

MAC Explanations Regarding China Times Editorial and Want Daily Letter to the Editor on "MAC Violates ROC Constitution by Criticizing Mainland Passports" Published Today (November 28, 2012)

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An editorial on the true meaning of the "1992 Consensus" in the November 28 China Times and a letter to the editor in the Want Daily entitled "MAC Violates the ROC Constitution by Criticizing Mainland Passports" have misinterpreted the government's Mainland policy position of "shelving disputes and addressing realities". Mainland Affairs Council (MAC) explanations are as follows:

1. The spirit of the "1992 Consensus", to "shelve disputes and conduct pragmatic negotiations", has been the foundation for the establishment and effective and steady operation of institutionalized cross-strait negotiation mechanisms. Moreover, it is in the spirit of "shelving disputes and addressing realities" that the two sides can claim "mutual non-denial of authority to govern" so as to pragmatically resolve issues related to cross-strait economic and social exchanges and interactions. This approach has already reaped numerous important results. Therefore, the MAC continues to call on all sides to recognize the historical fact of the 1992 Hong Kong Talks, to advocate consultations between the two sides based on the "1992 Consensus of one China with respective interpretations", and to uphold national sovereignty and dignity.

2. The editorial in the China Times stated that "the two sides have no dispute over the scope of sovereignty for the 'one China' and that the 'one China' indicated in the '1992 Consensus' points to the undisputed scope of sovereignty." The MAC must hereby emphasize that, according to the

ROC Constitution, the government stands firm on the position that the "one China" stated in the "1992 Consensus" refers to the Republic of China; there is absolutely no doubt over the objective existence of the ROC as a sovereign and independent country. According to the ROC Constitution, we do not legally recognize the existence of a sovereign country in the Mainland Area, for both the Taiwan Area and the Mainland Area are within the ROC's scope of sovereignty. Since the two sides have respective positions on the meaning of the sovereignty of "one China", the "1992 Consensus" was reached 20 years ago with the aim to enable pragmatic interactions and contacts by shelving disputes on sovereignty and respecting each other's interpretation on the meaning and acknowledgement of the "one China". Currently, the two sides are still in a status of mutual non-recognition of sovereignty, thus it is necessary to set aside the sovereignty dispute in order to pragmatically face and interact with each other.

3. The editorial stated that "although the governing authority of the Mainland does not extend to Taiwan, its de jure sovereignty over Taiwan is not prevented". Regarding this statement, it must first be understood that the two sides have been divided by the Strait and separately governed for over 60 years, therefore, the government authorized the drafting of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area, in accordance with the Additional Articles of the Constitution of the Republic of China, to pragmatically define that de jure sovereignty of the ROC extends to the Mainland Area, whereas its de facto governing authority is limited to Taiwan, Penghu, Kinmen and Matsu. This is the status quo of separation in the Taiwan Strait. Based on that constitutional position of the ROC, the ROC government has faced up to the fact that its governing authority does not extend to the Mainland, and it is also a fact that the Mainland's governing authority does not

extend to Taiwan either. With the common acknowledgement of "mutual non-recognition of sovereignty and mutual non-denial of authority to govern" on both sides, there is no such issue as the Mainland having de jure sovereignty over Taiwan. It is believed that, on the basis of the "1992 Consensus", the two sides should uphold mutual non-denial for and respect the fact of both sides' authority to govern. In terms of "governing authority", the Mainland authorities must continue to "face up to the reality that the two sides are governed separately". Moreover, passports are official documents with sovereign implications, not simple ordinary tourism guides to introduce visitor attractions. The 18 agreements signed between the two sides since President Ma Ying-jeou took office in 2008 are achievements built on the foundation of "mutual non-recognition of sovereignty and mutual non-denial of authority to govern" which should be cherished by both sides.

4. Over the past four years, the government has maintained the status quo of "no unification, no independence and no use of force" in the Taiwan Strait under the framework of the ROC Constitution. Through cross-strait interactions based on "mutual non-recognition of sovereignty and mutual non-denial of authority to govern", long-term, stable, and institutionalized relations across the Taiwan Strait have been established to promote cross-strait peace and stable developments. It is hoped that the Mainland side can truly abide by the meaning and spirit of "shelving disputes and addressing realities" in the "1992 Consensus", fully respect the factual status quo of separate governments across the Taiwan Strait, objectively and pragmatically face up to the ROC, and jointly uphold the hard-won foundation of mutual trust between the two sides.