Norm-Centered Constructivism and Cross-Strait Relations: Theory and Practice*

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This paper examines the important case of cross-Strait relations from the perspective of a major school of International Relations theory, norm-centered social constructivism. It examines the cases of two international conventions, namely, the Nuclear Nonproliferation Treaty and the Chemical Weapons Convention, with the aim of determining how they are amenable to calls to further changes. The cross-Strait relationship in the context of these two conventions is relatively productive of international norms of the type that constructivist theory considers important. This is a subject that is of potential importance both to Taiwan and to the international system more generally.

KEYWORDS: cross-Strait relations; social constructivism; norms; Nuclear Nonproliferation Treaty; Chemical Weapons Convention.

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Over the past couple of decades, drastic changes have taken place in both relations between Taiwan and China and the field of international relations theory. There was a serious deterioration in cross-Strait relations during the presidency of Lee Teng-hui (   ), starting with the 1996 missile crisis. Relations arguably reached their lowest ebb between 2000 and 2008 when Chen Shui-bian (   ) of the Democratic Progressive Party (DPP) was in power. Following the decisive victory in the 2008 presidential election of the Kuomintang (, KMT) candidate, Ma Ying-jeou (   ), tension between the two sides eased. The 2008 election not only brought the KMT back to power but also presaged a remarkable transformation in cross-Strait relations. Soon after, Premier Wen Jiabao (   ) of the People's Republic of China (PRC) met Fredrick Chien, chief advisor of Taiwan's Cross-Straits Common Market Foundation, at the Boao Forum. Wen recognized that this meeting marked a major turning point in cross-Strait relations.[1] He was therefore expected to make efforts to court Taiwan by emphasizing the development of peaceful relations by means of "discard[ing] past enmity and fac[ing] the future to tackle the financial crisis and seek common prosperity." After this initial demonstration of goodwill toward Taiwan, China succeeded in pushing forward a coherent effort to enhance cooperation between the two sides on economic integration.

This paper attempts to use these changes in Taiwan's relations with China, both cumulative and relatively recent developments, as the contextual background for an analysis of the relevance of international norms in cross-Strait relations from the perspective of social constructivism. By

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[1]"President Ma Ying-jeou Met with 2009 Boao Forum Delegation," news release, Office of the President, Republic of China, April 15, 2009, http://www.president.gov.tw/php-bin/prez/ shownews.php4?issueDate=&issueYY=&issueMM=&issueDD=&title=&content=%B3% D5%F7%B4&_section=3&_pieceLen=50&_orderBy=issueDate%2Crid&_desc=1&_recNo =0 (accessed June 11, 2009). See also: "Premier Wen Meets Taiwan's Fredrick Chien, Calling for Discarding Enmity," *Xinhua*, April 18, 2009, http://news.xinhuanet.com/english/2009-04/ 18/content_11210260.htm (accessed April 18, 2009); and the Mainland Affairs Council (MAC) of the Republic of China website: http://www.mac.gov.tw/ct.asp?xItem=67777& ctNode=6605&mp=3 (accessed April 18, 2009).

highlighting the function of identity and norms, social constructivism suggests a wholly new perspective for studying the co-constitution of structures and agents. In this way, it can be distinguished from power-driven realism and interests-based institutionalism.

As articulated by social constructivism, norms are "problem-solving devices" which can be employed to deal with standing issues such as conflict, and which are particularly useful for situations in which "actors with non-identical preferences meet and cannot pursue their goals without interference."[2] By engaging in a dialogue between theory and practice, this paper attempts to answer two vital questions: what role can international norms play in cross-Strait relations? and, which types of norms can play this role? This paper will also attempt to explore other possible domains of interaction where international norms operate.

Here, we will examine two international conventions—the Nuclear Nonproliferation Treaty (NPT) of 1968[3] and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (CWC) of 1997,[4] both of which are closely connected with cross-Strait relations[5]—with the aim of deciding how they are amenable to calls for further changes in Taiwan-China relations. Close attention will be paid to the speech delivered by President Hu Jintao (   ) of the PRC at the symposium held to commemorate the thirtieth anniversary of Deng Xiaoping's (   ) "Message to Compat-

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[2]Friedrich V. Kratochwil, *Rules, Norms and Decisions: On the Conditions of Practical and Legal Reasoning in International Relations and Domestic Affairs* (Cambridge: Cambridge University Press, 1989), 93.

[3]Thomas Graham, Jr. and Damien J. LaVera, *Cornerstones of Security: Arms Control Treaties in the Nuclear Era* (Seattle: University of Washington Press, 2003), 108-112.

[4]Ibid., 1170-267.

[5]The connection between the aforementioned agreements and cross-Strait relations is as follows: the ROC signed the NPT on July 1, 1968, and the "safeguard agreements" with International Atomic Energy Agency (IAEA) on January 20, 1970 (with an Additional Protocol being signed in 1973). The PRC replaced the ROC in the UN in 1971; the PRC formally joined the IAEA in 1984 and signed the NPT in 1992. The CWC was adopted by the UN in 1992 and ratified by the Standing Committee of the National People's Congress of the PRC on December 30, 1996. The CWC was supported by the Taiwan government which set up the Executive Committee on the UN Conventions on the Prohibition of Chemical Weapons in 1997 (see the second section of this paper).

riots in Taiwan" of December 31, 2008, which explicitly mentioned the need to "safeguard national sovereignty, consult external affairs, end hostilities and reach a peace agreement."[6] President Hu's speech presents a generally complacent and optimistic view of the state of cross-Strait relations.

The NPT and the CWC will be examined in this study in the light of the following considerations: first, they constitute the fundamental basis of international security, covering as they do the dominant strategies of the Cold War and post-Cold War periods as well as doing much to preserve peace. In this regard, it would be convenient to recall that, according to Friedrich Kratochwil—one of the leading constructivist scholars—institutional facts can only be explained on the basis of constitutive norms, since their value derives from the fruits of their practice. Since the institutional arrangements contained in these conventions may be regarded as particularly significant in the context of cross-Strait relations, these agreements are useful tools for examining these relations.

Secondly, cross-Strait relations are at a turning point, which makes the referential functions contained in both the institutional and constitutive norms of the international agreements in question particularly relevant. Referential functions are determined by the structure of the rule, since it is only within this structure that these basic elements can be understood. To be sure, speech acts[7] are inevitably involved in all kinds of norms. Thus, continuous communication is not only necessary for making statements but also indispensable for the practice of norms.

Thirdly, all norms have the potential to change current situations, especially in the case of conflicts and divergence from a time-honored con-

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[6]"Hu Jintao Puts Forward Six Proposals for the Peaceful Development of Cross-Strait Relationship," *China Financial Daily*, December 31, 2008, http://www.chinafinancialdaily.com/financial/news/2008/12/31/2961/message-to-compatriots-in-taiwan.html (accessed November 20, 2010).

[7]According to Kratochwil, "speech acts" are action-words that not only refer to a specific action but perform the action itself (e.g., "I promise," "I consent," "I pressure," in which the action does not take place independently of the language). That has a normative component which makes reference to the "rules and norms" constitutive of a practice and provides the meaning for the action (such as the utterance of "I do" in a marriage ceremony). See Kratochwil, *Rules, Norms and Decisions*, 7.

flict. Therefore, the norms contained in these agreements could offer a noncoercive solution to cross-Strait problems, reconstructing existing antagonisms and normalizing interests for both sides. The norms could also function as "third-party law" as understood by Kratochwil thus, "the conventional conception of law . . . [which] covers the cases in which a third-party applies *pre*-existing rules to a given controversy in order to either mediate or settle the submitted issues authoritatively," and "even in a bilateral bargaining situation achieve something like a 'third-party law'."[8]

   Fourth, given the increasing stability of relations across the Taiwan Strait, scholars should engage in theoretical explorations and analysis of certain significant international conventions. Accordingly, norm-centered constructivism—as an ideal framework—will be used in this paper in three

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[8]In his analysis of the types (first-party law, second-party law, and third-party law) and functions of rules and norms, Kratochwil argues that "our emphasis on language as a norm-governed activity allows us to give greater precision to the division between first-, second- and third-party contexts, with the first-party context (first-party law) being characterized by the issuance of commands that may or may not have generalized character: we can distinguish between imperatives (commands) and rules, depending upon whether situation-specific elements dominate—'your wallet or your life'—or the general scope of the directive is emphasized—'don't tread on me'. What is crucial for the first-party context is the imposed character of the norm: the interests, objections or claims of the addressee are *at a minimum*, as they are not *admitted* to an argumentative exchange on an equal basis (author's italics). The second-party context is characterized by 'strategic behavior' among the parties (i.e., by the recognition of interdependence of *decision-making*, or the perception of common interests) (author's italics). Rules and norms can, but not necessarily, figure prominently in the actor's choices, since some coercive moves might be included in the bargaining between them. Thus, the resort to norms can be—and frequently is—subsidiary to the process of 'breaking the other's will' to arrive at a decision. Finally, the third-party context (third-party law) is the conventional conception of law. It covers the cases in which a third-party applies *pre-existing* rules to a given controversy in order to either mediate or settle the submitted issues authoritatively (author's italics)." As regards the functions of rules and norms mentioned above, Kratochwil points out that "three distinct ordering functions can be discerned within the universe of norms. First, by 'ruling out' certain methods of individual goal-seeking through the stipulation of forbearances, norms define the area within which conflict can be bounded. Second, within the restricted set of permissible goals and strategies, rules which take the actors' goals as a given can create schemes or schedules for individual or joint enjoyment of the scarce objects. Third, norms enable the parties whose goals and/or strategies conflict to sustain a 'discourse' on their grievances, to negotiate a solution, or to ask a third party for a decision on the basis of commonly accepted rules, norms and principles." Finally, Kratochwil makes clear that "although I will show that different rule- and norm-types are *correlated* with these three ordering functions there is, nevertheless, a great deal of interdependence among the functions of norms (author's italics)." See Kratochwil, *Rules, Norms and Decisions*, 34-36, 70-73.

ways: from an epistemological point of view, as an analytical framework, and from the logic of norms as problem-solving measures.

Finally, this paper will attempt to exemplify the ways in which international conventions can be used to investigate the intersection between the theory of norm-centered constructivism and the practice of cross-Strait relations.

Norm-Centered Constructivism—
Meanings and Functions of International Norms

Research on norms in IR theory originates from discussion of the norm-effectiveness of regime theory. This discussion gave rise to two different perspectives: the first being that of the rationalists, who argue that international norms are the product of national interests and power, and that norms possess the power to restrict national behavior,[9] and the second being the perspective of the constructivists, who maintain that international norms originate from ideals and identities and can be of use in the normalization of the construction of national behavior.[10]

The analytic structure of the first wave of social constructivism was built on the concept of so-called norms-abiding nations. This started with research into the role played by human consciousness, mainly exploring the ideal-based interactive relations between nations. The idea of an intersubjectivity shared by all agents was advocated by Alexander Wendt, who based it on a relational statement constructed among specific agents. Constructivists have used this concept to delineate how states make use of

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[9]Judith Goldstein and Robert Keohane, "Ideas and Foreign Policy: An Analytical Framework," in *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*, ed. Judith Goldstein and Robert Keohane (Ithaca, N.Y.: Cornell University Press, 2005), 3-30.

[10]The term "national behavior" suggests Wendt's state-centric view, not the views of Kratochwil or Onuf with their emphasis on people. See Ronald L. Jepperson, Alexander Wendt, and Peter J. Katzenstein, "Norms, Identity, and Culture in National Security," in *The Culture of National Security*, ed. Peter J. Katzenstein (New York: Columbia University Press, 1996), 33-75.

"corporate agency" to achieve the configuration of "regulative" and "constitutive" rules[11] and norms, and how national behaviors are bounded, as well as how norms are internalized by states through constant learning. Corporate agency refers to the strategic structure that is provided with the inception and approval of institutionalized group actions.[12]

As is commonly known, social constructivism emerged from the debate between reflexive theory and rationalism in IR theory. As an integral part of reflexive theory, social constructivism emphasized the concept and function of articulation in international relations, the interactive construction between systematical structures and agents, and the constitutive role played by norms.

In common with several other theoretical movements, social constructivism underwent a period of disunion, which resulted in its division into two main camps, the first led by Wendt and the second by Nicholas Onuf and Kratochwil. Wendt, the most representative constructivist scholar, attempted to bridge the gap in communication between reflexive theory and rationalism through the means of ontology. In *Social Theory of International Politics*,[13] published in 1999, Wendt stressed the inter-subjective meaning of ideals. The book had enormous influence and made Wendt a very well-known figure.

On the other hand, Onuf and Kratochwil proposed an interpretative theory of social constructivism, adopting a post-positivist epistemology (unlike Wendt's ontology), and arguing that a social entity could be better explained in terms of inter-subjectivity. Onuf's *World of Our Making*,[14]

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[11]According to Onuf, constructivism does not distinguish between "regulative" and "constitutive" rules, since rules invariably have both features simultaneously. See Nicholas G. Onuf, *World of Our Making: Rules and Rule in Social Theory and International Relations* (Columbia, S.C.: University of South Carolina Press, 1989), and Nicholas G. Onuf, "Constructivism: A User's Manual," in *International Relations in a Constructed World*, ed. Vendulka Kubálková, Nicholas Greenwood Onuf, and Paul Kowert (Armonk, N.Y.: M.E. Sharpe, 1998).

[12]Alexander Wendt, *Social Theory of International Politics* (Cambridge: Cambridge University Press, 1999), 10, 195, 243.

[13]Ibid.

[14]Onuf, *World of Our Making*.

published a decade before Wendt's Social Theory, focused on the analysis of language and rules. This work introduced social constructivism into IR theory and established Onuf's position as the leading scholar of rule-constructivism. Kratochwil's *Rules, Norms and Decisions*,[15] also published in 1989, specifically illustrated the process through which norms configure human behaviors. Kratochwil argued that existing regime theory failed to fully explicate the effectiveness of norms and the relationships between norms and substantial behaviors. Kratochwil, who was profoundly influenced by epistemology, advocated a whole new approach to interpreting how norms configure decisions and influence behaviors.

Kratochwil pointed out that existing theories were insufficient to illustrate the relationship between norms and substantial behaviors. He contended that the "speech act" was neglected in the course of examining agents' interactions. Therefore, Kratochwil proposed a new perspective, focused on the inter-subjectivity that interactions produce.[16] In analyzing this phenomenon, Kratochwil argued that control of the speech act[17] was the key to deciphering the meaning of behaviors. He argued that speech acts lead to the function of communication because all speech acts are composed of constitutive norms. According to Kratochwil, only through the speech act is it possible to understand the related norms. Briefly, Kratochwil firmly believed that a completely new perspective should be adopted to explore the function and power of norms: analysis of the inter-subjectivity generated from the interactive practice between agents. From this, he maintained that international norms had the potential to solve conflicts. In this regard, Kratochwil made the following points:

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[15]Kratochwil, *Rules, Norms and Decisions*.

[16]Friedrich V. Kratochwil, "Thrasymmachos Revisited: On the Relevance of Norms for International Relations," *Journal of International Affairs* 37, no. 2 (1984): 343-56. See also Kratochwil's other work, "Rules, Norms, Values and the Limits of 'Rationality'," *Archiv für Rechts-und Sozialphilosophie* 73 (1987): 301-29; "Regimes, Interpretation and the 'Science' of Politics," *Millennium: Journal of International Studies* 17, no. 2 (June 1988): 263-84; "Politics, Norms and Peaceful Change," *Review of International Studies* 24, no. 5 (December 1998): 193-218.

[17]Kratochwil, Rules, *Norms and Decisions*, 6-9.

1. Inter-subjectivity is generated from interactive practice between agents.
2. The contents of norms—delimited and defined by rights and obligations, and including constitutive inter-subjectivity—are the common expectation agents held for appropriate behaviors.
3. Norms can function as a coordinative "third party" during conflicts, and are embodied in speech acts.
4. The use of speech acts is directed by certain constitutive norms.
5. The process of using speech acts combines the understandings agents have of their related norms. By means of interactive communication, consensus is reached among agents, and success is ensured.
6. Norms, as a "third party" in conflicts, are practiced through speech acts.
7. Practice reasoning may be said to have three features: a basis of equality, group consciousness, and common interest.

According to Kratochwil, whether a state is restricted by norms is closely connected with epistemology. Generally speaking, the world consists of three facets:

– the world of observational facts
– the world of intention and meaning
– the world of institutional facts

Kratochwil argued that an ontological discussion was necessary to understand the epistemological concept of a certain worldview,[18] with the aim of getting a better understanding of the actions and meanings of states on individual issues through speech acts.[19] According to Kratochwil, instrumental reason statements seem to center on syntactic and semantic

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[18]The term "worldview" suggests an issue of epistemology.

[19]Kratochwil, *Rules, Norms and Decisions*, 21-28.

statements.[20] Therefore, he suggested focusing on discourse and communicative action to analyze the interactions of international society, remaining oblivious to other important dimensions of language. Thus, Kratochwil proposed a new way of illustrating how norms direct decisions, and he emphasized that they do so through a reasoning process which is totally different from that of institutional reason. Not only did he provide the arguments with value judgment—such as the potential to become a secular value, etc.—but he expected the viewpoints to be able to satisfy basic norms—like equal footing or nonviolence. Moreover, Kratochwil attempted to demonstrate how practical reasoning can be easily influenced by discursive treatment and, accordingly, how persuasion becomes possible. Kratochwil explained that, by means of speech acts, the aforementioned concepts exhibited the internal logic of certain constitutive norms.[21]

In addition to that, Kratochwil argued that all norms possess the potential to transform, particularly in the case of conflicting parties in pursuit of a noncoercive solution. As a result, by reconstructing the antagonism in between, norms regularize one's interest and provide both sides with a standard resolution. Norms may be deemed to be a third party in the negotiation of conflicts and quarrels between two parties. For norms to be applied, their role as a "party-law" should be explored in three different contexts:[22]

1. A "first-party" context ("first party law") in which only individual interests are taken into consideration, with demands or dictates coming from a single side, which is coercive. In this context, the speech act cannot work and only "power" can be considered as a major element (as emphasized by all realists).

2. A "second-party" context ("second-party law") in which mutual interests are considered and bargained over through strategic inter-

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[20]Ibid., 31.
[21]Ibid., 28-34.
[22]Ibid., 34-39.

action. In this context, the entire process is directed by instrumental reason.

3. A "third-party" context ("third-party law") in which norms, as a third party, have a special position and help to resolve conflicts. In this context, norms can adjust the interests of the conflicting parties. The behavior of the parties, accordingly, will conform to the logic of appropriateness. Agreement can be reached on the basis of common understanding of the related norms, indicating the success of such norms.[23]

In this regard, it is important to mention that Kratochwil considered it necessary to clarify two additional points: not only can misunderstandings be provoked by the nomenclature used—"first-party," "second-party," and "third-party"—[24]but also that such misunderstandings are quite likely to happen. This is mainly due to the fact that, no matter whether we are aware of the influence of norms or not, we all refer to them as "law." Yet, as Kratochwil points out, "since actors normally do make distinctions between the prescriptive force of legal norms and imperatives of 'comity' or 'morality', the distinction between legal and non-legal norms is important for practical as well as theoretical reasons."[25]

The second point that he clarified is related to the discussion of the "parties involved."[26] In this regard, Kratochwil maintained that the respective sides mentioned in the "third party" theory should not be considered as

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[23]In this regard, it would be convenient to recall that, according to Onuf—whose scheme of instruction, commitment, and directive rules does not correspond to that of Kratochwil— "speech acts fall into three categories for constitutive purposes: assertive speech acts (I state that. . .), directive (I request that. . .) and commissive (I promise that. . .). *There are parallel categories of rules—instruction rules, directive rules and commitment rules* (author's italics). Each of the three conceptions of political society is constitutively related to a particular category of speech acts, which imply the possibility of, and thus the need for restraint in, coercion. The righteous political society depends, obviously enough, on commissive speech acts, the stream of which conveys the wisdom of many voices as the appropriate conduct." See Onuf, *World of Our Making*, 183-84.

[24]Kratochwil, *Rules, Norms and Decisions*, 35.

[25]Ibid., 36.

[26]Ibid., 35.

referring to the number of parties involved. In order to better understand this concept, the "first-party," "second-party," and "third-party" norms should be distinguished by the direction—guidance—that these rules and norms provide in the process of reasoning. From an analytical perspective, it is more convenient to discuss rules than superficial numbers. Therefore, the "first-party," "second-party," and "third-party" should be identified by three sequences of ideas. The "third-party" function of norms and rules has traditionally suggested a lawful concept, in which given rules and authoritative investigations are applied to resolve specific conflicts.

As argued by Kratochwil, whether norms are sufficient to build up a legal order will depend on the third function that norms have: "norms facilitate the negotiation of a solution: Norms enable the parties in conflict to negotiate a solution, encouraging them to:

1) either discuss the issue with each other
2) or to ask a third-party for a decision based on commonly accepted rules, norms and principles."

Kratochwil considers that actors abide by generalized principles of equality and non-harm,[27] and that they are bound to their promises by the "practice of obligation." The "practice of obligation" can be defined as the basis of morality, and promise is the standard for various rules-binding behaviors. Yet, promise may be single sided whereas agreement always requires mutual effort. As regards norms, they define the "area within which conflict can be bounded,"[28] create common goals, and urge the arbitration—and consequent negotiation—of a resolution. However, both norms and interests are indispensable for cooperation. By means of trust maintenance and punishment, norms make conflict resolution possible.[29]

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[27]Constructivism does not necessarily presuppose values like equality or universality. According to Onuf, it should be more generally understood as a theoretical framework for the analysis of "any world of social relations," including the one of international relations. See Onuf, *World of Our Making*, 1-31.

[28]Kratochwil, *Rules, Norms and Decisions*, 70.

[29]Ibid., 69-94.

Consequently, and in order to explore the role of norms in the process of politics, the norm-centered constructivism promoted by Kratochwil must also rely upon our conception of epistemology. It is argued here that referential objects[30] vary according to one's worldview, meanwhile stressing different epistemological concepts. Since part of the worldview is transferable, many substantial situations may be understood or explained using these epistemological concepts.

Furthermore, to Kratochwil, promise may be regarded as an "intentional act," since it is expressed by speech acts. In specific situations, the importance and relevance of the speech act becomes especially vital. Nevertheless, it is very likely that the practical layer of communication is ignored by other participants. Norms, as a result, must count on the act of communication.[31] The mere voicing of expressions is insufficient. Kratochwil also pointed out that rules and norms[32] can possess logical functions, which makes the reason for persuasion even more convincing. Practical reasoning was recurrently emphasized by Kratochwil, who said that fairness was not the point in an individual case. But, where group conditions are concerned, the arguments selected to regulate actors are especially meaningful. As a result, special consideration must be given to how influential these rules can be in certain situations, performing a legal

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[30]In a conventional sense, "referential" should be understood as "of, containing, or constituting a reference; especially: pointing to or involving a referent," while by "reference," we mean a "mention of something/a connection to something." Accordingly, "referent" is to be understood as the "one that refers or is referred to; especially: the thing that a symbol (as a word or sign) stands for." In addition, in this paper, "object" is used to mean "something mental or physical toward which thought, feeling, or action is directed." See Merriam-Webster's Dictionary of English Usage (Springfield, Mass.: Merriam Webster, 1994). See also: http://www.merriam-webster.com/dictionary/.

[31]See Kratochwil, *Rules, Norms and Decisions*, 72: "the discussion of coordination norms then shows the transition to situations in which explicitly formulated and inter-subjectively communicable rules become necessary."

[32]According to Kratochwil, the "law is better understood as a particular style of reasoning within rules," and he himself does not make a clear distinction between norms and rules. See Kratochwil, *Rules, Norms and Decisions*, 211. In addition, Onuf suggested calling laws "highly formal rules," while norms or conventions could be referred to as "informal" rules. See Onuf, "World of Our Making: The Strange Career of Constructivism in International Relations," in *Visions of International Relations: Assessing an Academic Field*, ed. Donald J. Puchala (Columbia, S.C.: University of South Carolina Press, 2002), 132.

normalized role. As for the legality of this specific order, this must be determined by research into real world practices.[33]

The Meaning of Norm-Centered Constructivism
in Cross-Strait Relations

According to the long-held position of the Chinese government, the question of Taiwan's sovereignty undoubtedly constitutes an integral part of international norms. China's interpretation of this is that, according to

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[33]For Kratochwil, "'legality' requires the evenhanded application of rules in 'like' situations in the future (due to the principled character of application that characterizes legal and moral norms and which distinguishes both from policies)." See Kratochwil, *Rules, Norms and Decisions*, 208. According to Onuf, "rules are legal if they are performatively sufficient, that is, invoking them is a successful performed speech act independent of the hearers' reception. If rules in an order are legal, how can the legal order not be legal? To the degree that rules are legal, it follows then that the order is legal to the same degree. . . . Consider the international order . . . which, even if considered legal . . . has an abundance of rules of doubtful legality (for they lack a source in law). . . . *Sovereignty* is not a condition that just happens to rule sets. Instead *it is an ideal that is never reached*, in a world where each step toward the ideal takes effort and costs resources, possibly in increasing increments, to prevent ever smaller amounts of unwanted behavior (author's italics). Formalization of the rule set promotes the fiction of sovereignty, rather than the independence of the order; but the ideal of a self-encapsulated set of rules, ordered by principle, abstractly rendered and exhaustively explicated is, again, the more difficult to achieve as it is approached. Practically speaking, officers of legal orders must be satisfied with something less that sovereignty." Onuf also argues that "*all rules—whether bearing instructions, directives or commitments—depend for their effectiveness on internalization, formality and institutionalization* (author's italics). The presence of such features are criteria of 'legality.' Orders are legal in the degree that their rules are effectively supported. Whether the international order is a legal one is a subtle question. That 'international regimes,' as well-supported rule complexes, are legal is a conclusion that helps to sort out the many and diverse regimes constituting perhaps the bulk of international relations." He also points out that "first, principles are legal when they are enunciated by dignitaries of sufficiently high station and on occasions of such solemnity that their principled content cannot be impugned without also impugning the source and the circumstances of their situation. . . . Second, positivist legal theory . . . assumes a clear point demarcating those rules to be considered legal. *Rules are legal when they are effective, which in turn depends on their enforcement* (author's italics). . . . Third, commitment-rules could only be considered legal when their application results in fair and thus generally accepted consequences." Generalizing, *legality* is a function of the degree to which (1) rules are formally stated, (2) their external dimension of support is institutionalized, and (3) the personnel responsible for formalizing and institutionally supporting rules are often also specifically trained. Though related in complex ways, these three criteria are separable (author's italics)." See Onuf, *World of Our Making*, 135-38.

the "one China principle," the Chinese government should exercise sovereignty over Taiwan. By "reconstituting" the sovereignty of the Chinese government, the international norms ensure the generalized principle of equality and the principle of peaceful use. It is within this context that I will examine Taiwan's willingness to abide by international norms and to strive to meet the special obligations imposed by the "Nuclear Nonproliferation Treaty" (NPT) and the Chemical Weapons Convention (CWC), pointing out that, through constant dialogue and communication with the international community, Taiwan has enhanced its understanding of international norms and reached a certain consensus on the subject. This consensus has, in turn, helped guarantee Taiwan's relations with the international community.[34]

For this reason, I take the NPT and the CWC as examples. It is widely acknowledged that the principle of universality should apply to these conventions. The NPT was approved by the General Assembly of the United Nations (UN) on June 12, 1968. The treaty states that nuclear states should not transfer nuclear weapons to nonnuclear states, and that all nonnuclear states should comply with the norms of nonproliferation under the supervision of the IAEA by signing IAEA "safeguards agreements"—the so-called NPT agreements—with the aim of preventing the illegal use of nuclear weapons.[35] The Republic of China signed this treaty on July 1, 1968, and its safeguards agreements were officially approved on January 20, 1970.

Since the Republic of China was a founding member of the IAEA, it was mandated to sign the document entitled, "International Atomic Energy

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[34]Evan S. Medeiros, "Northeast Asia 1999: Current Threats to Nonproliferation Regimes," in *Nonproliferation Regimes at Risk, CNS Occasional Papers*, no. 3, ed. Michael Barletta and Amy Sands (Washington, D.C.: James Martin Center for Nonproliferation Studies), 38. Medeiros says: "Taiwan is not a member of the CWC and may possess an active CW program. It is unclear from open-source information whether Taiwan possesses chemical weapons. The Taiwanese government denies that it has an offensive CW program, and claims that it only engages in defensive CW activities. In fact, even though Taiwan says that it wants to join the CWC, it is not allowed to join. China has objected to Taiwan's membership in the CWC because it would signal Taiwan's status as a sovereign entity rather than part of mainland China."

[35]Lawrence Scheinman, *The International Atomic Energy Agency and World Nuclear Order* (Washington, D.C.: Resources for the Future, 1987).

Table 1
Nuclear Nonproliferation-related Regimes

IAEA Safeguards	Material Control & Accounting (MC&A)	Radioactive Waste Management	Export Control
INFCIRC/66[36]	Nuclear Materials & Radioactive Waste Management Act		Nuclear Safeguard Materials Control System
INFCIRC/133[37]	Safety Administrative Regulation for the Operation of Nuclear Fuels		
INFCIRC/158[38]	Enforcement Rules of the Atomic Energy Act		
INFCIRC/540[39]	Ionizing Radiation Protection Act		

Source: Author's elaboration; Togzhan Kassenova, "Strategic Trade Controls in Taiwan," *Nonproliferation Report* 17, no. 2 (July 2010): 379-401.

Agency and Republic of China: Agreement for the Application of Safeguards to the Taiwan Research Reactor Facility" with the agency when Taiwan purchased nuclear materials from Canada in 1969.[40] In early 1971, the United States supplied nuclear fuel and nuclear facilities to Taiwan, thus creating a trilateral agreement entitled, "International Atomic Energy Agency, Republic of China and United States of America: Agreement for the

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[36]See "The Agency's Safeguards System (1965, as Provisionally Extended in 1966 and 1968)," IAEA, INFCIRC/66/Rev.2, September 18, 1968, http://www.iaea.org/Publications/ Documents/Infcircs/Others/inf66r2.shtml (accessed November 20, 2010).

[37]See "The Text of a Safeguards Agreement between the Agency and the Republic of China," IAEA, INFCIRC/133, October 30, 1969, http://www.iaea.org/Publications/Documents/ Infcircs/Others/infcirc133.pdf (accessed November 22, 2010).

[38]See "The Text of a Safeguard Transfer Agreement Relating to a Bilateral Agreement between the Republic of China and the United States of America," IAEA, INFCIRC/158, March 8, 1972, http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc158 .pdf (accessed November 22, 2010).

[39]See "Model Protocol Additional to the Agreements between State(s) and the International Atomic Energy Agency for the Application of Safeguards," IAEA, INFCIRC/540, September 1997, http://www.iaea.org/Publications/Documents/Infcircs/1997/infcirc540c.pdf (accessed November 26, 2010).

[40]"International Atomic Energy Agency and Republic of China Agreement for the Application of Safeguards to the Taiwan Research Reactor Facility," October 13, 1969, http://www .iaea.org/Publications/Documents/Infcircs/Others/infcirc133.pdf (accessed November 21, 2010).

Application of Safeguards"[41] with the United States and the IAEA, thus ensuring the fundamental framework for Taiwan's peaceful use of nuclear power.

In October 1971, however, the Republic of China was forced to withdraw from the UN, and its seat was taken by the PRC on December 8 that year. The ROC was then also excluded from the IAEA.[42] In 1973, because the Chinese government had not yet joined the IAEA, Taiwan was able to sign the Model Protocol Additional to the Agreements between States and the International Atomic Energy Agency for the Application of Safeguards with the IAEA, which guaranteed its right to the continued peaceful use of nuclear energy.[43]

According to these agreements and arrangements, Taiwan submitted regular reports and data on all of its nuclear fuel-related activities to the IAEA, and it also agreed to safety inspections by the IAEA of all of its nuclear installations. The IAEA informed the Taiwanese government of the results of such inspections, while Taiwan also retained a veto power over the inspections. The main function of this agreement was to prevent the unlawful manufacture of nuclear weapons. To this end, IAEA inspectors were authorized under the agreements to conduct both spot checks and routine inspections of the nuclear facilities. These arrangements guaranteed compliance with the NPT which requires its signatories to prevent the unlawful use of nuclear materials. The NPT further forbids nuclear facilities or materials from being offered to any nonnuclear state for nonpeaceful uses.[44]

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[41]See "The Text of a Safeguard Transfer Agreement Relating to a Bilateral Agreement between the Republic of China and the United States of America," IAEA, INFCIRC/158, March 8, 1972, http://www.iaea.org/Publications/Documents/Infcircs/Others/infcirc158 .pdf (accessed November 22, 2010).

[42]Anthony H. Cordesman, *Weapons of Mass Destruction in the Middle East* (London: Brassey's, 1991), 2.

[43]"Subsidiary Arrangements for Taiwan under its Safeguards Agreements with the IAEA" (Ministry of Foreign Affairs of the Republic of China on Taiwan: MOFA 18/March 25, 1996), see 11-NAA-04731,11-NAA-04740,11-NAA-04737,11-NAA-04768,11-NAA -04776,11-NAA-04739,201356,201011,201017,201023,201024,201052,201096,201108, 201131,201145,201177,201192, Documents of Historical Archives, Institute of Modern Chinese History, Academia Sinica.

[44]Graham and LaVera, *Cornerstones of Security*, 108.

Since Taiwan was a signatory of the NPT and a member of the IAEA, and since it had established its right to the peaceful use of nuclear energy as a nonnuclear weapon state, Taiwan accepted the IAEA's safeguarding and supervision of its nuclear facilities. As a result, Taiwan's status was remarkably different from that of China, which was a nuclear weapon state. This distinction was particularly important in the sense that the NPT was originally designed to distinguish the two types of states so that different norms could be observed. Through discrete institutional rearrangement of the NPT guidelines, Taiwan established a distinct status separate from that of China and maintained a working relationship with the IAEA. When the Chinese government formally joined the IAEA in 1984, it immediately protested against all the previous arrangements, demanding that the IAEA's relationship with Taiwan be downgraded to "nongovernmental" status, and that, in line with the "one China" principle, Taiwan should be given the title "Taiwan, China."[45]

However, the Chinese government failed in its attempt to change the institutional arrangements of the NPT, as Taiwan had accepted the norm as a nonnuclear weapon state. This is apparent from the way in which the IAEA, acting as a "third-party" international norm, authoritatively arbitrated cross-Strait relations.[46] Nevertheless, in spite of having been forced out of the UN and deprived of its IAEA membership, Taiwan has expressed its strong support for the NPT by adhering to the norm of peaceful use of

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[45]See Cordesman, *Weapons of Mass Destruction in the Middle East*, 2: note 6, "This figure does not include Taiwan (Republic of China) which did ratify the NPT in 1970. Among the three depositary governments, only the USA accepted its instrument of ratification. The USSR and the UK did not recognize the government of Taiwan, and the People's Republic of China considers 'the signing and ratification of the NPT by Taiwan in the name of China as illegal and null and void'. After the People's Republic of China replaced Taiwan (Republic of China) in the China seat in the United Nations in November 1971, the government of Taiwan has been considered a non-governmental organization by the UN and the IAEA, and Taiwan could not conclude an NPT-related safeguards agreement with the IAEA. Taiwan could, however, be considered a de facto non-nuclear-weapon party to the NPT. Its nuclear activities are subject to IAEA safeguards according to a unilateral submission in October 1969 (IAEA Document INFCIRC/133) and to the transfer of a US/Taiwan agreement in December 1971 (IAEA Document INFCIRC/158)."

[46]See IAEA, "Strengthened Safeguards System: Status of Additional Protocols," http://www.iaea.org/OurWork/SV/Safeguards/documents/sir_table.pdf (accessed June 11, 2012).

nuclear materials. In 1995, Taiwan's Atomic Energy Commission (AEC) appointed a nuclear expert to the Taipei Economic and Cultural Office in Austria specifically to liaise with the IAEA. Cooperative activities between Taiwan and the IAEA include technical exchanges to enhance Taiwan's nuclear safeguarding capabilities, cooperation with the agency's routine and unannounced inspections, and transparency visits and control of strategic high-tech commodities, all of which help to safeguard Taiwan's rights and interests.

With regard to all the undertakings, including the IAEA's Safeguards Transfer Agreement Relating to a Bilateral Agreement between the ROC and the USA (INFCIRC/158), it should be noted that nuclear safeguarding inspections in Taiwan were initially conducted as early as 1955 by the United States under an ROC-U.S. agreement on the peaceful uses of nuclear energy. After the international safeguards inspection mechanism was established with the IAEA, Taiwan signed an IAEA-ROC-U.S. "trilateral" safeguards agreement (INFCIRC/158) in Vienna in 1964, thereby transferring responsibility for safeguarding nuclear materials from the United States to the IAEA. In this regard, it is important to note that thirty years later, in 1998, Taiwan further agreed, through an exchange of letters between the AEC and the IAEA, to the implementation of the measures provided for in the Model Protocol in addition to its trilateral safeguards agreement. This arrangement was made at a much earlier date than those of most IAEA member states, demonstrating not only Taiwan's wholehearted support for the IAEA's mission to ensure the peaceful use of nuclear energy, but also Taiwan's attitude of openness and transparency toward international norms.

The second case examined in this study is that of the CWC. The CWC was adopted by the UN in 1992, and the Taiwan government soon declared its support for the goals and purposes of the convention and announced on February 5, 1997, that it had decided to create an Executive Committee on the United Nations Convention on the Prohibition of the Chemical Weapons, under the Ministry of Economic Affairs. This committee was in charge of dealing with the issues pertaining to the CWC, demonstrating that Taiwan was both willing to comply with the convention

and to participate in CWC-related activities. The committee also expressed Taiwan's concern about international norms and its willingness to actively participate in international activities. The government said that it would participate in the activities of the CWC, with the aim of shouldering its responsibilities as a member of the international community. As for Taiwan's military interests, the Ministry of National Defense stressed that Taiwan did not have any chemical weapons and that it would neither develop, produce, nor use chemical weapons. Taiwan's chemical industry was important in both the domestic and the global economy, so Taipei dispatched representatives to attend various international events held in response to the issue of chemical weapons, expressing the government's willingness and determination to do what was necessary to qualify for a position similar to that of a signatory state. Taiwan was also an advocate of free trade in chemical products that met the norms of the CWC, while proposing exceptions for Taiwan's peaceful use of chemical materials in economic and technological development.

Taiwan's Executive Committee on the CWC[47] functioned as a cross-departmental organization, and its members included both representatives of the government and industry. It served as the national authority that the CWC required all signatory states to set up in order to implement the convention. The committee took charge of the overall implementation of the CWC, including the enactment of the necessary domestic laws, as well as the distribution of the declaration's formalities and the promotion of the CWC in Taiwan. The purpose of all this was to show the international community that even though Taiwan had not officially signed the CWC, it was fulfilling its obligations under the convention by implementing the institutional measures necessary to ensure the peaceful use of chemical materials. Taiwanese companies are allowed to import the Schedule 3 chemicals they need from other signatory states by signing an "end-use certificate" guaranteeing that they will be used for peaceful purposes.

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[47]See: http://proj.moeaidb.gov.tw/cwc/commitment/index.htm (accessed November 18, 2010).

However, the Chinese government seemed to adopt a different position on the CWC than they had on the NPT/IAEA. China's concerns were focused on the active promotion and implementation of the convention in the Taiwan region. The Chinese government claimed that under the "one China" principle, it was necessary to resolve the problem of treaty compliance.[48] The Chinese had already signed the convention, but Beijing was well aware that in order to ensure compliance by Taiwan, they would have to reach an agreement with Taiwan. Moreover, Beijing needed to decide under what identity or status Taiwan could participate in the Organization for the Prohibition of Chemical Weapons (OPCW).[49] According to Hu Jintao's six points regarding Taiwan's participation in the activities of international organizations,[50] these arrangements should be negotiated between China and Taiwan. Beijing emphasized that the Taiwan issue was an internal affair and that it would not permit any interference from foreign countries. As a result, the concept of norms as a "third-party" would have to be adjusted to fit a unilateral situation in which China is the signatory state of the convention. In other words, from Beijing's perspective, Taiwan—as an indivisible part of Chinese territory—should comply with the obligations of the CWC under the "one China" principle. In this way, Taiwan's compliance would be under the supervision of the Chinese government as per the directives of the Working Office on the CWC Compliance for the State, and Taiwan would have to abide by all of China's rules and regulations governing the production, management, usage, storage, and import of chemical products, including the Regulations of the PRC on the Administration of Controlled Chemicals, and the Controlled Chemicals List, the Detailed Rules for the Implementation of the Regulations of the PRC on the Admin-

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[48]Xinhua, "'Jinzhi huaxue wuqi gongyue' diyueguo huyu jiaqiang lüyue lifa" (CWC member states claim to enact the domestic law), *People's Daily*, November 12, 2005, http://military .people.com.cn/BIG5/1077/52986/3851547.html (accessed November 18, 2010).

[49]Ian R. Kenyon and Daniel Feakes, *The Creation of the Organization for the Prohibition of Chemical Weapons* (Hague: TMC Asser Press, 2007).

[50]Hu Jintao, "Xishou tuidong liang'an guanxi heping fazhan, tongxin shixian Zhonghua minzu weida fuxing" (Hu Jintao calls for mutual trust and consensus with Taiwan), *People's Daily*, December 31, 2008, http://tw.people.com.cn/BIG5/14810/8610429.html (accessed June 11, 2010).

istration of Controlled Chemicals, the "New Class-3 Controlled Chemicals," and the Measures for Controlling the Export of Relevant Chemical Products and Affiliated Equipment and Technologies. In addition, Taiwan is required to submit regular reports regarding CWC guidelines for schedule 1, 2, and 3 chemicals, and to make an annual declaration, detailing specific organic chemicals, to the OPCW. But according to Beijing, Taiwan should also undergo on-site inspections by the China CWC National Authority as well as inspections by the OPCW, and these would include all types of military uses and chemical uses in Taiwan.[51]

All these elements were to be referred to as coming from a unitary or first-party direction—from the Chinese government—and were aimed at enforcing the norm of a sovereign state. Yet, another possibility would be to adjust the role of the norm as a "third-party" to a bilateral posture. In this setting, the ultimate goal of the negotiations between Taiwan and China would be the creation of a situation in which the Chinese government accepted the CWC guidelines on behalf of Taiwan. Under this structure, Taiwan would have no choice but to negotiate with Beijing as "Taiwan, China" and to accept the arrangement. This would exclude "third-party" norms and mean that they would be unable to function as a "negotiator" arbitrating the divergence between the two sides. Accordingly, Taiwan's long-term efforts to appeal for assistance from the international community, including being permitted to take part in CWC/OPCW activities and be given an appropriate status in the CWC/OPCW would inevitably be compromised.

Based on these two cases, we now have a better understanding of the role international norms can play in cross-Strait relations. From these

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[51]See "Position of the Ministry of Foreign Affairs of the People's Republic of China about the Chemical Weapons Convention," May 27, 2010, "4. The Application of CWC in Hong Kong, Macao and Taiwan. In 2004, the CWC-application-related legislation in Hong Kong Special Administrative Region came into effect. Hong Kong has submitted through the Central Government its declaration to the OPCW. The application of CWC in Hong Kong has been in full operation. The preparations in Macao Special Administrative Region are now proceeding vigorously. China will, under the One-China Principle, actively pursue the CWC application in Taiwan." http://www.mfa.gov.cn/eng/wjb/zzjg/jks/kjlc/shwq/t410750 .htm (accessed November 18, 2010).

two cases, the following pattern can be clearly identified: the international norm—as long as its role as "third-party" has been achieved and Taiwan has been granted a substantial status—is able to fulfill its expected purpose (for example, the peaceful uses principle of the IAEA and the OPCW). Consequently, Taiwan was able to establish an inter-subjective relationship with the international community.[52]

Judging from the speech acts in these instances, it is evident throughout this paper that fairness, peaceful measures, and universal values are indispensable elements for building a consensus as to what constitutes international norms. The interactive discourse and the interactions Taiwan had with the international community seemed to generate a more practical strategy through speech acts. That is, there was an appeal to the international community through the process of practical reasoning with international norms. In this process, the international community has always been the "third-party" target of the appeal, whereas China only played a passive role, as is apparent from the above cases.

Overall, the practice of norms in these international conventions has been particularly meaningful within the context of cross-Strait relations. From a theoretical perspective, the above cases match the basic postulate emphasized by norm-centered constructivism: norms are problem-solving measures. In spite of the fact that Taiwan was forced to withdraw from international organizations after 1971, Taiwan has continued to actively abide by international norms of all sorts, and to establish inter-subjective relationships with the international community through constant interactive practices that have strengthened the common expectations held by that community. It is clear, from the above-mentioned international practices, that international norms play a "third-party" role in Taiwan. Taiwan can still be recognized as a normative entity by the international community through its interactions with the member states of these organizations, on the basis of common interests. In addition to that, each individual organization applies international norms to endorse its authoritatively approved

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[52]See note 34 above.

policy in Taiwan's case. Accordingly, Taiwan's status as a normative entity is fully embodied in these issues. Nevertheless, norms—as an appeal to abide by international conventions—still prevent Taiwan from acting as an independent sovereign state. In other words, the international community's recognition of Taiwan lies somewhere between a tacit understanding of Taiwan as a norm entity and recognition of China's claim to sovereignty over Taiwan.[53]

Furthermore, all international arms control agreements contain inspection clauses. Signatory states must abide by the terms of the respective treaties after signing them, cooperate with the international organizations created by those treaties, and submit to on-site inspections. China is a signatory state of the NPT and the CWC, yet the nuclear facilities and chemical factories of Taiwan are outside the de facto purview of the Chinese government.[54] Taiwan's facilities are therefore not regarded as identical to those of a signatory state. Although China insisted that Taiwan must comply with its agreement under the designation "Taiwan, China," it was the IAEA that carries out the inspections of Taiwan's nuclear facilities as a third-party. The OPCW has so far not carried out any inspections in Taiwan,[55] which demonstrates that China has tacitly recognized the third-party role of international norms. Only through a cross-Strait agreement could inspections by China, the signatory state, be possible.

As outlined by Kratochwil, articulations play an important role in substantial norm practices, as the medium of communication between the two sides, in the following three ways: as a meaning of the articulations; through the acceptance of related evidence, and, finally, the stabilization of

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[53]See note 37 above.

[54]See *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, Annex on Implementation and Verification ("Verification Annex"), OPCW: http://www.opcw.org/chemical-weapons-convention/verification-annex/ (accessed November 24, 2010).

[55]See *Chemical Weapons Convention UK National Authority—Import and Export Trade Control*: "For the purpose of meeting the CWC obligations set out below, Taiwan should be regarded as a State Non Party," http://www.decc.gov.uk/en/content/cms/what_we_do/uk_supply/energy_mix/nuclear/nonprolif/chemical_bio/cwc_uk_auth/trade/trade.aspx (accessed November 22, 2010).

expectations by norms. Regarding the first of these, the Chinese government—with its recurrent emphasis on the "one China" principle—has done all it can to reduce ambiguity and to maintain its consistency regarding the issue of sovereignty. However, lack of flexibility may be the main reason for the divergence between the two sides, resulting in a one-sided insistence on the "one China" principle by China. One can anticipate that continuous interaction will give rise to points of consensus between them. As for the third method—stabilization of expectations by norms—the two sides may be expected to come to a common understanding. Yet, this would still rely on understandings built up through cross-Strait relations. Only when the two sides communicate on this basis can further actions and preference adjustment be considered possible.

It is clear that Taiwan and China hold very different positions on international "third-party" norms. For the Chinese government, the "third-party" strategy manifests an obvious institutional hierarchy. In cross-Strait relations, China has always "spoken" to Taiwan from a unilateral position of its own, and engaged in strategic interaction in a bilateral framework. Moreover, China's insistence on its sovereignty over Taiwan constitutes a normative appeal to the international community as the third party. China has repeatedly emphasized that countries the world over have accepted that there is only "one China." The international community has supported the Chinese government's efforts to maintain its relations with Taiwan, and its efforts to preserve peace between the two sides of the Taiwan Strait and realize its goal of unifying China. Taiwan's "third-party" strategy is the complete opposite of that of Beijing, as it mainly stresses international norms as a "third-party." As for the strategic interaction between the two sides, it has been a mixture of victory and defeat. Taiwan, as a result, is already accustomed to the Chinese government's claims. All in all, any effort to come up with an innovative scheme different from the status quo is vulnerable to criticism for being impractical and politically unfeasible.[56]

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[56]Jacques deLisle, "Surrounding, Not Attacking, the One China Policy: Participating in International Regimes and U.S. Legal Assistance" (paper presented at the conference on "Reshaping the Taiwan Strait: Are There Realistic Alternatives to 'One China'?", Heritage

Needless to say, all the above questions require innovative thinking if the challenges they involve are to be successfully addressed.[57]

Conclusion

For the past sixty years, political, diplomatic, and military-related issues in cross-Strait relations have been defined, configured, and driven by the Cold War and paradoxical complexity—that is, the polarized conflicts of military and diplomatic confrontation. Now, the two sides are still in confrontation with each other, and their relations are still mired in an uncertainty that has its origins in the previous era. For some people, a continuing attachment to realism is still attractive. For others, who are seeking a completely different ideal and future, the goal is to bring cross-Strait relations into the so-called norm-interactive period. One feature of this would be fully connecting with international norms.

In spite of the disagreements over these theories, this paper contends that close attention must be paid to the substantial practice of cross-Strait relations. At the same time, it is necessary to look at the future of these relations from the perspective of norms, in order to reconsider the structure of the cross-Strait paradigm.

Foundation, Washington, D.C., September 27, 2005, 12. Dr. deLisle said, "The related field of regulating trade in dual-use technology—part of which is centered on the U.N. Chemical Weapons Convention—is another example. Here, Taiwan can argue that some of its key and core industries are at risk because of the restrictions on the ability to import those firms in non-party jurisdictions face. Again, this type of argument is less likely to be effective than one that can lean more heavily on the threat to other states' interests. But it and other such treaty-conformity arguments have another virtue: they provide relatively promising fodder for helpful U.S. domestic legislation."

[57]See note 4 of Oliver Thranert and Jonathan B. Tucker, "Freeing the World of Chemical Weapons: The Chemical Weapons Convention at the Ten-Year Mark," *SWP Research Paper RP08*, July 2007, 12: "The Republic of China (Taiwan) has a large chemical industry and has sought for several years to join the CWC because it could be adversely affected by the ban on trade in Schedule 2 chemicals with non-state parties. Because the international community does not recognize Taiwan as an independent state but rather as part of the People's Republic of China, the problem can only be solved with the active cooperation of Beijing."

Tensions in relations between Taiwan and China began to subside in May 2008, when President Ma Ying-jeou announced that a whole new outlook and approach was needed. This prompted the two sides to explore a new consensus, with particular emphasis on the future international status of Taiwan. In the long term, international norms will play an essential role, as they have always been the main focus for all political disputes between the two sides.

By placing norms at the center of future cross-Strait relations, we can see an even more important function for them in the future. Judging from the practices discussed in this paper, international norms are crucial also for expressing the consensus of the international community. In the years to come, the two sides of the Taiwan Strait would be expected to pursue the development of common norms, and the interaction that this will involve may well make a contribution to the development of IR theory. On the one hand, norms-centered work has presented IR theory with some stiff challenges. If our imagination can create more possibilities for human beings to act on, the practical reasoning highlighted in this paper should be highly valued. On the other hand, we are nowhere near knowing whether the autonomy of exclusive sovereignty will be abandoned as norm interactions develop between the two sides of the Taiwan Strait, and there are still practical challenges to be overcome. As the cases we have analyzed here show, the exploration and uses of norms do not merely reflect the current situation of the international community, but also serve as a practical way of configuring the international order of the future.

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