

Cross-Strait Political Negotiation: Background and Exploration of the Prenegotiation Approach

Abstract

This paper explores possible approaches to the study of cross-Strait political prenegotiation and the prospects for formal cross-Strait political negotiation. The first section discusses the impetus for new research of cross-Strait political negotiation, reviewing the impact of structural factors and policy developments during the Ma Ying-jeou administration on the possibility for political negotiation between Taipei and Beijing. The second section reviews the existing literature on cross-Strait political negotiation and outlines the concept of prenegotiation and its applicability to the China-Taiwan conflict. The third section roughly outlines three potential approaches to research of political prenegotiation between Taiwan and China: an historical approach, a negotiation “formula” approach, and a two-level game approach.

Treading into “Deep Water”

The question of if and when Beijing and Taipei will undertake formal political negotiations has been pondered since the end of the Chinese Civil War resulted in an intractable sovereignty dispute across the Strait. Since the mid-1950’s, Beijing has sought to draw Taipei into political negotiations to unify Taiwan with the mainland- or at least to conclude an interim political agreement that would create conditions for eventual unification- while threatening to use force if it perceives that a negotiated political settlement is out of reach. Due to asymmetries in size and power and to the PRC’s near monopoly on China’s representation in international law since 1971, Taipei has always viewed any potential negotiation from a position of weakness. Moreover, because Beijing’s goals for political negotiation represent an existential threat to both the Republic of China state on Taiwan and to political forces on the island favoring independence, both KMT (Kuomintang or Chinese Nationalist Party) and DPP (Democratic Progressive Party) governments in Taipei have approached it with extreme caution.¹

¹ This caution is evident in the near complete absence of the Chinese word for negotiation (談判) in Taipei’s official references to potential cross-Strait political negotiation. To accommodate Taipei’s anxiety, Beijing has generally adopted Taipei’s preference for political “dialogue” (政治對話) or “consultation (政治協商) when referring to cross-Strait political negotiation. See Chong-hai Shaw. 2004. *Liangan xieshang yu tanpan* (Dialogues and Negotiations across the Taiwan Strait). Taipei County: Xin wenjing kaifa.

Differences in the two sides' goals for and strategies toward political negotiation present significant obstacles to producing a joint commitment to undertaking formal political talks. China views all cross-Strait negotiation as purely domestic integrative bargaining designed to advance its goal of "peaceful unification" of Taiwan as soon as possible. Taiwan, on the other hand, views negotiation with Beijing largely as distributive, zero sum bargaining and its goal is to reduce the military threat from China and internationalize the Taiwan issue in order to strengthen Taipei's claim to de facto sovereign independence. For cross-Strait political negotiations to take place, both sides must conclude that political negotiation has the potential to make them better off than the status quo. For China, this means negotiation at best would lock Taiwan on a path to "peaceful unification" and establish its de jure status as part of "one China," or at the least would minimize the possibility that Taipei moves further toward de jure independence. For Taiwan, negotiation must hold the potential for securing Beijing's renunciation of the use of force, recognition of the ROC's de facto sovereignty and allowances for Taiwan's participation in international organizations, or at the least must represent the possibility of constraining Beijing's use of military, diplomatic and economic coercion to change the status quo before the Taiwanese people have reached a consensus on future relations with the Chinese mainland.

Important structural factors attributable to China's rising power suggest that Taipei may eventually agree to enter formal political talks with Beijing, most likely to conclude an interim peace agreement. Rationalist models of Taiwan's mainland policy integrating international, cross-Strait and domestic variables suggest that dynamics in the US-China-Taiwan strategic triangle, growing power asymmetry across the Taiwan Strait, and vote-maximizing calculations by domestic political forces could lead Taipei to adopt a bandwagoning strategy which would favor political accommodation with Beijing.² The growing military imbalance in the Taiwan Strait and questions about the long-term credibility of America's security commitment to Taiwan are creating pressure on Taipei to accept a peace agreement in order to minimize China's growing military threat. Offensive realist scholar John Mearsheimer has even suggested Taipei negotiate unification under the highly unpopular "one country, two-system" formula as soon as possible to avoid an even less agreeable deal as Taiwan's relative power erodes. Taiwan's economic dependence on China and Beijing's ability to impede Taiwan's inclusion in regional

² Yu-shan Wu. 2000. "Theorizing on Relations across the Taiwan Strait: Nine Contending Approaches." *Journal of Contemporary China* 9(25), 407-28.

economic integration allows China to link further economic cooperation with movement toward political negotiation. At the same time, US encouragement of cross-Strait political dialogue, in combination with its “one China” policy, encourages China to cast Taipei’s rejection of Beijing’s proposal for a peace agreement based on “one China” as undermining regional peace and stability.

Political negotiation, especially if undertaken before conditions are ripe, could lead to instability. Pressure for political negotiation from both Beijing and Washington in the lead up to the second “Koo-Wang meeting” planned for March 1999 was a key motivating factor in Taiwan president Lee Teng-hui’s decision to reset the cross-Strait status quo through his “special state-to-state” definition of cross-Strait political relations.³ Lee’s statement led to military threats from China and suspension of cross-Strait dialogue from 1999 to 2008. The Sunflower Movement in the spring of 2014, during which students occupied the national legislature to block passage of the Cross-Strait Service Trade Agreement, demonstrated the potential for cross-Strait negotiation to cause domestic instability in Taiwan. The movement was sparked by perceived lack of legislative oversight of cross-Strait negotiation and fear that the series of cross-Strait economic agreements concluded after 2008 are increasing China’s influence over the island. The protests caused the government to suspend legislative review of the service agreement pending legislation of a supervisory mechanism for cross-Strait agreement. Negotiation of a political agreement would pose the possibility of more severe domestic instability as the stakes would be much higher. Finally, a commitment by Taipei to political negotiation would certainly lead to demands for national referendum on the island which could lead to domestic upheaval while causing grave concern in Beijing and presenting a challenge for US policy. Even China-friendly Ma Ying-jeou indicated that political negotiation would require referendum approval and opinion polls in Taiwan show strong majority support for referendum both to authorize the government to engage in political negotiation and to approve any political agreement concluded with Beijing.⁴

³ Ming-tong Chen. 2011. “Li Bian shiqi taiwan yu zhongguo guanxi de bijiao: yi xiang zhengzhi cengmian de ‘anquan kunjing’ fenxi” (A Comparison of Taiwan-China relations under Lee and Chen: A Political-level Security Dilemma Analysis). In Jih-Shine Chou ed., *Liangyan guanxi liushi nian* (60 Years of Cross-Strait Relations). Taipei: Graduate Institute of National Development, pp. 25-30.

⁴ “‘Taiwan minxin dongtai diaocha, liangan shiwu yu xieyi’ mindiao” (Taiwan Mood Barometer Survey, Cross-Strait Affairs and Negotiation), *Taiwan Indicators Survey Research*, 31 October 2013, <http://www.tisr.com.tw/?p=3474>.

Momentum toward political negotiation grew dramatically during China-friendly president Ma Ying-jeou's two terms in Taiwan. Before Ma's presidency, political dialogue between the two sides had taken place sporadically in secret but Taipei had steadfastly avoided discussion of political issues in the semi-official cross-Strait dialogue begun in the early 1990s.⁵ Motivated to secure economic liberalization agreements with the mainland, Ma's government immediately resumed the semi-official cross-Strait dialogue which had been suspended since 1999 by agreeing to Beijing's condition that Taipei accept the "92 consensus," an ambiguous expression of "one China" which Beijing interprets as the "one China principle" (e.g., "both sides agree there is only one China") and Ma's administration defines as allowing "respective interpretation" by which Taipei defines "one China" as the Republic of China (ROC). The Ma government's "one Republic of China, two areas" definition of cross-Strait relations, based on the ROC constitution, represented a unification-leaning reorientation of Taipei's mainland policy, breaking with former presidents Lee Teng-hui's "special state-to-state" and Chen Shui-bian's "one country on each side" definitions of the relationship. Though Ma's cross-Strait policy of "no unification, no independence, no use of force" (不統不獨不武) precluded the possibility of negotiations for unification during his presidency, his administration agreed that renewed dialogue would not exclude political issues and pledged to pursue a peace agreement with Beijing to normalize relations on the basis of the "92 consensus" and opposition to Taiwan independence.⁶ The two sides agreed that dialogue would proceed along an "economics first, politics later" (先經後政) order of priority. By accepting that political issues would no longer be excluded from the semi-official exchanges, Ma's administration allowed cross-Strait dialogue to move for the first time beyond the "low fruit" of functional and economic issues into what both sides call the "deep water zone" (深水區) of the sovereignty stalemate.

Eager to take advantage of the KMT's return to power and to link new economic agreements with progress toward political talks, China outlined a long-term policy of "peaceful development" in late 2008 premised on conclusion of a peace pact. Seizing on the KMT's landslide victories in the 2008 presidential and legislative elections and negotiation of a series of cross-Strait economic and trade agreements, Beijing quickly turned up the heat for political

⁵ On the history of cross-Strait political dialogue, see Jia-shu Huang. 2003. *Liang'an tanpan yanjiu* (Research on Cross-Strait Negotiation). Beijing: Jiuzhou chubanshe; Shaw, *Liang'an xieshang yu tanpan*.

⁶ Office of the President (ROC), "Zhonghuaminguo di shier ren zongtong Ma Yingjiu xiansheng jiuzhi yanshuo" (Inaugural Speech of the 12th President of the Republic of China Ma Ying-jeou). 20 May 2008, <http://www.president.gov.tw/Default.aspx?tabid=131&itemid=13752>.

dialogue as the emphasis of its Taiwan policy shifted from “opposing independence” to “promoting unification” for the first time since the late 1990s. Beginning with Hu Jintao’s 6-Point proposition at the end of 2008, Beijing has promoted a “peaceful development framework” centered on a political agreement to “end the state of hostility” across the Strait.⁷ This framework was reiterated at the 2012 18th CCP National Congress which ushered in the leadership group headed by Xi Jinping, who has further emphasized that cross-Strait “political issues must not be passed down from generation to generation.”⁸ Beijing’s proposed framework for a period of cross-Strait peaceful development prior to unification is contingent on conclusion of a peace agreement on the basis of a clearer expression of “one China” (without any reference to “respective interpretations”) by which Beijing would conditionally renounce the use of force in exchange for Taiwan’s renunciation of independence. Beijing’s version of a peace agreement would be a domestic pact to end the Chinese Civil War which would seal Taiwan’s de jure status as part of China, which is recognized almost exclusively as the PRC internationally. The agreement would implicitly or explicitly commit Taipei to security cooperation with Beijing to defend China’s territorial integrity, thus undermining the basis for Taiwan’s strategic and military cooperation with the United States.⁹

Hu’s 6-point proposition called for commencement of “pragmatic exploration” (務實探討) of the political relationship in order to create condition for negotiating a peace agreement, including dialogue about the definition of cross-Strait political relations, military confidence building measures, and Taiwan’s participation in international organizations. Hu’s proposal also openly called on Taiwan’s opposition to give up its independence platform, implying the DPP must abandon independence in exchange for official inter-party dialogue with the CCP to avoid being shut out of cross-Strait dialogue.¹⁰ While emphasizing that there was no timetable for

⁷ “Hu Jintao zai jinian Gao Taiwan Tongbao Shu 30 zhounian hui shang jianghua” (Hu Jintao’s Address at the 30th Commemoration of Message to Taiwan Compatriots). *Xinlangwang*, 31 December 2008, <http://news.sina.com.cn/c/2008-12-31/132716956875.shtml>.

⁸ “Xi Jinping: zhengzhi wenti bu neng yidaiyidai chuanxiaqu” (Xi Jinping: political issues cannot be passed from generation to generation). *Zhongguo Xinwenshe*, 7 October 2013, <http://www.chinanews.com/gn/2013/10-07/5346801.shtml>

⁹ See, for example, Wei-ping Shen. 2009. “liangan hepingxieyi quyiyi” (Modest Proposal for Cross-Strait Peace Agreement). *Zhongguo pinglun* 136 (4), <http://hk.crntt.com/crn-webapp/zpykpub/docDetail.jsp?docid=32861> and Wei-dong Zhu. 2013. “liangan heping xieyi jiben neihan yu luoshi lujing zhi tantao” (Basic Contents and Implementation Path for Cross-Strait Peace Agreement). *Zhongguo pinglun* 192 (12) <http://hk.crntt.com/crn-webapp/zpykpub/docDetail.jsp?docid=48464>.

¹⁰ “Hu Jintao zai jinian Gao Taiwan Tongbao Shu 30 zhounian hui shang jianghua” (Hu Jintao’s Address at the 30th Commemoration of Message to Taiwan Compatriots). *Xinlangwang*, 31 December 2008, <http://news.sina.com.cn/c/2008-12-31/132716956875.shtml>.

cross-Strait political negotiation, by mid-2009 government-run think tanks in the PRC's Taiwan work system had already begun preparing for political dialogue¹¹ and the head of China's Taiwan Affairs Office called for "public discussion" of cross-Strait political issues by academics and think tanks.¹²

PRC think tanks began cooperating with pro-China intellectuals and organizations in Taiwan to sponsor unofficial cross-Strait track-two problem-solving forums on political issues. The first of these unprecedentedly public and large-scale track-two political meetings took place in November 2009 and included leading experts from PRC Taiwan policy think tanks on the Chinese side while Taiwanese experts, overwhelmingly associated with the China-friendly Pan-blue coalition, included key advisors to Ma Ying-jeou as well as a sprinkling of representatives from the independence-leaning Pan-green coalition.¹³ Despite occasional friction with the Ma administration over the themes of these forums and over participation in them by high-ranking officials in the PRC's Taiwan work system (旺報 2012),¹⁴ the meetings grew more frequent during Ma's second term. 2013 witnessed a series of large-scale, highly publicized unofficial political dialogue forums- including the first sponsored by a Pan-green think tank. This unofficial dialogue culminated in the First Cross-Strait Peace Forum, which Beijing hoped would become an institutionalized channel for track-two political dialogue. In these meeting, various proposals for a cross-Strait political agreement were exchanged along with suggestions for procedural aspects of political negotiations.¹⁵

¹¹ Ke-li Yu. 2009. "Liangan ying zhengshi jieshu didui zhuangtai qianding heping xieyi wenti" (Mainland and Taiwan Squarely Face Question of Ending State of Hostility and Signing Peace Agreement). *Taiwan yanjiu* 3, 1-6.

¹² "Wang Yi: zhengzhi xieshang meiyou shijianbiao" (Wang Yi: No timetable for political dialogue), *Lianhebao* (Taipei), 20 November 2009, A2.

¹³ "Liangan yi jiazi yantaohui huiyi shouce yu lunwenji" (Conference Proceedings for "60 Years of Cross-Strait Relations Conference"). 13-14 Nov. 2009, Taipei: Taipingyang Wenhua Jijinhui.

¹⁴ "Luweihui beige liangan minjian yantaohui" (Mainland Affairs Council boycotts unofficial cross-Strait conference). *Wangbao* (Taipei). 28 June 2012, A4.

¹⁵ Highly publicized cross-Strait track-two political dialogues included the December 2012 Taipei Forum (台北會談) and the Beijing Forum (北京會談) and Hong Kong Forum (香港會談) in June 2013. These forums received extensive coverage by the Pro-China Hong-Kong-based China Review News (中國評論新聞). A series of articles on each forum is available on the China News Review Web. See, for example, "Liu Guoshen Taibei Huitan zongjie: zhengzhi duihua bi bu tan hao" (Liu Guoshen's Summary of Taipei Forum: Political Dialogue is Better than Not Talking), *Zhongguo pinglun xinwen wang* 12 Dec. 2012, <http://hk.crntt.com/doc/1023/4/0/6/102340673.html?coluid=93&kindid=8010&docid=102340673>; "Beijing Huitan xuezhe changyan liangan chaoyue zhengzhi fenqi" (Beijing Forum Scholars Freely Discuss Cross-Strait Differences), *Zhongguo pinglun xinwen wang* 21 June 2012, <http://hk.crntt.com/doc/1025/9/2/7/102592707.html?coluid=203&kindid=9246&docid=102592707>

Momentum for political dialogue was reinforced by the United States and by Ma Ying-jeou's KMT party. At the Hu-Obama summit in November 2009, the United States- Taiwan's key ally and a decisive factor in cross-Strait relations- endorsed "increased dialogue and interaction" between Beijing and Taipei in "political" as well as economic and other fields in the first US-PRC Joint Statement in 12 years.¹⁶ Though Washington later issued reassurance that it was not pressuring Taipei to negotiate, the endorsement was lauded as a triumph in Beijing and created consternation among leaders of Taiwan's opposition Pan-green coalition, which oppose cross-Strait dialogue under the "92 consensus." Ma's KMT party, hoping to maintain its monopoly on cross-Strait dialogue, added the peace agreement pledge to its party platform and party elders consistently used annual KMT-CCP inter-party forums with PRC leaders to push the administration to move forward on political dialogue. The party's initial nominee for the 2016 presidential election Hung Hsiu-Chu made a peace agreement the centerpiece of her mainland China policy platform, calling for elevation of the peace agreement pledge in the party's platform and indicating a willingness to negotiate with Beijing on the basis of an expression of "one China" that would deemphasize Taipei's right to interpret China as the ROC.¹⁷

During Ma's second term, his desire to secure his legacy through a leadership meeting with PRC President Xi Jinping created unprecedented momentum toward political negotiation. To pave the way for a leadership summit, the two sides held the "Wang-Zhang meeting" (王張會) in Nanjing in February 2014, the first direct official contact between the two sides since 1949. This meeting set an institutional precedent for future political negotiation by elevating cross-Strait dialogue from the semi-official Straits Exchange Foundation (SEF) and Association for Relations across the Taiwan Strait (ARATS) to the official Mainland Affairs Council (MAC) and State Council Taiwan Affairs Office (SCTAO). In order to accommodate Beijing's demand for a clearer expression of "one China" than the "1992 consensus," Ma's administration tacitly agreed to Beijing's "one China framework" (一中架構／框架), a rewording of the "one China principle" which Beijing claims to be more flexible regarding the meaning of "one China." Comments by key PRC Taiwan experts indicated that Beijing's initial condition for a leadership summit was

¹⁶ Shirley A Kan. 2014. "China/Taiwan: Evolution of the "One China" Policy-Key Statements from Washington, Beijing, and Taipei." *Congressional Research Service*, <https://www.fas.org/sgp/crs/row/RL30341.pdf>.

¹⁷ "Hong xiuzhu jianchi liangan heping xieding ru danggang" (Hung Hsiu-chiu insists cross-Strait peace agreement be added to party platform), *Lianhebao* (Taipei), 5 July 2015, A4.

for the two sides to first conclude a peace agreement.¹⁸ Taiwan media reports of the Chang Hsien-yao scandal (張顯耀事件), in which espionage charges were levelled against MAC special vice-chairman Chang Hsien-yao for allegedly revealing Taiwan's negotiating position, suggest preparations for a leadership summit eventually broke down over discussions about a proposed leadership meeting in Jinmen at which the two sides would sign a peace treaty.¹⁹ Eventually, China settled for a symbolic leadership meeting in Singapore in November 2016. While the Ma-Xi Meeting did not produce a political agreement, it created a precedent for leadership meetings which will create pressure on future Taiwanese leaders to engage in leadership meetings. Polls in Taiwan taken after the meeting showed strong support for future leadership meetings, suggesting potential for Beijing to push for institutionalization of leadership meetings leading to formal political negotiation.²⁰

During the Ma era, despite the structural pressures and policy developments noted above, powerful domestic trends- especially in Taiwan- impeded the path to political negotiation. The shift in emphasis in China's Taiwan policy from preventing independence to promoting unification and the Xi Jinping-led government's adoption of an openly assertive nationalist foreign policy focused on territorial claims- including passage of a new National Security Law requiring Taiwanese to defend China's territorial integrity- fostered public expectations regarding Taiwan policy that made it difficult for China to consider dropping its one-China precondition for negotiation or putting forward new compromise negotiation proposals for a looser form of cross-Strait political integration. In democratic Taiwan, while a majority of the public supported resumption of cross-Strait dialogue and the series of cross-Strait economic liberalization agreements inked by the Ma government, trends toward an exclusively Taiwanese identity and decreased support for eventual unification accelerated.²¹ Meanwhile, the DPP-led Pan-green coalition denounced Ma's peace agreement proposal as a grave threat to sovereignty and national security, comparing it to the 1951 Sino-Tibetan peace agreement, and pushed for revision of the 2003 Referendum Law to make referenda mandatory before and after negotiation

¹⁸ "Lu xuezhe: liangan heping xieyi wei 'MaXi hui' pulu" (Mainland scholar: cross-Strait peace agreement will pave way for Ma-Xi meeting), *ETtoday* (Taiwan), 11 October 2013, <http://www.ettoday.net/news/20131011/281166.htm>.

¹⁹ Ke-chun Chou. 2014. "jujue qidong zhengzhi tanpan, liangan heping xieyi Zhang Xianyao han fen 'bei qingci lin zou da baoliao'" (Refusal to start political negotiaion and cross-Strait peace agreement Zhang Xianyao asked to resign). *Xin xinwen zhoukan* 1433 (20 August 2014).

²⁰ "Taiwan Mood Barometer Survey, Election and Ma-Xi Summit' Opinion Survey Press Release." Taiwan Indicators Survey Research, Nov. 12, 2015, <http://goo.gl/IqZFLG>.

²¹ NCCU Election Study Center. 2014. "Taiwanese / Chinese Identification Trend Distribution in Taiwan (1992/06~2015/06)." 9 July, <http://esc.nccu.edu.tw/app/news.php?Sn=166>.

of cross-Strait political agreements.²² Despite calls by a minority within the DPP to freeze the party's independence platform after defeat in the 2012 election, a series of meetings on cross-Strait policy and new elections within the party left conservative factions in the mainstream and the independence platform secure.²³ Unofficial dialogue on political issues failed to facilitate mutual trust between Beijing and the Pan-green coalition. Beijing's refusal to allow the agenda of track-two political discussion to include core political differences related to democracy and rule of law and its unwillingness to include the Pan-green coalition's most important DPP-run think tanks limited participation by Pan-green elites and led many who did participate to view the dialogues as PRC unification warfare dominated by Chinese nationalist themes.²⁴ Finally, Ma's historically low public approval ratings, particularly during his second term, undermined his administration's ability to generate support for political dialogue and created concern that his efforts to secure a Ma-Xi meeting were designed to rescue his domestic standing.

Due to these domestic constraints, Ma proceeded very cautiously on political dialogue throughout his eight year presidency. In his first term, he appointed a member of the independence-leaning Taiwan Solidarity Union as head of the Mainland Affairs Council in order to mitigate perceptions among the public that he preferred eventual unification and might move quickly toward a political deal. His administration initially raised stringent conditions for entering negotiation of a peace agreement, demanding that Beijing withdraw missiles aimed at Taiwan. While renewing a pledge to pursue a peace agreement during his reelection campaign, Ma stated Taipei would only pursue a peace pact in his second term under three conditions: that it was necessary for the country, had high public support and was subject to sufficient oversight.²⁵ Under pressure from the opposition, Ma also indicated that a national referendum would be necessary to authorize the government to negotiate a peace agreement with Beijing.²⁶ His administration consistently emphasized that conditions were not ripe for political negotiation

²² "lu: qianshu heping xieyi sheji gaibian xianzhuang, Ma yi jinru tongyi jincheng" (Greens: peace agreement involve changing status quo; Ma has already entered unification process), *Lianhebao* (Taipei), 18 October 2011, A4.

²³ Hua-sheng Chen. 2014. "Minjindang paixi xiaozhang qingshi ji qi zhengzhi yingxiang pingxi" (Analysis of Fluctuations in Power of DPP Factions). *National Policy Foundation Commentary*, 28 July 2014, <http://www.npf.org.tw/1/13899>.

²⁴ Chen-yuan Tung. 2013. "shou jie 'liangan heping luntan' zhi jiedu" (Analysis of the First Cross-Strait Peace Forum), *Zhanwang yu tansuo* (Taipei) 11: 8-11.

²⁵ "san qianti: minyi zhichi, guojia xuyao, guohui jiandu; Ma: qiaqian liangan heping xieyi buhui wei qian er qian" (three conditions: public support, national need, legislative oversight; Ma: won't sign a peace agreement just for the sake of signing). *Lianhebao* (Taipei), 18 October 2011, A1.

²⁶ "fu: heping xieyi xu jing gongtou; weilai shinian buneng huibi de wenti" (Government: peace agreement must pass referendum; issue cannot be avoided in the next ten years), *Lianhebao* (Taipei), 20 October, 2011, A1.

and frequently blunted appeals within his own party to move forward on political dialogue, including statements by senior KMT leaders at annual KMT-CCP forum meetings and proposals by key advisers to establish a “peace and development committee” (和平發展委員會) within the government to serve as an official platform for political dialogue with Beijing.²⁷ In his second term, as he sought to secure a leadership meeting, his administration consistently issued reassurances that preparatory discussions with Beijing regarding a summit did not involve political negotiation and repeated the need for referendum approval to negotiate a peace agreement.²⁸ Ma era multi-track political dialogue ultimately ground to a halt in 2014 due to the Sunflower student movement, the Chang Hsien-yao Incident, and the DPP’s sweeping victory in nationwide local elections. These developments created a political climate in Taiwan unfavorable to political dialogue with China. As noted earlier, the Sunflower Movement was sparked by public outrage over insufficient legislative oversight of cross-Strait trade agreements and forced Ma’s government to suspend further cross-Strait economic negotiation until legislation of a cross-Strait agreement supervisory mechanism could be passed.

Literature Review and the Prenegotiation Approach

In light of pressure for political negotiation and its inherent risks, more empirical research is needed on the prospects for formal negotiation of a cross-Strait political agreement. A small but growing body of literature exists to date, with much new research emerging since 2008 after the governments on both sides pledged to pursue a peace agreement. However, little effort has been made to apply negotiation theory to the topic of cross-Strait political negotiation. A small number of studies have examined the history of cross-Strait political dialogue,²⁹ while many have focused on the strategies and policies of the two governments toward political negotiation.³⁰

²⁷ “Ma: liangan heping xieyi meiyou poqixing” (Ma says no urgency for cross-Strait peace agreement), *Zhongguo Shibao* (Taipei), 21 May 2012. A3.

²⁸ Office of the President (ROC). 2013. “Ma Zongtong jieshou Yazhou Zhoukan zhuanfang” (President Ma accepts exclusive interview with Asiaweek magazine), 25 December,

²⁹ Jia-shu Huang. 2003. *Liangtan tanpan yanjiu* (Research on Cross-Strait Negotiation). Beijing: Jiuzhou chubanshe; Chong-hai Shaw. 2004. *Liangtan xieshang yu tanpan* (Dialogues and Negotiations across the Taiwan Strait). Taipei County: Xin wenjing kaifa.

³⁰ Chong-hai Shaw. 1999. *Liangtan zhengzhi tanpan de kenengxing* (Potential for Cross-Strait Political Negotiation). Hong Kong: Xianggang haixia liangan guanxi yanjiu zhongxin.; Huang, *Liangtan tanpan yanjiu*; Shaw, *Liangtan xieshang yu tanpan*; Wei-kuo He. 2010. *Liangtan heping xieyi kexingxing zhi yanjiu* (Research on the Feasibility of a Cross-Strait Peace Agreement). Master’s diss. Taipei: National Chengchi University; Qimao Chen. 2011. “The Taiwan Straits Situation since Ma Came to Office and Conditions for Cross-Straits Political Negotiations: A View from Shanghai.” *Journal of Contemporary China* 20, 153-60; Yijiang Ding. 2012. “Cross-Strait Peace Agreement: Diminishing Likelihood.” *Asian Affairs: An American Review* 39, 1-20; Saxon Wei-chung Wang. 2012. “liangan hepingxieyi de zhengce fenxi” (Policy Analysis of Potential Cross-Strait Peace Agreement). Master’s diss. Taipei:

Other studies examine the key role of the United States in cross-Strait political dialogue,³¹ while many discuss how obstacles to political negotiation might be overcome, including various proposals regarding possible negotiation formats and the content of a political agreement.³² More theoretical analyses include examinations of the prospects for a peace agreement from the perspective of international relations theory³³ and the prisoner's dilemma game.³⁴ Rare examples of application of negotiation theory are studies conducted in the early 2000s which applied Putnam's two-level game to cross-Strait political relations. However, these studies were produced at a time when cross-Strait dialogue was suspended and therefore did not strictly follow Putnam's assumption that the negotiating parties in the two-level game are already

National Taiwan University; Mathieu Duchâtel, "Cross-strait relations after the re-election of Ma Ying-jeou: towards political negotiations?" SWP/SIIS 9th conference on EU-China relations and the Taiwan issue, Shanghai, July 2-3, 2012; Shaw, *Zhonggong dui tai zhengce*; Chong-hai Shaw. 2013. *Tansuo liangan hepingxieyi de duoyuan jiaodu guan cha* (Exploring Diverse Perspectives on a Cross-Strait Peace Agreement). Hong Kong: Zhongguo pinglun xueshu chubanshe.

³¹ Shaw, *Liangan xieshang yu tanpan*; Gang Lin. 2008. "Meiguo yinsu zai liangan guanxi heping fazhan jincheng zhong de yingxiang" (Influence of the U.S. factor on the course of cross-Strait peaceful development). *Taiwan yanjiu jikan* 3, 1-6; Hou-tao Zhong. 2014. "Meiguo duiyu liangan zhengzhi duihua de maodun taidu ji qi jiegouxing kunjing" (America's contradictory attitude toward cross-Strait dialogue and its structural dilemma). *Zhongguo pinglun* 196, 42-47.

³² Lowell Dittmer, "On the Prospect of an Interim Solution to the China-Taiwan Crisis." *China Information* 14 (2000), 58-68; David G. Brown, "An Interim Agreement?" *American Foreign Policy Interests* 27 (2005), 259-63; International Crisis Group, "Taiwan Strait IV: How an Ultimate Political Settlement Might Look." *Asia Report No. 75*, 20 February 2004, http://www.crisisgroup.org/~media/Files/asia/north-east-asia/taiwan-strait/075_taiwan_strait_iv_ultimate.pdf; Kenneth Lieberthal, "Preventing a War over Taiwan." *Foreign Affairs* 84:2 (2005), 53-63; Phillip Saunders and Scott L. Kastner, "Bridge over Troubled Water? Envisioning a China-Taiwan Peace Agreement." *International Security* 33 (2009), 87-114; Kun-yi Wang, 2009. "liangan hepingxieyi: lilun, wenti, yu sikao" (Cross-Strait Peace Agreement: Theory, Problems and Thoughts). *Quanqiu zhengzhi pinglun* 26 (2009), 45-92; Ya-chung Chang. 2008. "liangan heping fazhan jichu xieding quy" (Modest Proposal for Cross-Strait Peaceful Development Basic Agreement). *Zhongguo pinglun* 130(10), <http://hk.crntt.com/doc/1007/6/6/2/100766286.html?coluid=33&kindid=4372&docid=100766286&mdate=0217093820>; Wei-ping Shen. 2009. "Liangan hepingxieyi quy" (Modest Proposal for Cross-Strait Peace Agreement). *Zhongguo pinglun* 136(4), <http://www.chinareviewnews.com/doc/1009/5/9/4/100959483.html?coluid=54&kindid=0&docid=100959483&mdate=0504114728>; Wei-dong Zhu. 2013. "Liangan heping xieyi jiben neihan yu luoshi lujing zhi tantao" (Basic Contents and Implementation Path for Cross-Strait Peace Agreement). *Zhongguo pinglun*, 7 January, <http://hk.crntt.com/crn-webapp/mag/docDetail.jsp?coluid=0&docid=102964802>; Yu Xie. 2013, "Dui liangan heping xieyi neihan ji dacheng lujing de zai tantao" (Further Discussion of the Content of and Path to Cross-Strait Peace Agreement). *Zhongguo pinglun*, 136(4), <http://mcn.chinareviewnews.com/doc/1027/8/4/8/102784885.html?coluid=93&kindid=10095&docid=102784885>; Shaw, *Tansuo liangan hepingxieyi*.

³³ Hung-chang Kuan, "cong guoji guanxi lilun kan liangan heping xieyi zhi qianding" (Cross-Strait Peace Agreement from the View of International Relations Theory). *Quanqiu zhengzhi pinglun* 34 (2011), 27-40.

³⁴ Yen-neng Lin. 2009. *Taihai liangan jiangou heping xieyi zhi yanjiu: cong saiju lilun guandian* (Research on Creating a Cross-Strait Peace Agreement). Master's diss. Taoyuan: National Defense University.

engaged in bargaining of a tentative agreement.³⁵ Now that multi-track political dialogue during the Ma era has moved the two sides into exploratory dialogue regarding a possible political agreement, it is time to apply new approaches from negotiation theory. Though records of official cross-Strait political dialogue are unavailable to researchers, the well-publicized unofficial forums noted above have provided a wealth of insights into the process of political dialogue. Moreover, Beijing's endorsement of "public discussion" of cross-Strait political issues has allowed experts in the PRC's Taiwan work system greater freedom to address sensitive policy issues and participate in the open door forums on cross-Strait political issues discussed above.³⁶

Why do groups or states involved in intractable political conflict like the Taiwan-China sovereignty dispute commit to political negotiations? This is the central question of research on pre-negotiation, a subfield of the process approach to negotiation developed in the 1980s which has been applied in the international conflict resolution literature to cases of protracted political conflict.³⁷ While studies of prenegotiation include cases involving trade and arms control,³⁸ the approach is most often applied to enduring, intractable political conflicts- often ethno-nationalist in nature- such as those in the Middle East,³⁹ Northern Ireland⁴⁰ and Cyprus.⁴¹ Pioneers of

³⁵ Jih-Wen Lin. 2000. "Two-Level Games between Rival Regimes: Domestic Politics and the Remaking of Cross-Strait Relations." *Issues & studies* 36: 1-26; Chih-chung Chang, "liangan dui zhengzhi tanpan de pinggu ji yinying celue fenxi" (Bilateral Evaluations of and Tactics in Cross-Strait Political Negotiations). *Wenti yu yanjiu* 41 (2002), 25-50.

³⁶ See, for example, Ming-Tong Chen and Hsi-Hui Yang, "liangan zhengzhi xieshang zhuti yu shenfen yanjiu: yi xiang hong lan lu san fang xuezhe zhuanjia fangwen yanjiu" (Subjectivity and Identity in Cross-Strait Political Negotiation: Survey Research of Mainland Chinese, Pan-Blue and Pan-Green Experts), *Zhongguo dalu yanjiu* 58:3 (2015), 73-122.

³⁷ William Zartman, and Maureen Bermann. 1982. *The Practical Negotiator*. New Haven: Yale University Press; Harold Saunders. 1985. "We Need a Larger Theory of Negotiation: The Importance of Pre-Negotiation Phases." In J. William Breslin and Jeffery Z. Rubin eds, *Negotiation Theory and Practice*. Cambridge: The Program on Negotiation at Harvard Law School, 57-70; William Zartman. 1989. "Prenegotiation: Phases and Functions." *International Journal* 44: 237-53; Janice Gross Stein ed. 1989. *Getting to the Table: The Processes of International Prenegotiation*. Baltimore: Johns Hopkins University; Ronald J. Fisher 1989. "Pre-negotiation Problem-Solving Discussions: Enhancing the Potential for Successful Negotiation." *International Journal* 44(2), 442-474; Ronald J. Fisher. 2006. "Coordination between Track Two and Track One Diplomacy in Successful Cases of Prenegotiation." *International Negotiation* 11(1), 65-89; Cerag Esra Cuhadar. 2004. "Evaluating Track-Two Diplomacy in Pre-Negotiation: A Comparative Assessment of Track-Two Initiatives on Water and Jerusalem in the Israeli-Palestinian Conflict," Syracuse, NY: Syracuse University Press; Dean G. Pruitt. 2015. "Prenegotiation Development of Optimism in Intractable Conflict." *International Negotiation* 20: 59-72.

³⁸ Brian W. Tomlin. 1989. "Stages of Prenegotiation: The Decision to Negotiate North American Free Trade." *International Journal* 44: 254-79; Fen Osler Hampson. 1989. "Headed for the Table: United States Approaches to Arms Control Prenegotiation." *International Journal* 44: 365-409.

³⁹ Ilan G. Gewurz. 2000. "Transition from Conflict: The Importance of Pre-Negotiations in the Oslo Peace Process." *Israel Affairs* 6: 177; Rothman, Jay. 1991. "Negotiation as Consolidation: Prenegotiation in the Israeli-Palestinian Conflict." *The Jerusalem Journal of International Relations* 13: 22-44; Amira Schiff. 2012. "The Israeli-

prenegotiation research, many of whom studied the Arab-Israeli conflict, recognized that in long, intractable political conflicts, the process by which the two sides decide to negotiate is often more important than the formal negotiations that may (or may not) follow and will impact any negotiated agreement that may eventually be reached.⁴² While traditional research of negotiation focuses on explaining the outcome of bargaining at the negotiating table, the dependent variable in studies of prenegotiation is whether the parties decide to commit to sit at the table in the first place. The most commonly cited definition of prenegotiation is a process which starts when one or more parties consider negotiation as a policy option and communicate this to the other parties, and which ends when the parties agree to formal negotiations or when at least one party abandons negotiation as an option.⁴³

Scholars of prenegotiation emphasize that for parties in intractable political conflict to commit to negotiation, the prenegotiation stage must help them move from unilateral solutions to their conflict toward a joint search for a joint solution. Because public negotiation in such conflicts is highly risk, prenegotiation activity is often carried out through secret “back channel” diplomacy or unofficial “track-two” meetings, and may also include more public problem-solving dialogues. These activities sometimes involve intervention or facilitation by third parties. Commonly cited functions of the prenegotiation process include risk management, joint exploration of risks of agreement, understanding the reciprocal nature of the process, establishing domestic support, defining an agenda and the negotiation participants, and finally, establishing mechanisms that facilitate perceptual changes.⁴⁴ The common theme of prenegotiation research is that in order for parties to commit to negotiation, the prenegotiation phase must result in

Palestinian Oslo Process: A Prenegotiation Perspective." *Peace and Conflict Studies* 19: 61-92; Janice Gross Stein. 1989. "Prenegotiation in the Arab-Israeli Conflict: The Paradoxes and of Success and Failure." *International Journal* 44: 410-41.

⁴⁰ Dean G. Pruitt. 2007. "Readiness Theory and the Northern Ireland Conflict." *American Behavioral Scientist* 50: 1520-41; Dean G. Pruitt. 2015. "Prenegotiation Development of Optimism in Intractable Conflict." *International Negotiation* 20: 59-72.

⁴¹ Amira Schiff. 2008. "Pre-Negotiation and Its Limits in Ethno-National Conflicts: A Systematic Analysis of Process and Outcomes in the Cyprus Negotiations." *International Negotiation* 13: 387-412.

⁴² Harold Saunders. 1984. "The Pre-Negotiation Phase." In D.B. Bendahmane and J.W. McDonald, Jr. eds., *International Negotiation: Art and Science*. Washington: Foreign Service Institute, Department of State; Saunders, "We Need a Larger Theory of Negotiation"; Stein, *Getting to the Table*.

⁴³ Zartman, "Prenegotiation: Phases and Functions," 240.

⁴⁴ Zartman, "Prenegotiation: Phases and Functions"; Gewurz, "Transition from Conflict."

changes in the beliefs and expectations of decision-makers regarding the desirability and feasibility of a joint solution.⁴⁵

How does this change in beliefs occur and what are the factors that trigger and sustain the process leading to these changes? Different approaches focus on different explanatory variables. Ripeness theory focuses on the mutual perceptions of leaders, arguing that decision-makers on both sides must perceive both that the conflict is a Mutually Hurting Stalemate which cannot be resolved through unilateral escalation and that a Way Out exists, i.e, both sides sense that some negotiated solution is possible and the other side is willing to search for it. This approach emphasizes mutual costs of the conflict as the key to bringing the sides to the table, suggesting that a recent or pending crisis often makes conflict “ripe” for negotiation.⁴⁶ Readiness theory, a reworking of ripeness theory, looks at the respective levels of negotiation “readiness” of individual decision makers on each side of the conflict and emphasizes the importance of optimism, in addition to costs, as a necessary condition for the parties to commit to negotiation. Respective levels of optimism about whether negotiation will lead to a mutually acceptable agreement play a large role in sides’ respective degrees of “readiness,” with positive interdependence between the conflicting parties identified as a factor sustaining prenegotiation optimism.⁴⁷

The interactive conflict resolution approach focuses on the impact of problem-solving dialogues, often organized by trained social scientists, on creating conditions for negotiation. Key to this approach is the transfer of mutual trust and joint solutions developed in these dialogues to the policy level. Like ripeness and readiness theory, this approach emphasizes the role of third-party intervention in facilitating movement by the conflicting sides toward negotiation.⁴⁸ Finally, the two-level game approach focuses on the impact of domestic politics on

⁴⁵ Zartman and Bermann, *The Practical Negotiator*.

⁴⁶ William Zartman. 2000. "Ripeness: The Hurting Stalemate and Beyond." In Paul Stern and Daniel Druckman (eds.), *International Conflict Resolution after the Cold War*. Washington: National Academy Press, 225-250.

⁴⁷ Dean G. Pruitt. 2014. "The Evolution of Readiness Theory." In Mauro Galluccio ed., *The Handbook of International Negotiation: Interpersonal, Intercultural, and Diplomatic Perspectives*. Heidelberg: Springer, 123-38; Pruitt, "Prenegotiation Development of Optimism."

⁴⁸ Herbert C. Kelman, and Stephen P. Cohen. 1976. "The Problem-Solving Workshop: A Social-Psychological Contribution to the Resolution of International Conflicts." *Journal of Peace Research*: 79-90; Herbert C. Kelman. 1996. "Negotiation as Interactive Problem Solving." *International Negotiation* 1: 99-123; Ronald J. Fisher. 1997. *Interactive Conflict Resolution*. Syracuse, NY: Syracuse University Press; Ronald J. Fisher. 2006. "Coordination between Track Two and Track One Diplomacy in Successful Cases of Prenegotiation." *International Negotiation* 11: 65-89.

the decision to negotiate. Applied to cases of prenegotiation such as Northern Ireland and Cyprus in which the parties' domestic political institutions are more mature and transparent, this approach views overlap in the preferences of domestic constituencies on both sides regarding a negotiated solution as the key factor in leaders' calculations about whether or not to enter negotiations. The two-level game approach also looks at how domestic political institutions, especially ratification procedures, influence leaders' expectations that a negotiated solution is possible.⁴⁹

Is a prenegotiation approach applicable to Taiwan-China case? To date, there has been no attempt to apply this approach to study cross-Strait political negotiation. This may be attributable to several factors. First, extensive political prenegotiation between Beijing and Taipei has occurred only recently and formal negotiations may not occur for a long time, if at all. However, as discussed above, the time is right to begin academic research of the prospects for political negotiation. PRC leaders have outlined a long-term policy encouraging multi-track political dialogue leading to a peace agreement. Thus, while party turnover in Taipei may slow down the pace of political dialogue, political prenegotiation activity is likely to continue regardless of which party is in power in Taipei. Second, public records of official cross-Strait political dialogue, such as that which occurred during the Ma era regarding a peace agreement, are not accessible to scholars. However, the well-publicized unofficial dialogue between the two sides since 2009, discussed above, has created a wealth of publically available information on the political prenegotiation process.

Finally, the prenegotiation approach is often associated with peace research in cases of violent conflict, often to investigate the role of third party facilitation of peace processes in war-torn states. Although this approach has most often been applied to "hot conflicts" in the Middle East and Africa, it has also been used to study the phase prior to negotiation in more stable conflicts in Cyprus and Northern Ireland. Moreover, it is important to point out that behind the surface of improved cross-Strait economic ties, the more than 60 year intractable political stalemate across the Taiwan Strait remains highly militarized and has been primarily a cold conflict only because of effective United States deterrence of PRC military coercion. Furthermore, China is in fact demanding Taiwan engage in a "peace process" to end the Chinese civil war, despite the fact that Taiwan unilaterally ended the war in 1991.

⁴⁹ Trumbore, "Public Opinion as a Domestic Constraint"; Schiff, "Pre-Negotiation and Its Limits."

Potential Approaches to Prenegotiation

Historical Approach

One approach to the study of cross-Strait political prenegotiation would use Zartman's temporal definition of prenegotiation to investigate the triggers and processes of cross-Strait political dialogue since 1949. To date, no comprehensive research on the history of cross-Strait political dialogue exists. This approach assumes that the historical evolution of cross-Strait political dialogue is a key determinant of whether the two sides decide to enter formal political negotiation. China's inability to propose alternatives to the unpopular "one country, two systems" and "1992 consensus" formulas suggest a large degree of path dependence in cross-Strait political prenegotiation and thus the impetus for an historical approach to cross-Strait political negotiation. Zartman's definition of prenegotiation, noted earlier, is a process that "begins when one or more parties considers negotiation as a policy option and communicates this intention to other parties. It ends when the parties agree to formal negotiations or when one party abandons the consideration of negotiation as an option." Based on this definition, cross-Strait political prenegotiation began as early as 1950, when Chiang Kai-shek sent a secret envoy to meet with CCP representatives about the potential for restarting KMT-CCP negotiations. The first official and public call for political negotiation was made in 1955 when Beijing proposed "peaceful liberation" of Taiwan through negotiation as an alternative to armed invasion.

The historical approach would trace the evolution of various proposals for a political agreement by both sides. The first proposals for a negotiated political settlement were communicated by Beijing to Taipei through secret envoys between 1955 and 1958. Beijing issued important revised proposals for negotiation in Ye's Nine Points (1981), Jiang's 8 Points (1995), and Hu's 6 Points (2008). Taipei officially rejected political negotiation as a policy option until the early 1990s, but maintained sporadic secret communication regarding potential KMT-CCP political negotiation throughout the martial law period and beyond.⁵⁰ The Taiwan side did not make political negotiation an official policy option until the 1991 National Unification Guidelines, but was the first side to propose peace agreement. In secret talks in the early 1990s, Taipei called for an interim peace treaty based on the Basic Treaty between the two Germanys.⁵¹ The Chen Shui-bian administration proposed a Cross-Strait Peace and Stability

⁵⁰ Huang, *Liang'an tanpan yanjiu*, 147-183.

⁵¹ Shaw, *Tansuo liangan heping xieyi*, 149-170.

Framework in 2004 and the Ma Ying-jeou government proposed a peace agreement to normalize cross-Strait relations in accordance with his policy of “no unification, no independence, no war” in 2008.⁵²

An historical approach would investigate the international and domestic triggers behind these key instances of political prenegotiation activity, including the influence of the following factors: the three militarized Taiwan Strait crises (1954-55, 1958, 1996); changes in US-China-Taiwan strategic relations; Chiang Ching-kuo’s opening of contacts with the mainland in 1987; Taiwan’s democratization and electoral politics; China’s leadership succession politics and the development of new domestic constituencies with influence on Taiwan policy; and cross-Strait economic integration. Three periods of relatively intense political prenegotiation activity stand out for in-depth historical research: 1954 to 1958, between the 1954-55 Taiwan Strait Crisis and the outbreak of the anti-Rightist campaign on the mainland; 1996 to 1999, following the 1996 missile crisis and ending with Lee Teng-hui’s “special state-to-state definition of cross-Strait relations;⁵³ and 2008-2014, beginning with Ma Ying-jeou’s inauguration and ending with the Sunflower Student Movement. Another focus of the historical approach would be evolution of the structure of cross-Strait political prenegotiation activity, including changes in the identity of the negotiating subjects and the institutional framework for political dialogue.

Negotiation “Formula” Approach

Another approach would apply Zartman’s negotiation formula concept to examine official and unofficial proposals for cross-Strait political negotiations and analyze whether these proposals could facilitate development of an “agreeing formula”- such as interim or peace agreement- or a “resolving formula” which would settle the fundamental sovereignty dispute. This approach would follow the central assumption of the *formula-detail* approach to negotiation theory that when deciding whether or not to enter negotiations- particularly in intractable conflicts in which negotiation is highly risky for both sides- the parties most often engage in a deductive search for a comprehensive general formula acceptable to each side before entering bargaining regarding the details of an agreement. Zartman roughly defines formula as “a shared perception or definition of the conflict that establishes the terms of trade; the cognitive structure

⁵² Huang, *Liangnan tanpan yanjiu*, 147-183; Shaw, *Liangnan xieshang yu tanpan*.

⁵³ *Ibid.*

of referents for a solution; or an applicable criterion of justice.”⁵⁴ This approach would examine the various official and unofficial proposals for a cross-Strait political agreement, focusing particular attention on new unofficial proposals by former officials and experts on both sides which have been exchanged in unofficial (track two) forums on cross-Strait political issues discussed earlier. Key to analyzing the potential for a mutually agreeable formula would be how these proposals define cross-strait political and military relations and Taiwan’s international legal status. Examining the creative semantic ambiguity in these proposals may reveal some outline of the most likely joint referent- or what the two sides call “the most common denominator” (最大公數)- that might be acceptable to both sides.

Official or unofficial proposals have been made which can be categorized on a spectrum between unification and diplomatic normalization. Proposals for unification agreements include the PRC’s long-standing “one country, two systems” formula, the 1991 ROC National Unification Guidelines (now defunct) which called for a “democratic, free, and equitably prosperous China,” and PRC academic Yu Yuan-zhou’s 2002 draft constitution for a Federal Republic of China comprised of both the PRC and ROC which would replace the PRC internationally as legal representative of China.⁵⁵ Proposed integration agreements include former KMT chairman Lien Chan’s 2001 confederation model,⁵⁶ Taiwan professor Chang Ya-chung’s 2008 “Basic Agreement for Cross-Strait Peaceful Development”⁵⁷ and the “greater one China framework” endorsed in 2014 by a bipartisan group of Taiwanese former officials and party leaders.⁵⁸ These integrationist proposals envision shared sovereignty arrangements through creation of supra-national legal entities through which the two sides would participate equally and/or jointly in international organizations.

Various proposals for peace agreements or peaceful interaction span the spectrum of categories in which the status quo is kept for a period, maintained permanently, or formalized through diplomatic mutual recognition. With respect to the status quo-to-unification category,

⁵⁴ Zartman and Bermann, *The Practical Negotiator*, 95.

⁵⁵ Yuan-zhou Yu. 2002. “Zhonghua banglian gongheguo xianfa (xuezhè jianyi ban)” (Scholar’s Proposed Draft Constitution of the Chinese Federal Republic), 6 June 2005 (revised), <http://www.doc88.com/p-931709372713.html>.

⁵⁶ “Xin lantu xin dongli Lian Zhan xinshu changyi liangan lianbangzhi” (New Blueprint, New force; Lian Zhan’s New Book Advocates Cross-Strait Confederation), *Central Daily News* (Taipei), 5 January 2001, 1.

⁵⁷ Chang, “Liangan heping fazhan jichu xieding quyì.”

⁵⁸ “Dayizhong jiagou liangan xin xuanxiang” (Greater One China Framework; Cross-Strait New Option). *Lianhewanbao*, 27 May 2004.

Taipei secretly proposed this type of agreement in the early 1990s, calling for a peace treaty based on the 1971 Basic Treaty between the two Germanys by which the ROC and PRC would normalize diplomatic relations and participate equally in international organizations prior to unification.⁵⁹ Maintaining the status quo before unification is the essence of Beijing's proposed cross-strait peace agreement "under the special situation in which the country is not yet unified." The PRC version of a peace agreement- the contents of which have been discussed by PRC experts- envisions a domestic pact to end the Chinese Civil War which unambiguously seals Taiwan's de jure status as part of "one China" (leaving no room for "respective interpretations") and implicitly or explicitly commits Taipei to security cooperation with Beijing to defend China's territorial integrity.⁶⁰

The Ma administration's version of a peace agreement under his government's mainland policy of "no unification, no independence, no use of force" fits the category of status quo-to-decide later. Drafts of this type of agreement proposed by Taiwanese academics and former officials are generally based on the "92 consensus" and opposition to Taiwan independence and call for an indefinite or fixed interim period of mutual non-denial between the two sides, giving Taiwanese time to come to a consensus on relations with the mainland.⁶¹ An example of a permanent status quo agreement is the DPP's proposal for a Cross-Strait Peace and Stability Framework, which was laid out by the Chen Shui-bian government in 2004 and referenced in the 10-year political platform of DPP presidential candidate Tsai Ing-wen in 2011.⁶² The proposal calls for peaceful interaction facilitated by closer economic and social integration and is based solely on a "peace principle." Finally, the "brotherly states" arrangement proposed by Taiwan independence movement leaders at the 2013 Cross-Strait Peace Forum is an example of a diplomatic normalization agreement. Such an agreement would emphasize historical and cultural

⁵⁹ Shaw, *Tansuo liangan hepingxieyi*, 149-70.

⁶⁰ See, for example Zhu, "Liangyan heping xieyi jiben neihan" and Xie, "Dui liangan heping xieyi neihan."

⁶¹ He, *Liangyan heping xieyi kexingxing zhi yanjiu*, 71-81.

⁶² Mainland Affairs Council. 2011. "Chen Zongtong zhuzhang: liangan qianshu heping hudong jiagou" (President Chen's Position: Taiwan and Mainland Should Sign Peace and Stability Framework), 3 February, <http://www.mac.gov.tw/ct.asp?xItem=68557&ctNode=6621&mp=1>. Accessed 3 April 2016.; Democratic Progressive Party. 2011. "Shi nian zhenggang 'guojia anquan, liangan jingmaopian' meiti zuotan" (Media Forum for Ten Year Platform's "National Security, Cross-Strait Economics and Trade" Section), 23 August, http://www.dpp.org.tw/news_content.php?sn=5261.

bonds between Taiwan and the Chinese mainland as the basis for a peaceful partnership between de jure independent states.⁶³

Two-level Game Approach

A two-level game approach could use the concept of the “win-set” from Putnam’s two-level game model of international negotiation to examine the potential for cross-Strait political negotiation. This approach would focus on domestic variables, viewing overlap in the preferences of domestic constituencies on the two sides regarding political negotiation as a key explanatory variable in whether Beijing and Taipei get to the negotiating table. Putnam’s two-level game model envisions international negotiation as an interactive game of simultaneous bargaining between national leaders (or their appointed negotiators) at the international level (Level 1) and between groups of domestic constituents at the domestic level (Level 2). At the international table, negotiators bargain to reach a tentative agreement while domestic groups bargain about whether or not to ratify the agreement. Focusing on domestic constraints on international negotiation, the model assumes that national leaders pursue international agreements at Level 1 that will maximize their ability to satisfy domestic pressure and minimize the negative impact of international agreements on their domestic standing.

Putnam defines the win-set for any given Level 2 constituency as “the set of all possible Level 1 agreements that would ‘win’- that is, gain the necessary majority among the constituents- when simply voted up or down.”⁶⁴ A negotiated agreement is possible only if there is overlap in the win-sets of the two sides which create a “zone of potential agreement.” In intractable political conflict like the China-Taiwan sovereignty dispute, there is often little or no overlap in the set of potential agreements that could garner majority support domestically. As Putnam points out, the “expectational effect” of perceived absence of a zone of potential agreement will often keep the two sides from commencing negotiation.⁶⁵ From the two-level game perspective, prenegotiation is a process in which the two sides attempt to ascertain and

⁶³ Cho-shui Lin. 2011. “Cong liangan xiongdi guanxi dao liangan xiongdi zhi bang” (From Brotherly Cross-Strait Relations to Brotherly States). *Xin xinwen*, 20 July.

⁶⁴ Robert. D. Putnam. 1988. "Diplomacy and Domestic Politics: The Logic of Two-Level Games." *International Organization* 42: 427-60.

⁶⁵ *Ibid*, 436.

influence each other's win-set and to determine if their win-sets overlap or if overlap could be achieved through domestic and trans-national coalitions.⁶⁶

The two-level game approach could use survey research of elite and popular opinion in China and Taiwan to attempt to estimate the win set of the two sides. Polling could help to identify whether a "zone of possible agreement" exists for a cross-Strait political bargaining and the potential for domestic and cross-Strait coalitions to form in support of political negotiation. Work in the field of peace research has shown that independent opinion surveys have been accurate in gauging ripeness for negotiation in intractable conflicts. For example, opinion polls showed that conditions were not ripe for proposed agreements in the Israeli-Palestinian and Cyprus conflicts and that greater attention to opinion surveys might have averted commencement of failed negotiations in these cases.⁶⁷ Opinion polling is viewed to have played a key role in pre-negotiation problem solving in the Northern Ireland peace process, encouraging polling research projects to support the pre-negotiation process in other conflicts.⁶⁸ Putnam includes public opinion in his list of relevant Level II actors in the two-level game⁶⁹ and further research indicates that public opinion acts as a domestic constraint on Level I negotiation when the issue under negotiation is of intense public interest and the public has the power to ratify potential agreements.⁷⁰ In the case of cross-Strait political negotiation, the former condition applies to both China and Taiwan and the second clearly applies to Taiwan. Opinion survey research is especially relevant in democratic Taiwan, where Taipei has identified high public support as a condition for entering cross-Strait political negotiation and where the referendum law would allow for citizen-initiated plebiscites with a high threshold (50% approval by at least 50% of all eligible voters) for passage to authorize and approve political negotiations.

⁶⁶ Cuhadar, *Evaluating Track-Two Diplomacy*, 11-12.

⁶⁷ CJ Irwin. 2004. "Using Public Opinion Polls to Support Peace Processes: Practical Lessons from Northern Ireland, Macedonia, Cyprus, Israel and Palestine." *Democracy and Ethnic Conflict: Advancing Peace in Deeply Divided Societies*, Palgrave MacMillan, Basingstoke and New York: 62-73.

⁶⁸ Irwin, Using Opinion Polls; Jacob Shamir and Khalil Shikaki. 2010. *Palestinian and Israeli Public Opinion: The Public Imperative in the Second Intifada*: Indiana University Press. Shamir and Shikaki. 2005. "Public Opinion in the Israeli-Palestinian Two-Level Game." *Journal of Peace Research* 42: 311-28.

⁶⁹ Putnam, *Diplomacy and Domestic Politics*, 432.

⁷⁰ Trumbore, "Public Opinion as a Domestic Constraint."

Conclusion

This exploratory paper discussed the background of and impetus for further academic research of cross-Strait political negotiation and introduced the prenegotiation concept from the process school of negotiation theory as a framework for study of this important topic.

Prenegotiation examines why and how conflicting parties come to a decision to pursue a negotiated solution to their conflict, focusing on how changes in the beliefs and expectations of decision-makers regarding the desirability and feasibility of a joint solution come about to produce a joint commitment to negotiation. Powerful structural forces related to the rise of China are moving the two sides toward political negotiation, a process which poses significant risks to cross-Strait and regional stability. The unprecedented multi-track political dialogue that took place between the two sides during the Ma Ying-jeou era in Taiwan illustrated the various forces which are pushing or constraining cross-Strait political dialogue.

There has been little application of negotiation theory to the study of cross-Strait political dialogue and several approaches within the prenegotiation framework provide some promise for shedding light on the triggers and processes involved in cross-Strait political dialogue and for assessing the possibility that the two sides will undertake formal negotiation of a political agreement. An historical approach could illuminate the path of political dialogue since 1949 and identify the triggers of past political prenegotiation activity and the evolution of the actors and institutions involved in the prenegotiation process. A negotiation formula approach could help to categorize and compare various proposals for a cross-Strait political agreement and assess the principles and semantics that might comprise a formula that would be acceptable to both sides. Finally, a two-level game approach in which opinion survey research is used to estimate whether there is overlap in the set of agreements that would be acceptable to domestic constituencies on both sides would highlight the influence of domestic politics on the prospects for political negotiation and identify the domestic and cross-Strait coalitions that could be mobilized in support of formal political talks.