and the people” or if “the circumstances are particularly egregious.” This is the first time the Chinese authorities have clearly defined the crime and criminal liability of Taiwan “secessionists.” The legal document also demonstrates China’s strengthened efforts to intimidate people into silence regarding discussions of Taiwan independence.

Despite China increasing its pressure on Taiwan through legal warfare, it remains unclear whether this signifies an escalation of the conflict against Taiwan. This paper reviews the current background of cross-Straits relations in which the Opinions were issued, reflects on how legal warfare reveals the direction of China’s Taiwan policy, and discusses the implications for regional security and future trends in cross-Straits relations.

1. PRC’s Supreme People’s Court et al., 〈最高人民法院 最高人民檢察院 公安部 國家安全部 司法部印發《關於依法懲治「台獨」頑固分子分裂國家、煽動分裂國家犯罪的意見》的通知〉, June 22, 2024, *People.cn*, <<http://politics.people.com.cn/BIG5/n1/2024/0622/c1001-40261801.html>>.



Figure 1. Chinese Officials Unveil the “Opinions”

Source: 〈國台辦舉行專題發布會解讀懲治「台獨」頑固分子司法檔〉, *CCTV*, June 22, 2024, <<https://news.cctv.com/2024/06/22/ARTI9GmsfKiuRxtxVMx2D710240622.shtml>>.

As this paper will show, China is not attempting to escalate the conflict over Taiwan through legal warfare. Instead, Chinese authorities continue to stress that the punishments stipulated by the Opinions target only a tiny segment of the population who embrace “secessionist” ideology. In other words, the legal warfare signals China’s intent to use complementary measures to counter the Democratic Progressive Party (DPP) government’s pursuit of *de facto* independence while pushing forward its goal of reunification. It also implies that China still believes that the inclination toward independence among the Taiwanese public is reversible, indicating a lesser willingness to use force for immediate unification compared to what many strategists outside China have suggested.

Nevertheless, China will continue its lawfare against any attempts to promote Taiwan independence, including using certain cases as a deterrent. The Taiwanese

government should implement preemptive measures to protect its people, including cooperating with like-minded allies to avoid political cases outside Taiwan or China, and enhancing domestic awareness to prevent the population from becoming involved in any “crime” when engaging with people from, or traveling to, China.

II. Background to the “Opinions”

The issuance of the “Opinions” is not a surprise, as recent years have witnessed China’s incrementally aggressive stance on dealing with what it calls “the Taiwan question.” China’s Taiwan policy shifted in 2016 when the more Beijing-friendly Kuomintang (KMT), lost power to the Taiwan-centric DPP. Labeling the inauguration speech of Tsai Ing-wen, the newly elected president who refused to endorse Beijing’s “One China” principle, as “incomplete,” the Chinese government cut off regular communication with Taiwan. Since then, cross-Strait relations have been tumultuous.²

China gradually and unilaterally terminated official and social exchanges between the two sides by imposing institutional restrictions. During the eight years of the Tsai administration, there were essentially no formal official visits across the Strait. The number of Chinese tourists visiting Taiwan declined from more than 4 million in 2015 to less than 200,000 in 2023. (COVID-19 also had a substantial impact on exchanges, though the decline began well before the pandemic, as early as 2016, see Figure 2).³ In 2017, China cut the quota of students applying to study in Taiwan and discouraged its youth from attending Taiwanese colleges. In 2019, Beijing further shut down the channel for sending people to study in Taiwan, and since then, the number of Chinese students pursuing a college education in Taiwan has continued to decline.

2. “China pressures Taiwan’s President Tsai Ing-wen to acknowledge One China,” *CNBC*, May 22, 2016, <<https://www.cnbc.com/2016/05/22/china-pressures-taiwans-president-tsai-ing-wen-to-acknowledge-one-china.html>>.

3. 〈藍智庫籲新政府廢止赴中禁團令 召開觀光國是會議〉, *CNA*, May 8, 2024, <<https://www.cna.com.tw/news/aip/202405080130.aspx>>.

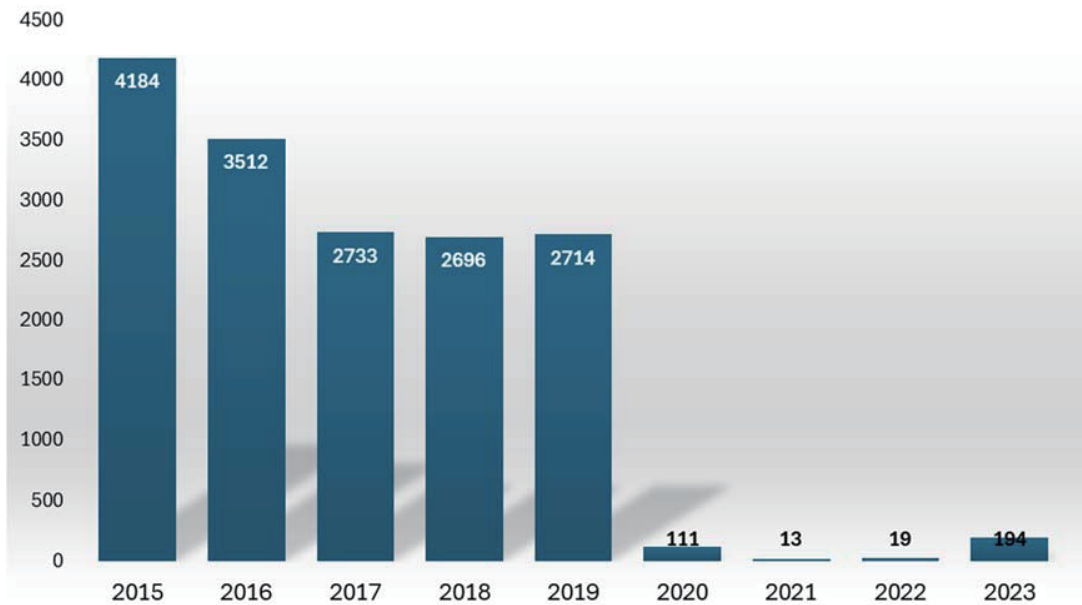


Figure 2. Number of Chinese Tourists (in Thousands) from 2015 to 2023

Source: The figure was created by the author using data from the Ministry of Economic Affairs, Taiwan (R.O.C.), 〈觀光客來台人數〉, August 7, 2024, *Ministry of Economic Affairs, Taiwan (R.O.C.)*, <<https://dmz26.moea.gov.tw/GA/common/Common.aspx?code=O&no=2>>.

By holding regular communication as a weapon, the Chinese government aimed to force Tsai to accept the “One China” principle and the “1992 consensus,” in which both sides agree that there is only one China (with the Taiwanese side, at least according to the KMT, having different interpretations of what “One China” means).

The pressure China placed against Taiwan independence intensified following the escalation of Sino-American competition in 2017. After Donald Trump took office, the U.S. initiated a series of policy measures to contain China in high-tech development and trade dominance. Under worsening U.S.-China relations, the warm ties between Washington and Taipei, including continuous U.S. arms sales to Taiwan, have been considered by Beijing as provocative and a violation of its “One China” principle. Since 2019, China has held regular military activities in the Taiwan Strait. The People’s Liberation Army frequently sent warships and fighters into the Taiwan Strait, intentionally breaking the tacit understanding of not crossing the centerline.

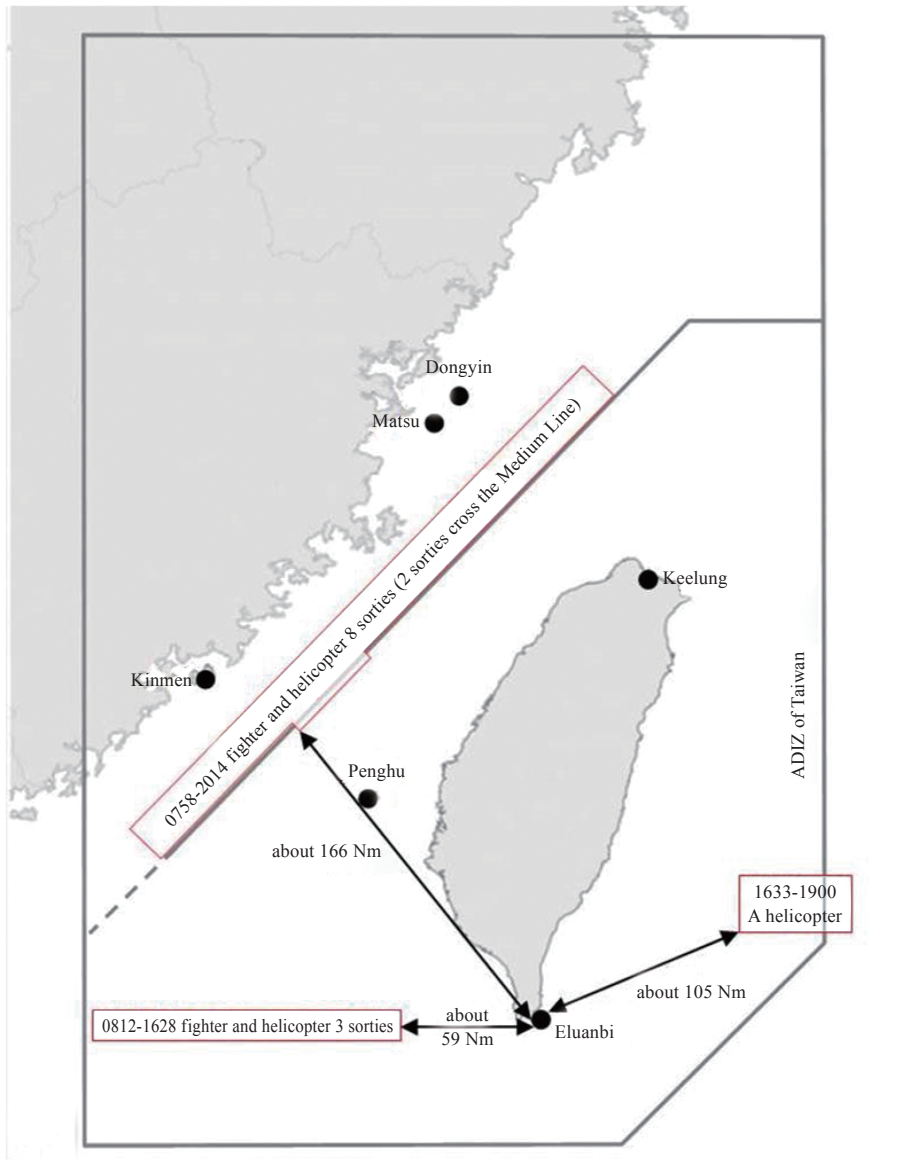


Figure 3. PLA Military Activity in the Taiwan Strait on August 6, 2024

Source: R.O.C. Air Force, 〈PLA activities in the waters and airspace around Taiwan Aug. 6, 2024〉, August 6, 2024, *R.O.C. Air Force*, <https://air.mnd.gov.tw/EN/News/News_Detail.aspx?CID=214&ID=57327>.

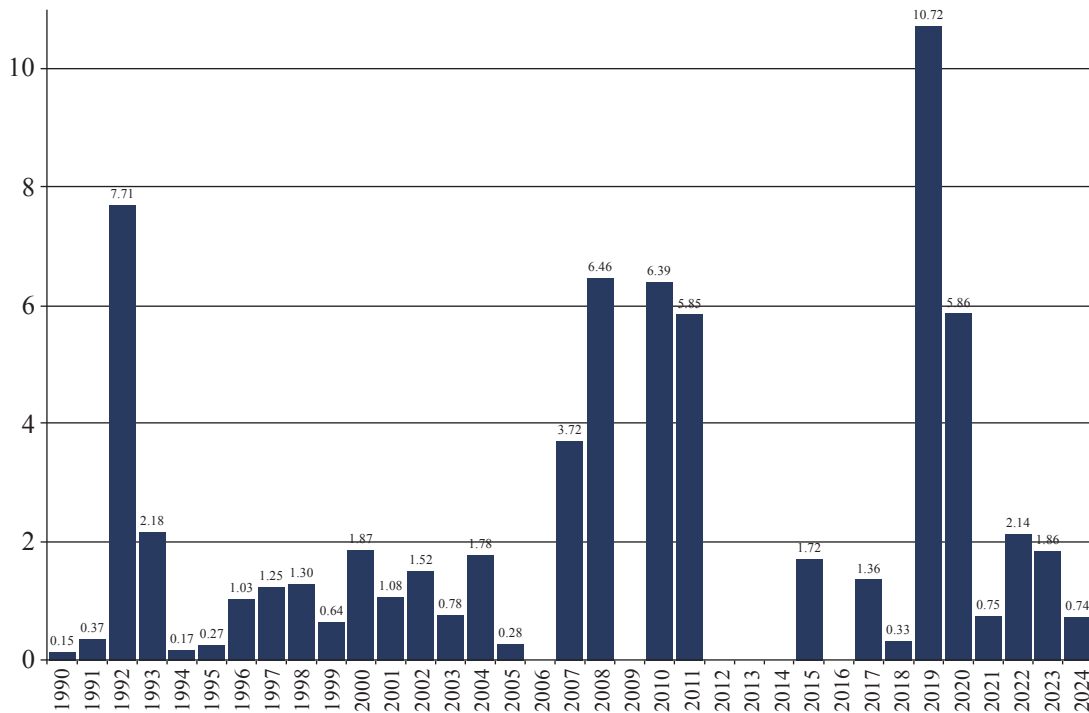


Figure 4. U.S. Arms Sales to Taiwan, 1990-2024 (US\$ Billion)

Source: Taiwan Defense & National Security, “Taiwan Arms Sales Notified to Congress 1990-2024,” June 18, 2024, *Taiwan Defense & National Security*, <<https://www.ustaiwandefense.com/taiwan-arms-sales-notified-to-congress-1990-2024/>>.

Note: Rounded to two decimal places.

China’s unilateral changes in domestic policy towards Taiwan and its adoption of military tools constitute its attempts to intimidate Taipei. Beijing made it clear that it will “maintain the initiative and the ability to steer in cross-Straits relations” (掌握兩岸關係主動權與主導權) and “firmly oppose separatist actions promoting ‘Taiwan independence’ and foreign interference” (堅決反對「台獨」分裂行徑，堅決反對外部勢力干涉). To achieve this, Beijing planned to launch a lawfare campaign to legitimize these attempts. This intention was manifested in the “Plan on Building a Law-based China (2020-2025)” (法治中國建設規劃 (2020-2025 年)) issued in January 2021.⁴ In this document, the Chinese Communist Party (CCP) stated that it

4. 〈中共中央印發《法治中國建設規劃 (2020-2025 年) 〉〉, *People’s Daily*, January 11, 2021, <http://paper.people.com.cn/rmrb/html/2021-01/11/nw.D110000renmrb_20210111_1-01.htm>.

would “explore a ‘one country, two systems’ plan for Taiwan to advance the process of peaceful reunification of the motherland” (探索「一國兩制」台灣方案，推進祖國和平統一進程) and “use the rule of law to defend the One China principle, resolutely oppose ‘Taiwan independence,’ and firmly preserve national sovereignty, security, and development interests” (運用法治方式捍衛一個中國原則、堅決反對「台獨」，堅定維護國家主權、安全、發展利益).

At the Party Congress in 2022, paramount leader Xi Jinping, in his political report, clearly prioritized measures to go “against Taiwan independence and against foreign intervention.” The message Beijing is sending to Taiwan and the world is unambiguous: the Taiwan question and national security are bound together with the goal of “reunification.” In March 2023, in his closing speech of the two sessions, Xi first mentioned that “Realizing China’s complete reunification is a shared aspiration

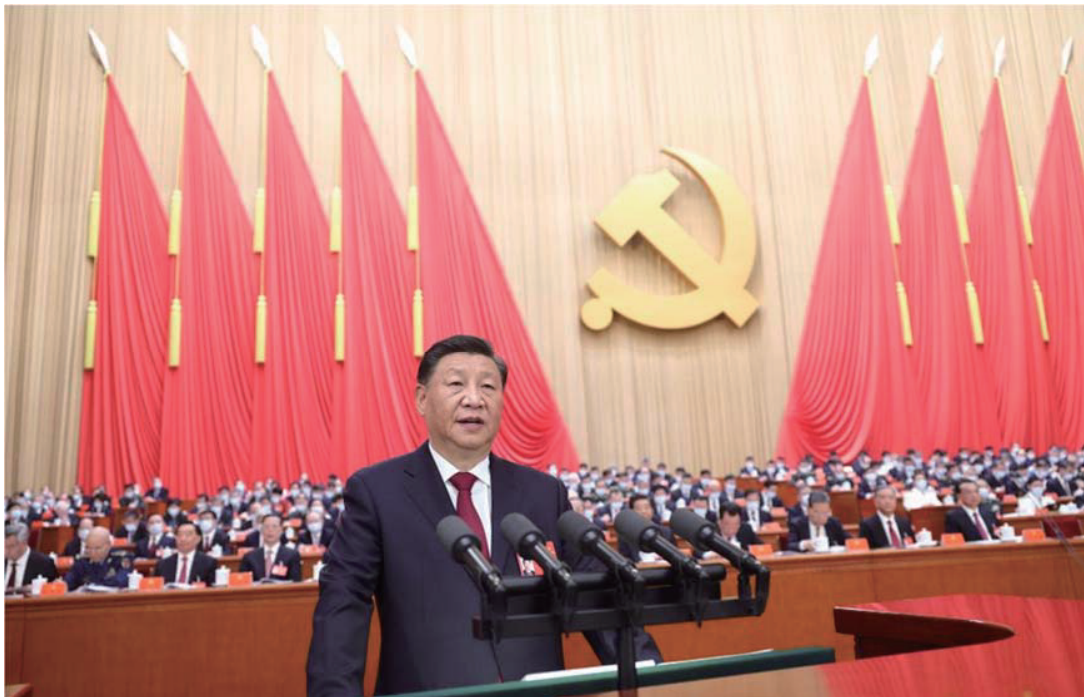


Figure 5. Xi Jinping Delivers a Political Report at the 20th Party Congress

Source: The State Council of People’s Republic of China, “Xi Jinping leads China on new journey,” October 25, 2022, *The State Council of People’s Republic of China*, <http://english.scio.gov.cn/20thpccongress/2022-10/25/content_78484363.html>.

of all the sons and daughters of the Chinese nation and is essential to the essence of national rejuvenation” (實現祖國完全統一是全體中華兒女的共同願望，是民族復興的題中之義).⁵ Considering the CCP has set 2049 as the time for the completion of national rejuvenation, according to Xi’s speech, unifying Taiwan should be completed before 2049. Based on this goal and the need for national security, the lawfare to deter Taiwan independence and promote “reunification” is key to the progress of Xi’s China dream and national rejuvenation.

III. The Main Axis of China’s Lawfare Against Taiwan as Reflected in the “Opinions”

The issuance of the “Opinions” signals that one of China’s tactics in its Taiwan policy is to enhance efforts in the sophistication of lawfare against Taiwan’s *de facto* independence. It also reveals the CCP’s policy thinking, specific measures, and directions for handling Taiwan-related issues. The following discussion explores the three key elements within the “Opinions.”

1. Narrowing the Space for Taiwan Independence

As stated at the beginning of the “Opinions,” the goal is “to lawfully punish ‘Taiwan Independence’ diehards who commit crimes of splitting the country and inciting secession, to effectively safeguard national sovereignty, unity, and territorial integrity, based on the *Anti-Secession Law*, the *Criminal Law of the People’s Republic of China*, the *Criminal Procedure Law*, and other relevant judicial interpretations, in conjunction with practical work, and to formulate these opinions” (為依法懲治「台獨」頑固分子分裂國家、煽動分裂國家犯罪，切實維護國家主權、統一和領土完整，根據《反分裂國家法》和《中華人民共和國刑法》、《中華人民共和國刑事訴訟法》等法律以及相關司法解釋的規定，結合工作實際，制定本意見). This statement indicates a precise step in specifying anti-independence measures. In essence, the “Opinions” can be seen as an enforcement rule of the *Anti-Secession Law* passed in 2005, aimed at intimidating the then-DPP government led by Chen Shui-

5. 〈十四屆全國人大一次會議在京閉幕 習近平發表重要講話〉, *Xinhua*, March 13, 2023, <http://www.news.cn/politics/2023lh/2023-03/13/c_1129430109.htm>.

bian. The *Anti-Secession Law* had a clear objective: to eliminate any doubts about China's willingness to sacrifice peace to maintain territorial integrity. It demonstrated former Chinese leader Hu Jintao's resolve to crush any possibility of Taiwan pursuing independence and signified the CCP's more muscular stance towards the DPP.⁶

From a legislative perspective, however, the *Anti-Secession Law* was loosely written, lacking specific terms to regulate or instruct the government on containing Taiwan independence efforts. The greatest concern globally was that the law set forth three conditions under which China could use "non-peaceful means and other necessary measures" to protect its sovereignty and territorial integrity: 1) Taiwan independence forces cause Taiwan's secession from China; 2) major incidents related to Taiwan's secession occur; or 3) possibilities for peaceful reunification are completely exhausted.⁷ These conditions were ambiguously defined, giving the CCP flexibility in interpreting and deciding when to use force against Taiwan. For instance, it is not clear what constitutes "major incidents," nor are the criteria for determining when "possibilities for peaceful reunification are completely exhausted" specified. These conditions are subject to the CCP's interpretation.

Nearly 20 years later, the issuance of the "Opinions" can be seen as a further step to not only intimidate Taiwanese but also to clarify the CCP's resolve in suppressing pro-independence movements in Taiwan. Compared to the *Anti-Secession Law*, the "Opinions" explicitly outline the conditions.

The "Opinions" focus on punishing "Taiwan Independence" diehards, but the rules primarily target government behavior. For example, the second section of the "Opinions" on "Accurately Determining Crimes" identifies five types of activities considered as part of the "independence movement":

6. Kenneth Lieberthal, "Preventing a War Over Taiwan," *Foreign Affairs*, Vol. 84, No. 2, April 2005, pp. 53-63.

7. For the translation here, please refer to Michael J. Green & Bonnie S. Glaser, "What Is the U.S. 'One China' Policy, and Why Does it Matter?" January 13, 2017, *CSIS*, <<https://www.csis.org/analysis/what-us-one-china-policy-and-why-does-it-matter>>.

- (1) Initiating or establishing a “Taiwan independence” secessionist organization, planning or formulating a “Taiwan independence” secessionist action platform, or directing individuals to engage in secession activities or activities that undermine national unity.
- (2) Attempting to alter Taiwan’s legal status as part of China by developing, amending, interpreting, or repealing relevant provisions, holding a “referendum,” or using other methods.
- (3) Attempting to create “two Chinas,” “one China, one Taiwan,” or “Taiwan independence” in the international community by promoting Taiwan’s membership in international organizations restricted to sovereign states, engaging in official external exchanges or military contacts, or using other methods.
- (4) Using power to distort or tamper with the fact that Taiwan is part of China in education, culture, history, media, or other areas, or suppressing political parties, groups, or individuals that support peaceful cross-strait development and national reunification.
- (5) Engaging in other actions that attempt to separate Taiwan from China.

Three of these activities directly involve typical government behaviors, specifically items (2), (3), and (4). Thus, it is clear that the “Opinions” primarily target the DPP government, rather than aiming at an indiscriminate intimidation of Taiwanese society.

2. Mobilizing All Legal Tools to Expand the Range of Deterrence

The “Opinions” clearly establish a linkage between the crime of Taiwan independence and existing laws. As mentioned, the issuance of the “Opinions” is based on the *Anti-Secession Law*, the *Criminal Law of the People’s Republic of China*, the *Criminal Procedure Law*, and other related laws concerning national unification. One significant shift is the clear definition of crimes and liabilities. For example, in the third section of the “Opinions,” individuals who organize, plot, or lead “Taiwan independence” secessionist groups are classified as “ringleaders” (首要分子) or

those committing grave crimes (罪行重大的) under Article 103 of the *Criminal Law*. According to the *Criminal Law*, ringleaders can be sentenced to life imprisonment or at least 10 years of fixed-term imprisonment. By linking the regulations of the “Opinions” to “separatism” and “inciting separatism” charges under the Criminal Law, the credibility of the “Opinions” in enforcing penalties against Taiwanese diehards is enhanced.

Additionally, the “Opinions” include the death penalty for separatist crimes that have caused particularly serious harm to the country and its people, or in cases where circumstances are especially egregious (對國家和人民危害特別嚴重、情節特別惡劣的), as stipulated in Article 113 of the *Criminal Law*. Thus, the “Opinions” essentially apply existing laws on separatism and crimes endangering national security



Figure 6. Wang Huning, Senior Leader in Taiwan Affairs, Delivers a Speech at the 2024 Work Conference on Taiwan Affairs

Source: 〈2024 年對台工作會議在京召開 王滬寧出席並講話〉, February 24, 2024, *People.cn*, <<http://tw.people.com.cn/BIG5/n1/2024/0224/c14657-40182643.html>>.

to Taiwan independence. Similarly, the “Opinions” follow the Criminal Procedure Law in outlining procedures related to Taiwan independence crimes.

Collaboration efforts towards Taiwan (對台合力) represent another key development in China’s policy tools against Taiwan independence. The “Opinions” exemplify this approach. Crafting such a law requires coordination among various government branches, including the Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Public Security, the Ministry of State Security, and the Ministry of Justice. This collaborative effort also involves implementation by local authorities. The concept of collaboration was first emphasized by Wang Huning, the Chairman of the Chinese People’s Political Consultative Conference (CPPCC) and a senior leader in Taiwan affairs, during the Work Conference on Taiwan Affairs (對台工作會議) in February 2024. Wang stressed that the CCP must “enhance collaborative efforts in Taiwan work” (提升對台工作合力).⁸ Following Wang’s speech as a guideline for the CCP’s Taiwan policy, different government branches have started collaborating on Taiwan-related work. For instance, in the united front work, the CCP promotes Fujian Province as a demonstration zone for cross-Straits integration (兩岸融合示範區). Measures to promote this so-called integration (融合) are not limited to Fujian Province alone but also involve the Ministry of Commerce, the National Forestry and Grassland Administration, the Ministry of Civil Affairs, and the Ministry of Education, all of which have issued new policies to attract Taiwanese to Fujian for business, work, or study. Just as in united front work, the “Opinions” showcase collaboration in deterrence efforts against Taiwan independence.

Despite the clarity in punishing pro-independence activities, it remains puzzling why the Chinese authorities have not established specific enforcement rules under the *Anti-Secession Law*. This may suggest that the Chinese government aims to maintain policy flexibility and discretion in implementing rules to penalize Taiwanese individuals. Another possibility is that the Chinese leadership is reluctant to achieve full clarity in its anti-independence campaign. Although the “Opinions” specify conditions and punishments, it is a notification rather than a law, indicating a lower

8. 〈2024 年對台工作會議在京召開 王滬寧出席並講話〉.

legal hierarchy. This suggests that the Chinese authorities may not prioritize the Taiwan issue as highly as one might expect if they were to pass a law with a clear timetable for unification. In other words, the CCP may be focusing on refining lawfare against Taiwan separatists without intending to further escalate the confrontation with Taiwan.

Indeed, China's efforts to combat Taiwan independence activists have been mixed. For instance, lawfare has extended into various areas, with an emphasis on national security leading to the passage of several laws that integrate national security with national unification, such as the *Patriotism Education Law* (愛國主義教育法) and other regulations. However, the lawfare approach also implies that the Chinese authorities prefer not to use force for unification at this stage. Official statements from the Chinese government consistently emphasize that their anti-independence efforts are directed only at a small portion of Taiwan independence activists (一小撮台獨分子) within the population.⁹

3. Future Escalation of Legal Warfare in Cross-Strait Relations and on the Global Stage

Following its efforts to deter pro-independence activities, the CCP is likely to continue intensifying lawfare pressure on Taiwan. Given the current status of the CCP's intimidation tactics, there are three potential future developments that warrant close investigation:

(1) Implementation of Specific Cases

With the "Opinions" providing a clear guideline for punishing Taiwan independence activists, the next step will be to apply these guidelines to specific cases. Previously, when the CCP relied solely on the *Anti-Secession Law*, pursuing individual cases was challenging because the law primarily outlined scenarios warranting non-peaceful means of unification, which could imply a full-scale conflict.

9. Hsin-Hsien Wang & Wei-Feng Tzeng, "No Turning Back? Assessing China's Intent to Use Force to Resolve the Taiwan Issue after 2018," *Issues & Studies*, Vol. 59, No. 2, June, 2023, pp. 1-22.

Consequently, charges against Taiwanese individuals suspected of pro-independence activities in China were based on the *Criminal Law* rather than the *Anti-Secession Law*, leading to ambiguities that weakened the deterrent effect. Now, with the “Opinions” offering specific rules for arresting and convicting individuals involved in pro-independence activities, the CCP is expected to use concrete cases to enhance the credibility of its enforcement. The Taiwan Affairs Office (TAO) has already demonstrated this intention. On August 7, 2024, the TAO introduced a section on its official website titled “Punishment of Taiwan Independence Diehards,” which includes a feature for internet users to report suspected pro-independence activists.¹⁰ It is



Figure 7. The Taiwan Affairs Office Has Added a Section Titled “Lawful Punishment of ‘Taiwan Independence’ Diehards” to Its Website

Source: Taiwan Affairs Office of the State Council, “Taiwan Work Office of the CCP Central Committee, Taiwan Affairs Office of the State Council,” August 7, 2024, *Taiwan Affairs Office*, <<http://www.gwytb.gov.cn/>>.

10. Taiwan Affairs Office, 〈依法懲治頑固「台獨」分子〉, August 7, 2024, *Taiwan Affairs Office*, <http://www.gwytb.gov.cn/zccs/zccs_61195/cjtdwgfz/>.

anticipated that the CCP will showcase more cases of such crimes on this platform to further illustrate their enforcement actions.

To achieve this goal, the Chinese government may develop more sophisticated legal mechanisms to enforce its policies on Taiwan. This could involve better coordination between various governmental bodies, enhanced surveillance and intelligence gathering, and stricter enforcement measures to ensure compliance with anti-independence regulations. In addition, with the implementation of the “Opinions,” Beijing will continue to refine and expand its legal framework to target pro-independence activities in Taiwan. There will be more detailed regulations, new laws, or amendments to existing legislation that further tighten the scope of what constitutes separatist activities.



Figure 8. Section on the Taiwan Affairs Office Website Listing Names of ‘Taiwan Independence’ Diehards Under the “Lawful Punishment” Notice

Source: Taiwan Affairs Office, 〈清單在列的「台獨」頑固分子〉, August 7, 2024, *Taiwan Affairs Office*, <http://www.gwytb.gov.cn/zccs/zccs_61195/cjtdwgfz/>.

(2) Using Combination of Intimidation and Integration Precisely

A combination of intimidation and integration will continue to guide China’s policy toward Taiwan. Indeed, the Chinese government aims to address the Taiwan issue through a dual approach. The strategy involves two main elements: intimidation and integration.

Intimidation involves employing legal and political measures to deter and penalize pro-independence activists. By issuing stringent guidelines and penalties for those involved in Taiwan independence activities, the CCP seeks to create fear and discourage support for such movements.

Integration means that the CCP concurrently promotes policies that offer benefits and incentives to attract and integrate Taiwanese individuals. These measures are designed to encourage alignment with Beijing’s stance on Taiwan by offering economic, educational, and social advantages.

Recent developments indicate that China’s approach is not solely based on the traditional belief of realism, which relies on power alone. Instead, China emphasizes both power and persuasion in its Taiwan policy. When the CCP announced the “Opinions,” it aimed to instill fear among pro-independence activists. However, China also simultaneously promoted preferential policies to attract Taiwanese individuals. This seemingly contradictory approach actually reflects a non-dichotomous logic within the Chinese government regarding its Taiwan policy.

On a strategic level, the CCP believes that intimidation and integration can work together effectively and even reinforce each other, provided they target the right individuals. For example, the “Opinions” focus on “diehards” rather than all supporters of independence, implying that even staunch pro-independence activists could avoid penalties if they renounce their beliefs. The policy intends to use intimidation to compel individuals to abandon their pro-independence stance, while preferential policies seek to entice them to do the same. For the CCP, intimidation and integration are two sides of the same coin.

(3) Enhancing International Lawfare

Finally, one key trend to watch is the potential spillover of lawfare. Currently, the “Opinions” focus on Taiwan independence activities, but in the future, China may integrate these measures with efforts against foreign interference (反外部勢力干涉). In official Chinese discourse, anti-independence and anti-interference are frequently mentioned together in the context of the Taiwan question. Consequently, lawfare is likely to extend beyond deterring Taiwan independence activities to also targeting foreign forces involved in such activities.

For China, establishing dominance in the international legal system to counter any support for Taiwan independence is a priority. Recent domestic laws have increasingly used terms related to national unification and anti-independence, and it would not be surprising to see future laws addressing anti-foreign interference as well.

To achieve the dominant role in shaping international discourse on Taiwan, China will also leverage international legal institutions and agreements to further its anti-independence agenda. This might involve advocating for interpretations of international law that align with its stance on Taiwan or seeking to influence international bodies to adopt positions favorable to Beijing’s policy. Efforts may include lobbying for international condemnation of Taiwan’s actions or pushing for resolutions that reinforce China’s claims over Taiwan. Additionally, using lawfare, China will also attempt to frame Taiwan independence activities as threats to global stability and security to create a narrative that justifies its legal and other measures against Taiwan.¹¹

IV. Conclusion

The “Opinions” demonstrate China’s intent to intensify its pressure on Taiwan through lawfare. As the range and scope of lawfare expand, the pressure on Taiwan and its international supporters will intensify. Under these circumstances,

11. Michael J. West & Aurelio Insisa, “Reunifying Taiwan with China through Cross-Strait Lawfare,” *The China Quarterly*, Vol. 257, March 2024, pp. 186-201.

the international community and Taiwan must collaborate to develop appropriate responses to China’s growing assertiveness in lawfare. Like-minded countries that support Taiwan or oppose China’s policies should respond with countermeasures, such as economic sanctions, diplomatic protests, or legal challenges. The international response could influence the extent to which China escalates its legal warfare tactics.

Another important step to preempt the escalation of legal warfare into full-scale conflict is to clearly demonstrate the impact of lawfare on Taiwanese public opinion. As mentioned earlier, Beijing believes that intimidation and integration can work in tandem. This mindset drives China to continuously pressure Taiwan, which could eventually trigger an unintended physical confrontation. To avoid such a danger, it is crucial that the Chinese authorities be made to understand that intimidation is counterproductive and will backfire, leading to growing distrust among the people across the Strait. Without a shift in Beijing’s mindset, it will be difficult for both sides to rebuild mutual political trust and establish regional stability in the Taiwan Strait.

