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The Institutional Context of President Chen Shui-bian's Cross-Strait Messages

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This paper offers an institutional account of how President Chen Shui-bian of Taiwan has sent important messages across the Taiwan Strait. Under Taiwan's constitutional system, the parliament can neither hold the president accountable for what he says nor sack the premier appointed by the president, while a president who lacks legislative support also finds it hard to put his policy goals into practice. These problems give President Chen the excuse to set up extra-constitutional channels to deliver pro-independence messages, some of which go against his official pledges. Here, a collection of Chen's important remarks directed across the Taiwan Strait are analyzed, and a consistent pattern is revealed of when and where he is likely to say what.

KEYWORDS: **Taiwan; Chen Shui-bian; cross-Strait relations; semi-presidentialism; Taiwan independence.**

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In the past decade, relations across the Taiwan Strait have traversed a bumpy road. On the downside, the two popularly elected presidents of the Republic of China (ROC) on Taiwan, Lee Teng-hui (李登輝) and Chen Shui-bian (陳水扁), both affixed their seals to proclamations favoring independence, which as far as Beijing was concerned rationalized its military buildup.[1] Military threats from the People's Republic of China (PRC) then became an expedient justification for Taiwanese nationalism. Remarks made by Taiwan's presidents have not only created a vicious circle in relations across the Taiwan Strait, but also affected the balance of power in the Washington-Beijing-Taipei triangle—if an armed clash were to take place across the Taiwan Strait, Taiwan independence would be the most likely cause.

As consequential as they were, these pro-independence remarks by successive presidents were by no means official government announcements. When Lee Teng-hui remarked on July 9, 1999, that Taiwan and the mainland shared a "special state-to-state" relationship, his audience was comprised of German journalists.[2] In a similar fashion, Chen Shui-bian's 2002 "one country on each side" statement was presented to a group of overseas Taiwanese via a video telecast.[3] Unofficial as they were, these remarks challenged the official pledges previously made by the presidents.

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[1]In response to Lee's remark, the Taiwan Affairs Office of the PRC State Council issued a White Paper stating that the People's Republic exercised sovereignty over Taiwan and that military action would be used if Taiwan refused to negotiate. Chen's statement resulted in another White Paper that reiterated Beijing's refusal to relinquish the option of taking military action against Taiwan.

[2]Lee made this remark in an interview with Dieter Weirich, the president of *Deutsche Welle*, and his colleagues. Lee said that since the constitutional reform of 1991, relations across the Taiwan Strait had been "state-to-state," or at least "special state-to-state" relations. For the chronology of cross-Strait relations, see the website of the ROC's Mainland Affairs Council, http://www.mac.gov.tw/big5/mlpolicy/cschrono/sc.htm (accessed August 22, 2007).

[3]The announcement was made on August 3, 2002, at the 29th Annual Meeting of the World Federation of Taiwanese Associations (世界台灣同鄉會聯合會) in Tokyo. Chen said, "There is one country on either side of the Strait and Taiwan should consider passing a [Taiwan independence] referendum law." See Chieh-yu Lin, "Chen Raises Pitch of Anti-China Rhetoric," *Taipei Times*, August 4, 2002, 1.

When Lee Teng-hui made his statement, he was the chairman of the anti-independence Kuomintang (KMT, 中國國民黨) and as such was not supposed to advocate Taiwan independence. In both of his inaugural speeches as president, Chen Shui-bian vowed that he would not declare independence for Taiwan. While some observers have attributed this inconsistency to the leadership styles of the two presidents, I shall attempt to show that what a president says is strongly conditioned by where he says it, especially if he is seeking reelection.

This paper traces the context of these remarks to Taiwan's constitutional design—a dual-executive system under which the president, as the supreme leader, appoints a premier accountable to the parliament. Under this system, the president is detached from the daily functioning of the government and thus not directly responsible for policy implementation. The parliament, deterred by the high cost of a snap election, is reluctant to sack the premier appointed by the president. The parliament cannot hold the president accountable for what he says, yet the president, lacking legislative support, also finds it difficult to put his cross-Strait policies into practice. This system gives the president the incentive and justification to use extra-constitutional means (to be defined later) to influence policy-making, even though many of his goals can hardly be fulfilled. These defects can be temporarily rectified when a dominant party imposes its authority on the executive and legislative branches, but they will produce unwanted consequences when the president comes from a minority party. Consequently, Taiwan's defective constitutional design makes it possible (or even justifiable) for a president to free himself from the existing institutions and create his own decision-making apparatus. Given this institutional setup, the likelihood for a president to deliver extra-constitutional messages can be judged by the extent to which existing institutions represent his major constituents. A president has little incentive to resort to extra-constitutional means if he already controls the parliament. Reelection is another pressure that prevents a president from deviating too far from the constraints of the constitution. A president lacking legislative support but facing no reelection pressure is therefore most likely to engage in extra-constitutional activities.

For this reason, this paper will focus on important remarks made by President Chen Shui-bian, who has thus far formed minority governments. Following a discussion of the institutional background, this paper hypothesizes that President Chen, of the pro-independence Democratic Progressive Party (DPP, 民主進步黨), tends to send pro-independence messages through extra-constitutional channels that circumvent official monitoring, even though most of his messages cannot be implemented. To show that the messages are motivated by electoral concerns, this paper will compare remarks made by Chen during his first term of office to those made during his second term. If Chen's statements are indeed designed to garner domestic support, they should be more pro-independence during his second term, when he has less incentive to appeal to middle-of-the-road voters.[4]

Institutional Factors in the Study of Cross-Strait Relations

Policy-oriented studies aside, traditional analyses of cross-Strait relations have been preoccupied with strategic interaction among the major players at the international level.[5] Recently, the opening of electoral competition in Taiwan and the concurrent rise of the Taiwanese national identity have drawn significant attention to the interaction between external and internal politics. On the new research agenda are issues such as the impact of Taiwan's polarized national identity on its mainland policymaking, as well as the external sources of Taiwan's national identity formation.[6] The

[4]An extra-constitutional remark helps a pro-independence president not because it distinguishes the audience—once a message is delivered, it becomes public. Rather, extra-constitutional talk allows the president to take preemptive action because the occasions on which the messages are delivered rarely have a preset schedule or actors.

[5]For example, see John W. Garver, *Face Off: China, the United States, and Taiwan's Democratization* (Seattle: University of Washington Press, 1997); Robert Ross, "Navigating the Taiwan Strait: Deterrence, Escalation Dominance, and U.S.-China Relations," *International Security* 27, no. 2 (Fall 2002): 48-85; and Yu-Shan Wu, "Exploring Dual Triangles: The Development of Taipei-Washington-Beijing Relations," *Issues & Studies* 32, no. 10 (October 1996): 26-52.

[6]For the influence of Taiwan's electoral democracy on cross-Strait relations, see Yu-Shan Wu, "Taiwanese Elections and Cross-Strait Relations: Mainland Policy in Flux," *Asian*

short electoral cycle caused by the presidential and parliamentary elections being held at different times compels some contenders to choose an expedient vote-winning strategy—treating the PRC as a menace to the island, which in turn bolsters the Taiwanese national identity. This trend makes the PRC's saber-rattling a real threat, as deterring Taiwan independence becomes Beijing's best excuse for building up its military force.

However, something is missing in the linkage between politics at the two levels. While Taiwan has seen an increase in the proportion of its people who identify themselves as Taiwanese, the past decade has also witnessed a salient division on national identity and a growing number of uncommitted realists who stand in between. Moreover, even if President Chen continues to carry the mandate of the mainly pro-independence voters, his presidency is still embedded in a constitutional system in which anti-independence politicians hold the majority of seats in the Legislative Yuan (立法院), Taiwan's national parliament. Externally, many countries are sensitive to the stability or otherwise of the Taiwan Strait, hence Taipei's move toward independence. For example, the United States, a powerful ally of Taiwan, adheres to a "one-China" policy and opposes any change in the status quo across the Taiwan Strait. For this reason, Washington has not supported Taiwan independence.[7] When a pro-independence president attempts to appease his core constituents whose support

Survey 39, no. 4 (July-August 1999): 565-87. For how the national identity division dominates Taiwan's mainland policymaking, see John Fuh-sheng Hsieh, "National Identity and Taiwan's Mainland China Policy," *Journal of Contemporary China* 13, no. 40 (August 2004): 479-90. For an assessment of the recent interplay between domestic and external politics in Taiwan, see Steve Chan, "Taiwan in 2005: Strategic Interaction in Two-Level Games," *Asian Survey* 46, no. 1 (January-February 2005): 63-68; Chenghong Li, "Two-Level Games, Issue Politicization, and the Disarray of Taiwan's Cross-Strait Policy after the 2000 Presidential Election," *East Asia: An International Quarterly* 22, no. 3 (October 2005): 41-62; and Yu-Shan Wu, "Taiwan's Domestic Politics and Cross-Strait Relations," *China Journal*, no. 53 (January 2005): 35-60.

[7]According to the U.S. Department of State, "The United States' position on Taiwan is reflected in the three communiqués and the Taiwan Relations Act (TRA). The United States insists on the peaceful resolution of cross-Strait differences and encourages dialogue to help advance such an outcome. The United States does not support Taiwan independence." See the website of the Department of State, http://www.state.gov/r/pa/ei/bgn/35855.htm (accessed August 22, 2007).

has been critical to his survival, he should keep in mind the responses from his domestic rivals and international allies.

The ability of Taiwan's president to overcome these constraints and take independence-leaning action is affected by the degree of institutional leeway he enjoys. No constitution can exhaust all conditions for powers to be exercised and monitored. As a result, adventurous politicians can always find leeway to minimize supervision over their activities by exploiting institutional loopholes or acting beyond the scope of the constitution. Institutions do not matter much if a leader is risk-averse. However, for leaders who are risk-seeking, leadership style and flaws in institutional design are both necessary conditions for extra-constitutional manipulations. To facilitate analysis, I first define the constitutionality of a political action and then compare Taiwan with other constitutional systems.

If we define presidency as a constitutional institution, all presidential remarks delivered on public occasions can have official effects. However, the major concern of this paper is whether a presidential activity is based on a constitutionally defined role or the president's own interpretation of his power. This is an important distinction, because the former situation is easier to predict and monitor than the latter. On the basis of this distinction, we call a presidential activity "constitutional" if it has a clear constitutional root—in the form of codified constitutional rules or the conventions that these rules imply. The Constitution of the Republic of China defines several presidential roles, among which the following are most commonly exercised. First, according to Article 35, "The President shall be the head of the State and shall represent the Republic of China in foreign relations." The premise of this article is that the president's activity should target the whole nation if he is playing the role of head of state. Similarly, to represent the nation in foreign relations, the president should interact with official representatives from other countries. For this reason, we consider presidential remarks delivered on the following occasions to be constitutional: the inauguration ceremony, the National Day, the New Year, press conferences held by the Office of the President, and meetings with officials or lawmakers from other countries. Second, Article 36 states that "The President shall have supreme command of the land, sea, and air forces of

the whole country." Presidential remarks delivered to the armed forces will thus be considered constitutional. Third, according to Additional Article 2, "To determine major policies for national security, the President may establish a national security council and a subsidiary national security bureau." Added to the original Constitution, this article recognizes the president's powers with regard to national security. Presidential speeches delivered to the National Security Council or to organizations established to handle cross-Strait affairs can thus be considered constitutional.[8]

By this definition, a presidential activity will be considered "extra-constitutional" if it lacks a clear constitutional root. An extra-constitutional activity is not necessarily unconstitutional—a president can always interpret his constitutional power until other constitutional institutions challenge this interpretation or bring the issue to the constitutional court. Sometimes an extra-constitutional activity can evolve into a convention, a rule agreed upon by all constitutional institutions. Before it obtains a constitutional effect, however, this activity is still extra-constitutional.[9] Thus defined, extra-constitutional activities can take various forms, such as a provisional decision-making meeting, a nonofficial speech given to a specific group of people, or an interview with the mass media.

Based on the above definition, we can compare the likelihood for a national leader to engage in extra-constitutional activities under different constitutional systems. In a parliamentary democracy, the premier is the

[8]The ROC Constitution certainly contains other stipulations regarding the president's activities, but they usually involve occasions when the president is not expected to deliver a speech or rare situations unsuitable for policymaking. For example, there are stipulations on the president's promulgation of laws, the declaration of martial law, the granting of pardons, the appointment and removal of officials, conferral of honors, issuing of emergency orders, and calling for a meeting when disputes take place among the Yuans (院). There are also articles concerning the election and tenure of the president and the vice president, as well as the appointment of the premier and the dissolution of the Legislative Yuan.

[9]According to this definition, presidential supremacy over the premiership is not yet a convention in Taiwan. So far, most presidents have appointed people from their own party to be premier, and we have seen Premier Tang Fei (唐飛) resign because of his disagreement with the DPP. Most people certainly regard the president as the supreme leader, but it is uncertain what would happen if the Legislative Yuan was controlled by a strong opposition party and was ready to unseat a minority premier. Additionally, President Chen was challenged when he turned down an opposition request to negotiate over the formation of a government.

head of government and is responsible to his colleagues in the parliament and his peers in the cabinet. Since the parliamentary system requires the government to hold the confidence of the legislative majority, the premier can hardly bypass the parliament in implementing his policies without endangering his political life. Under the presidential system, the president is not only the head of state but also the head of government; the legislature can reject a president's bill but cannot terminate the president's tenure. When the president fails to control the legislative majority, he may have the incentive to create extra-constitutional mechanisms to implement policies. However, presidentialism also makes political accountability unipersonal, which compels the president to be mindful of what he says or does. Most complicated is semi-presidentialism, under which a popularly elected president appoints a premier accountable to the legislature.[10] Under this system, the president has less formal power than the premier, but enjoys greater legitimacy.[11] Since under semi-presidentialism the president does not head the government, his constitutional activities may be restricted to titular ones, such as giving speeches on symbolic days or appointing officeholders who are actually designated by other constitutional institutions. In many young democracies, this discrepancy between the president's symbolic powers and the popular mandate he receives creates a strong incentive for the president to create extra-constitutional substitutes that are beyond the oversight of other constitutional institutions.[12] What Chen Shui-bian has faced since he was elected president in 2000 is exactly this kind of semi-presidentialist system. In order to illustrate how this institutional environment works, the next section will contain a detailed picture

[10]For a definition of semi-presidentialism, see Maurice Duverger, "A New Political System Model: Semi-Presidential Government," *European Journal of Political Research* 8, no. 2 (June 1980): 165-87.

[11]Thomas A. Baylis, "Presidents versus Prime Ministers: Shaping Executive Authority in Eastern Europe," *World Politics* 48, no. 3 (April 1996): 297-323.

[12]It should be emphasized that semi-presidentialism has many subtypes, including the one discussed in this paragraph. For a discussion on the typology of semi-presidentialism and the merits and shortcomings of this constitutional system, see Giovanni Sartori, *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes* (New York: New York University Press, 1997), 121-37.

of Taiwan's cross-Strait decision-making structure.

Taiwan's Cross-Strait Decision-Making Structure

According to the Constitution of the Republic of China, the president, as the head of state, represents the nation in foreign affairs and is in charge of the nation's security and foreign affairs. Most of Taiwan's electorate and politicians treat the president as the paramount political leader and interpret the nation's cross-Strait policy by what the president says or does. However, these powers by no means imply that the president can put his policies into action. Constitutionally speaking, Taiwan's president can be just a figurehead if he lacks the support of the government or a coherent party in the legislature.

To begin with, Taiwan's decision-making structure is characterized by a dual-executive design (see table 1). According to the Constitution, the highest administrative organ is not the Office of the President, but the Executive Yuan (行政院), which is headed by the premier. Although the premier is appointed by the president without parliamentary consent, the Executive Yuan is responsible to the Legislative Yuan rather than to the president. The president can dissolve the Legislative Yuan, but only after the latter passes a vote of no confidence in the premier. Laws promulgated by the president must have the countersignature of the premier or relevant ministers.[13] Additionally, the ministries related to cross-Strait and international affairs are under the authority of the Executive Yuan, not the Office of the President. The ministers of foreign affairs and national defense and the chairperson of the Mainland Affairs Council (MAC, 行政院大陸委員會) are all appointed by the president via the recommendation

[13]Note that, according to Additional Article 2 of the Constitution, "Presidential orders to appoint or remove from office the president of the Executive Yuan or personnel appointed with the confirmation of the Legislative Yuan in accordance with the Constitution, and to dissolve the Legislative Yuan, shall not require the countersignature of the president of the Executive Yuan."

Table 1
Constitutional Organizations Related to Taiwan's Cross-Strait Decision-Making

Type	Name	Key actors
Constitutional institutions	Office of the President	President
	National Security Council (NSC)	President, NSC secretary-general, premier and related ministers, vice president
	National Security Bureau (NSB)	NSB director-general
	Executive Yuan (especially the Mainland Affairs Council, the Ministry of National Defense, and the Ministry of Foreign Affairs)	Premier and ministers; legislators (as monitors)
Consultative bodies	National Unification Council	President and advisors nominated by president
	Presidential Advisory Group on Cross-Strait Relations (evolved from the Multi-Party Group)	President, president of Academia Sinica, advisors nominated by president
	Committee for Cross-Strait Peace and Development	President and representatives from political parties
Government-authorized nongovernmental agency	Straits Exchange Foundation (SEF)	Director of the board, secretary-general, the board of directors

of the premier.[14] To take command of government positions related to cross-Strait affairs, the president must make sure that he controls the premier first.

Thus far, Taiwan's two elected presidents have dominated the appointment of ministers. Yet they are not fulfilling this function as the head

[14]Among these ministries, the MAC is of particular importance. The MAC is responsible for overall research, planning, review, and coordination of cross-Strait policy, as well as the implementation of specific inter-ministerial programs. The MAC was formally established in 1991.

of the government, entailing a structure that distances the president and the policy implementation agencies. Although the presidents have so far appointed premiers who lean closely to their own partisan backgrounds, multipartism still makes cohabitation a possible option. Even if the premier and the president belong to the same party, the president has no constitutional power to chair cabinet meetings and is thus unable to supervise the ministries on a formal and regular basis. Although the Constitution grants the president the power to set up a National Security Council to formulate major policies on national security and cross-Strait affairs, this agency has only a limited number of advisory members who have no authority to execute related policies. The Executive Yuan, although empowered to implement the policies, must follow the president's instruction to act, which raises the communication cost of policymaking. What the Legislative Yuan can monitor is the Executive Yuan, not the president. However, thanks to the enormous expense of campaigning and the low reelection rate in Legislative Yuan elections, very few lawmakers are willing to unseat the premier, fearing the loss of their jobs if the president decides to dissolve parliament.[15] It is thus unlikely that the parliament will check the power of the president by sacking the premier.

Thus a fundamental drawback of Taiwan's constitutional system is the discrepancy between the president's legitimacy as the head of state and his actual governing capability. Although the president has established consultative bodies to plug this gap, none of them was established in accordance with laws promulgated by the Legislative Yuan. Ad hoc in nature, these bodies are assembled and replaced according to the president's wishes.[16] Among these bodies, the National Unification Council (NUC)

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[15]Until 2004, elections for Taiwan's Legislative Yuan employed a single-nontransferable vote system combined with multi-member districts, which forced candidates from the same party to compete against each other. Under this system, electoral victory hinged on maintaining particularistic connections with certain constituents, which made election campaigns very expensive. In each election, about one-third of the elected lawmakers were new faces. In the constitutional amendment of 2005, this system was replaced by a mixed-member majoritarian system. For details of Taiwan's electoral system, see Jih-wen Lin, "The Politics of Reform in Japan and Taiwan," *Journal of Democracy* 17, no. 2 (April 2006): 118-31.

[16]Legally speaking, these bodies resulted from presidential decrees, which were made to ful-

was assembled at President Lee Teng-hui's behest in 1990, and was regarded by Beijing as a symbol of Taiwan's adherence to a policy of reunification. When Chen Shui-bian was elected in 2000, he promised in his inaugural address to keep the NUC intact, but it was soon shelved despite demands from opposition parties to convene a meeting. Instead, Chen asked Lee Yuan-tseh (李遠哲), the president of Academia Sinica (中央研究院), to convene a "multi-party group" consisting of representatives from the major political parties. This group was then turned into the Presidential Advisory Group on Cross-Strait Relations, a substitute for the NUC. After his reelection in 2004, Chen claimed in his inaugural speech that he would establish a Committee for Cross-Strait Peace and Development to seek a social consensus on related issues.[17] However, this committee seems to be a replacement for the Advisory Group, which has long ceased functioning.

Another problem with Taiwan's decision-making structure is rooted in its international status. Taiwan enjoys little diplomatic recognition, and the mainland certainly refuses to recognize the island's statehood. Institutions dealing with external relations are therefore mainly nonofficial. For example, official ties between Washington and Taipei were completely severed when the United States normalized relations with the PRC. In cross-Strait affairs, the most noteworthy organization is the Straits Exchange Foundation (SEF, 海峽交流基金會).[18] Since the KMT retreated to Taiwan in 1949, the two governments on either side of the Taiwan Strait have never held any official meetings, and the SEF is the only organization that has been authorized by the Taiwan government to engage in cross-

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fill some presidential functions that are not necessarily constitutionally defined. The NUC, for instance, was established by a letter of the secretary-general of the Office of the President. The debate over the abolishment of the NUC is thus more political than constitutional.

[17] See the president's inaugural address on the website of the ROC Government Information Office, http://www.gio.gov.tw/taiwan-website/5-gp/pi2004 (accessed August 22, 2007).

[18] The main functions of the SEF are to provide governmental services on matters related to cross-Strait civilian exchanges and to offer policy suggestions in line with actual practice. The SEF acts within the authority granted by the MAC and can represent the government in cross-Strait negotiations. The SEF must report to the MAC with reference to work conducted under the contractual arrangement.

Strait negotiations. In the past two decades, the only indicator of improved relations across the Taiwan Strait has been the talks held between the leaders of the SEF and the PRC's Association for Relations Across the Taiwan Straits (ARATS, 海峽兩岸關係協會).[19] Despite the political and symbolic significance of this meeting, it was technically unofficial.

Taiwan's presidents can also enhance their influence with the assistance of their party, a fact that allowed the once-dominant KMT to help President Lee Teng-hui strengthen his power. Now that the DPP holds the presidency but does not control the legislative majority, it must find other ways to strengthen the president's ability to govern. Thus, when the DPP's Chen Shui-bian won the 2000 presidential election, he promised to withdraw from DPP party affairs and immediately invited representatives from the party and the Executive Yuan to hold informal meetings. A "nine-person group" was then established for that purpose in November 2000. In addition, when Chen became chairman of the DPP in July 2002, he organized a "party-government coordination meeting" to "synchronize the actions of the government and the governing party."[20] In April 2006, President Chen decided that the DPP's Central Standing Committee should reconcile disagreements among the president, the Executive Yuan, and the party caucus and become a policymaking platform. These mechanisms are all extra-constitutional. Their functions and decision-making procedures are not defined by written rules; therefore the decision to convene meetings and choose participants rests entirely with the president, and the participants of these groups are there to justify the president's decisions rather than to debate them.

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[19]On April 27, 1993, the chairman of the SEF, Koo Chen-fu (辜振甫), and the head of ARATS, Wang Daohan (汪道涵), held their first talks in Singapore. They signed four joint documents: (1) the Use and Verification of Certificates of Authentication across the Taiwan Straits; (2) the Agreement on Matters Concerning Inquiry and Compensation for [Lost] Registered Mail across the Taiwan Straits; (3) the Agreement on the System for Contacts; and (4) Meetings between SEF and ARATS. So far these are the only documents signed by representatives of both governments on the two sides of the Strait.

[20]Chen resigned the DPP chairmanship when the party lost the year-end parliamentary election of 2004. The "coordination meeting" then stopped functioning.

In brief, Taiwan's decision-making structure is hierarchically arranged with the president situated at the top. Due to deficiencies in institutional design, extra-constitutional adhesives are infused into the structure to keep it from falling apart. For the president, this hierarchy is composed of elements containing different sets of veto players, which manifest themselves in the following ways. First, when the president is handling national security affairs, he faces an information asymmetry because officers from the intelligence agencies are the ones who decide what the president should know. This structure gives presidents the incentive to bypass the government and engage in personal diplomacy.[21] Second, ministers and civil servants in the Executive Yuan also enjoy some information superiority because they understand routine administrative affairs better than the president. Again, this structure gives presidents the excuse to accomplish their policy goals in unofficial ways. Third, most consultative bodies on cross-Strait affairs are set up to demonstrate social consensus by inviting representatives with diverse opinions to participate. It is unlikely and unwise for the president to make confrontational statements through these bodies.

As a popularly elected president, Chen Shui-bian's ultimate goal is to consolidate his domestic power. The extent to which he will use extra-constitutional means to make adventurous moves depends on who his key constituents are. In his first term, in order to get as much support as possible for his reelection, the incumbent president must reach beyond his traditional loyalists. As such, Chen should have downplayed his assertion of Taiwan independence. In contrast, the foremost goal of a president serving his second term is to keep political power from falling into the hands of rivals within his party and becoming a lame duck. Since there is no longer any reelection pressure, presidents serving their second term should pay more attention to their core constituents than to the middle-

[21]Personal diplomacy, conducted by nongovernmental agents hired by the president, is by nature extra-constitutional because it is beyond the oversight of other constitutional agencies. How the president funds these activities is also a constitutionally debatable issue. By contrast, secret diplomacy can be constitutional if it is implemented by government officials.

of-the-roaders. Thus we can expect Chen Shui-bian to move closer to a Taiwan independence stance in his second term. These hypotheses will be tested in the next section.

Evidence

The discussion above explores the incentive and means for President Chen to spread messages advantageous to his political survival. A good way to test the aforementioned hypotheses is to examine key presidential remarks made by Chen Shui-bian since he was inaugurated in May 2000. To be as comprehensive as possible, data analyzed in this paper include all "important presidential remarks on cross-Strait policies" (總統大陸政策談話) as recorded by the MAC. These records include all presidential remarks considered important by Taiwan's major ministry dealing with cross-Strait affairs.[22] Of all the presidential remarks made between May 20, 2000 and May 20, 2007, two are duplications and should be combined. A comparison between the MAC archive and that compiled by another source shows that fifteen other records should be added.[23] The MAC archive has the advantage that most of its records are quite long and contain not only the complete text of Chen's remarks but also the occasion and the audience, thereby facilitating content analysis.

To meet the purpose of this paper, these records are coded in the following ways. First, Chen's remarks are distinguished by whether they are independence-leaning or not:

[22]See the MAC website, http://www.mac.gov.tw (accessed August 22, 2007).

[23]We are not sure if the MAC archive is unbiased. To balance any potential bias, I compare it with the chronicle complied by the *Lianhe bao* (聯合報,United Daily News) (Taipei), a newspaper seen as critical of President Chen. *Lianhe bao* has updated its compilation of Chen's important cross-Strait remarks. The latest version can be found at http://mag.udn.com/mag/abian/storypage.jsp?f_ART_ID=36970 (accessed August 22, 2007). Even if the new records are still biased to some extent because of the MAC chairperson's partisan background, the basic pattern still holds: the excluded records are most likely Chen's conciliatory remarks, which can be uttered anywhere because very few people will oppose them.

1. *A remark is independence-leaning if it includes phrases stating that Taiwan and the PRC are two countries or that Taiwan enjoys independent sovereignty*. Sometimes an independence-leaning statement uses the "Republic of China" as the national title of Taiwan but carries a clear implication that Taiwan and China are two countries. Conversely, any mention by Chen of the "Republic of China" is coded as independence-leaning only if this remark claims that Taiwan, which is currently titled "the Republic of China," is an independent country. This usage of "the Republic of China" is distinct from that used by the KMT leaders, who claim that "one China is equivalent to the Republic of China" and that Taipei and Beijing should set aside their dispute over sovereignty.[24]

2. *A remark is not independence-leaning if it does not include phrases as defined above*. Usually such a remark contains clauses demonstrating Taipei's willingness to compromise with Beijing on national identity issues and to enhance cross-Strait interactions. Exemplary phrases include "one China in the future," "the 1992 Hong Kong model of cross-Strait negotiation," and "one China as an implication of the Constitution of the Republic of China." A significant number of these remarks mention nothing about sovereignty issues.

Second, the occasions on which Chen's remarks have been delivered can be coded into two types:

1. *An occasion is constitutional if it has a clear constitutional root—in the form of constitutional articles or the conventions implied by these articles*. A president's constitutional remarks should be delivered to the nation, the armed forces, or foreign officials or lawmakers. Examples include speeches delivered at the National Security Council, on National

[24]For example, the former chairman of the KMT, Lien Chan (連戰), made these statements in a televised debate during the 2004 presidential election campaign. See the report of the presidential debate, *Lianhe bao*, February 15, 2004, 7. Ma Ying-jeou (馬英九), Lien's successor, made a similar statement in a speech at the Fairbank Center, Harvard University. For the complete text of Ma's speech, see the KMT's website, http://www.kmt.org.tw/category_2/category2_1_2_n.asp?sn=60 (accessed August 22, 2007). By this logic, simply mentioning "the Republic of China is an independent country" will not be coded as independence-leaning.

Day, during the New Year celebrations, or the inauguration ceremony. Official press conferences related to these events are also constitutional. Presidential remarks made in consultative bodies should also be counted as constitutional because they demonstrate the president's role as the head of state who is in charge of national security.

2. *An occasion is extra-constitutional if it lacks a clear constitutional root.* Thus defined, extra-constitutional remarks can be delivered in various forms, such as interviews by the mass media or speeches given to a specific group of people, for these occasions are not constitutionally defined and the president is neither speaking to the nation nor to the representatives of any other country.

Since the above two variables are both categorical, their relationship can be illustrated by cross tabulations, as in tables 2-1, 2-2, and 2-3. These tables illustrate several important findings.

The first noticeable feature is that President Chen's cross-Strait remarks are predominantly pro-independence. Out of his 165 remarks, 119 (72.1 percent) included the opinion that Taiwan enjoys independent sovereignty. Nonetheless, the pro-independence elements do vary in intensity, ranging from "Taiwan, named the Republic of China, enjoys independent sovereignty" to "Taiwan should say yes to independence."

Second, the tables confirm the hypothesis about the channels through which the pro-independence messages were transmitted. Overall, about 63.9 percent of the independence-leaning remarks were delivered on extra-constitutional occasions. That Chen's two presidential terms produced nearly identical probabilities (64.6 and 63.4 percent) for independence-leaning messages to be voiced on extra-constitutional occasions suggests that this is unlikely to be an accidental result. By contrast, the probabilities for Chen to make statements unrelated to Taiwan independence on constitutional and extra-constitutional occasions are quite close. This is an understandable result, because the president would face fewer disagreements if he did not highlight Taiwan's independent sovereignty.

On the flip side, extra-constitutional occasions are mainly used to send pro-independence messages. On 76 out of 97 (78.4 percent) extra-constitutional occasions independence-leaning messages were sent. For

pro-independence messages transmitted on constitutional occasions, the percentage drops to 63.2 (43 out of 68). The strong correlation between independence-leaning messages and extra-constitutional occasions suggests that President Chen, when sending a pro-independence message, selects his channels deliberately.

Table 2-1
Occasions and Types of Chen Shui-bian's Cross-Strait Remarks, May 20, 2000 – May 20, 2007

Occasion / Remark	Constitutional	Extra-constitutional	Total
Independence-leaning	43	76	119
	(36.1%)	(63.9%)	(100%)
	(63.2%)	(78.4%)	(72.1%)
Not independence-leaning	25	21	46
	(54.3%)	(45.7%)	(100%)
	(36.8%)	(21.6%)	(27.9%)
Total	68	97	165
	(41.2%)	(58.8%)	(100%)
	(100%)	(100%)	(100%)

Note: The first brackets are row percentages; the second are column percentages.

Table 2-2
Occasions and Types of Chen Shui-bian's Cross-Strait Remarks, May 20, 2000 – May 19, 2004

Occasion / Remark	Constitutional	Extra-constitutional	Total
Independence-leaning	17	31	48
	(35.4%)	(64.6%)	(100%)
	(51.5%)	(70.5%)	(62.3%)
Not independence-leaning	16	13	29
	(55.2%)	(44.8%)	(100%)
	(48.5%)	(29.5%)	(37.7%)
Total	33	44	77
	(42.9%)	(57.1%)	(100%)
	(100%)	(100%)	(100%)

Note: The first brackets are row percentages; the second are column percentages.

Table 2-3
Occasions and Types of Chen Shui-bian's Cross-Strait Remarks, May 20, 2004 – May 20, 2007

Occasion / Remark	Constitutional	Extra-constitutional	Total
Independence-leaning	26	45	71
	(36.6%)	(63.4%)	(100%)
	(74.3%)	(84.9%)	(80.7%)
Not independence-leaning	9	8	17
	(52.9%)	(47.1%)	(100%)
	(25.7%)	(15.1%)	(19.3%)
Total	35	53	88
	(39.8%)	(60.2%)	(100%)
	(100%)	(100%)	(100%)

Note: The first brackets are row percentages; the second are column percentages.

Lastly, the pattern validates the conjecture on the difference between the two presidential terms. While 62.3 percent (48 out of 77) of Chen's remarks were independence-leaning during his first term, the proportion increased to 80.7 percent in his second term (71 out of 88). An associated growth is the probability of Chen speaking on extra-constitutional occasions: it was 57.1 percent (44 out of 77) in his first term, and 60.2 percent (53 out of 88) in his second term.[25] Since May 2004, we even see Chen making independence-leaning statements more frequently on constitutional occasions, indicating that he has become less cautious about the consequences of his independence-leaning remarks.

Following the quantitative depiction of Chen's cross-Strait remarks, we can look over the MAC archive and study how President Chen framed his cross-Strait remarks, in particular how he described Taiwan's independent sovereignty. Broadly speaking, his pro-independence statements have centered on the following themes.

[25]The odds ratio for Chen to make pro-independence remarks in his second term compared with his first term is (80.7/19.3)/(62.3/37.7) = 2.5.

First, regarding Taiwan independence, Chen's core message is that Taiwan and the mainland are different countries. He made the following remarks: "Taiwan is an independent country and, according to the current constitution, should be titled the Republic of China"; "the Republic of China is an independent country, its sovereignty belongs to the people of Taiwan, and any change of Taiwan's sovereignty has to be approved by the Taiwanese people"; "Taiwan, no matter what its national title is, enjoys independent sovereignty and is not a part of the PRC"; "there is one country on each side of the Taiwan Strait"; "the Republic of China on Taiwan and the PRC on the mainland do not belong to each other"; "Taiwan and China should both join international organizations such as the United Nations"; "the passport of the Republic of China should add the title 'Taiwan' so that foreigners will not mistake it for a passport issued by the PRC"; and "the Constitution of the Republic of China, promulgated in 1947, does not fit Taiwan and should be abandoned."[26] The most famous of Chen's pro-independence remarks is the "four yes's and one no" statement he made on March 4, 2007, which includes that Taiwan will say yes to independence, Taiwan should be our correct name, Taiwan will have a new constitution, Taiwan will develop, and the political cleavage in Taiwan is not left versus right but independence versus unification.[27]

Second, Chen has firmly rejected the "one-China" principle. He has maintained all of the following: "there is no such thing as the 1992 consensus on the 'one China, different interpretations' principle"; "the Taiwanese people will neither accept the 'one-China' principle proposed by the PRC nor make it a precondition of cross-Strait negotiation"; "by accepting the

[26]An important source of Chen's claims is the resolution passed by the DPP on May 8, 1999. It states that Taiwan, a country with independent sovereignty, does not belong to the PRC, and any attempt to change the status quo of Taiwan's independent sovereignty must be approved by Taiwan's 23 million people in a referendum.

[27]This statement took Washington by surprise and provoked the U.S. State Department to warn Taipei that Washington expected President Chen to adhere to the "five no's" pledge and that "rhetoric that can raise doubts about these commitments is unhelpful." See staff writer, "Taiwan Must 'Go Independent,' Chen Tells FAPA Dinner," *Taipei Times*, March 5, 2007, 1; and Charles Snyder, "Chen's Weekend Comments Upset U.S.," ibid., March 7, 2007, 3.

'one-China' principle, Taiwan is no longer an independent country and will be marginalized"; "China's insistence on the 'one-China' principle is responsible for the gridlock in cross-Strait relations"; "any change of Taiwan's international status, such as by the 'one-China' or the 'one country, two systems' formulas, should be approved by the Taiwanese people"; and "the National Unification Council should cease to function because its existence violates democratic principles."

Third, Chen is also vehemently opposed to military threats made by the PRC. He has said that "the cross-Strait status quo is that Taiwan has independent sovereignty, which should not be destroyed by China's military threat"; "Taiwan opposes the PRC's Anti-Secession Law, which is aimed at realizing the 'one-China' policy through military force, and will hold a referendum in response"; "the international community should understand that China's growing military strength will soon tilt the balance of power in East Asia, so that Taiwan is justified in purchasing arms"; and even that "China's terrorist missile threat to the Taiwanese people is even more serious than terrorism."[28]

As illustrated above, more than 60 percent of Chen's independence-leaning statements were made on extra-constitutional occasions. As will be demonstrated now, the function of such settings is usually at President Chen's discretion. More specifically, they can be divided into four types.

The first type involves the president's inner decision-making circles, which are extra-constitutional because their organizations and functions are ad hoc in nature. For example, the president has assembled committees to coordinate the actions of the DPP, the party caucus, and the Executive Yuan. The president not only chairs these committees but also decides when to convene their meetings. Chen has also made important cross-Strait statements at DPP meetings. For example, Chen first made public his intention to promote a new constitution in front of an audience of DPP members assembled to celebrate the anniversary of the party's foundation

[28]Chen made this statement on September 10, 2002, during a press conference held to mark the anniversary of the September 11th attacks.

on September 28, 2003. On these occasions, the president alone determined both the time and the place in which to speak.

The second type of occasion includes a range of events sponsored by nongovernmental organizations or social groups, such as the World Federation of Taiwanese Associations, the World Taiwanese Congress (世界台灣人大會),[29] the World Taiwanese Chambers of Commerce (世界台灣商會聯合總會), the Council of Taiwanese Chambers of Commerce in Asia (亞洲台商總會), the mainland-based Taiwanese Businesspeople Association (台商協會), and the U.S.-based Formosa Foundation (美國福爾摩沙基金會). As these groups are predominantly composed of ethnic Taiwanese or advocates of Taiwan independence, the president tends to be most vociferous about independence in these meetings. For instance, the aforementioned "four yes's, one no" remark was made to members of the Formosan Association for Public Affairs (FAPA 台灣人公共事務協會), an organization promoting Taiwan independence, at their 25th anniversary celebrations.

Conversations with foreign visitors, particularly those from important think-tanks, constitute the third type. Since most of these experts come from abroad, Chen's remarks tend to focus on Taiwan's international status. For instance, he has repeatedly told guests of this kind that Taiwan is an independent country and that any change in Taiwan's sovereignty should be approved by the Taiwanese people. He has also maintained that the PRC cannot use military threats to force Taiwan to accept the one-China principle. Moreover, many of the visitors who are on the receiving end of messages of this kind come from the United States and are often affiliated with organizations such as the U.S. National Committee on American Foreign Policy, the American Enterprise Institute, the Brookings Institution, the National Committee on U.S.-China Relations, and the Atlantic Council. Chen has also expressed similar concerns to overseas participants of international conferences or international organizations, such as the International League for Human Rights.

[29] A group composed of Taiwanese business persons.

Last and most important, Chen has spent many hours broadcasting his ideas through the international mass media. One famous example is the statement "Taiwan is an independent country," made to the German magazine *Der Spiegel* on May 19, 2002. In October 2003, Chen told the *Washington Post* that accepting "one China" would marginalize Taiwan. When reelected in March 2004, Chen reiterated to the *Washington Post* that "the best consensus between the two sides of the Taiwan Strait is not to mention one China." A few days later, he told Japan's *Yomiuri Shimbun* that the "one country on each side" statement represents Taiwan's mainstream opinion. Similar messages were delivered internationally by the mass media. That the immediate targets of these messages were mainly foreigners is also noteworthy—in this way, Chen found a crevice through which to break out of Taiwan's international isolation.

Since President Chen tends to deliver his pro-independence messages through extra-constitutional means, the constitutional occasions are marked by conciliatory remarks. When the president speaks on the most formal occasions (e.g., during his inauguration ceremony, during the New Year celebrations, or on National Day), he is seen as the head of state and is expected to give a non-controversial speech. However, Chen's statements on these occasions are at times politically charged. In fact, some of the fundamental official guidelines on Taiwan's cross-Strait policy were announced on these occasions. For example, the "five no's" principle was enunciated during Chen's inaugural address in 2000, and it became the yardstick used by Washington to judge whether Taipei had crossed the "red line."[30] Chen has made peace-seeking statements on constitutional occasions partly because of preventive measures taken by Washington. It has been reported that, right before the 2000 inauguration ceremony, Raymond F. Burghardt, director of the American Institute in Taiwan, visited Chen

[30]The "five no's" (sometimes called "four no's and one without") are: no declaration of independence, no alteration of the "Republic of China" national title, no promotion of a referendum to change the status quo with regard to the question of independence or unification, no insertion of the idea of "special state-to-state relations" in the constitution, and no need for a renunciation of the Guidelines for National Unification. The first "four no's" are based on the prerequisite that the PRC has no intention of using military force against Taiwan.

several times to convey Washington's concerns over the inauguration speech.[31] So defining was the "five no's" announcement that it was anticipated that Chen would reiterate it during his 2004 inaugural speech.[32]

Another notable example is a meeting between Chen and James Soong (宋楚瑜), chairman of the People First Party (親民黨), held on February 24, 2005.[33] Chen and Soong concluded a joint ten-point agreement on cross-Strait relations, national defense, and ethnic reconciliation, which states that the president will not declare Taiwan independence and that Taiwan should not engage in an arms race with mainland China. Several days later, Chen even told some members of the European Parliament in a video conference that it would be impossible for him or anyone else to change the national title to "the Republic of Taiwan."

In both Taipei and Beijing, many of the defining documents on cross-Strait relations have been issued around the New Year, which is considered by most in Taiwan to be a good time to make friendly gestures. On New Year's Eve 2000, Chen made a public appearance and declared that the two sides of the Taiwan Strait should be integrated. A year later, he made a similar statement about integration. On New Year's Day 2005, Chen suggested that it is the ROC rather than Taiwan that is a sovereign nation, backtracking on the pledge he had made just a few weeks before. The president has also made October 10th, the ROC National Day, another occasion on which to highlight cross-Strait cooperation. One remarkable example was on National Day 2004 when Chen suggested in his speech that cross-Strait talks could be based on the 1992 Hong Kong model.[34]

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[31] See *Lianhe bao*, May 14, 2000, 2.

[32] In 2004 Taipei sent I-jen Chiou (邱義仁), the secretary-general of the Office of the President and convener of the drafting team for the inauguration speech, to Washington to explain the key points of the speech. For Washington's influence on Chen's inaugural speeches, see *Lianhe bao*, May 19, 2004, 13.

[33] This meeting is coded constitutional because it was held in the Office of the President and it concerned the president's position on cross-Strait relations.

[34] The National Security Council (NSC), a constitutional organization, has also been used to deliver peace-seeking messages. For instance, Chen gave a speech at the NSC on November 10, 2004, stating that the two sides of the Strait should formulate a "code of conflict" and should not use weapons of mass destruction.

Consultative bodies have been set up to demonstrate that a there is a consensus in society on cross-Strait relations. Resolutions passed by these bodies have usually been peace-seeking. After winning the presidential election in 2000, Chen established the Presidential Advisory Group on Cross-Strait Relations as a substitute for the NUC, which he had promised to keep intact in his 2000 inaugural speech. One of the major achievements of the Advisory Group was to reach a consensus in November 2000 that the "one-China" principle proposed by the mainland should be addressed "in accordance with the ROC Constitution." The group proposed this advice to the president a week later and it affected Chen's decision-making to some extent. Yet these consultative bodies have rarely functioned as regular institutions, as their main purpose is to heal social divisions, especially just after the president had survived a confrontational election campaign. For this reason, the longer the president is in power the less likely it is that these groups will be convened.

Evidence presented in this section demonstrates clearly that what President Chen says is strongly affected by how and where he says it. On extra-constitutional occasions, there is a good chance that the president will meet his followers rather than his political rivals, which allows him to appeal to his core supporters before others can show their disagreement. These messages come not only from the president's political convictions but are also the results of a decision-making structure that impedes the president from being fully accountable and responsible for his cross-Strait policies. The impact of these messages in turn reshapes Taiwan's cross-Strait policymaking structure. The next section will further elaborate this point.

The Structure-Induced Inconsistency of President Chen's Cross-Strait Messages

Despite President Chen's frequent use of extra-constitutional channels, the constitutional system has not been set aside. Consistency in Taiwan's cross-Strait policymaking is, in fact, often undermined by the discrepancy

between the president's extra-constitutional proclamations and the official policies implemented by the government. When the president's remarks are more than a symbolic gesture and do also express his policy objectives, two possibilities exist. The first is that the president's goal will be consistent with official policies. In this case, the president's extra-constitutional actions may supplement or complement those official policies—depending on the effectiveness of the latter. The second scenario is for the president's extra-constitutional maneuvers to be incongruent with the officially adopted policies, which can lead to some unwanted political consequences. The following analysis will examine the possible relationship between Chen's extra-constitutional remarks and the government's official policies.

Presidential remarks are most likely to be consistent with official policies when both emphasize the maintenance of the status quo, although this may be no more than lip service. That is, when the president decides to do nothing, even his archenemy cannot oppose him. For example, Chen's "five no's" vow can be seen as cheap talk because these promises imply that no change is to be made. The Chen-Soong meeting also falls into this category, for both emphasized their desire to keep the current system unchanged. Policy consistency can also be achieved when an existing institution is unable to carry out its mandate, creating an opportunity for the president to establish some extra-constitutional measures to replace its function. For example, the president can authorize the SEF to engage in cross-Strait negotiations, since the PRC refuses to recognize the legality of the ROC government.

However, examples of the president's extra-constitutional maneuvers clashing with policies made through constitutional institutions are much greater in number. They have occurred when President Chen has set up extra-constitutional bodies to substitute for formal institutions. In terms of his constitutional status, Taiwan's president can be just a ceremonial figurehead, given his restricted executive prerogatives. However, in order to fulfill his campaign promises, the president has an incentive to establish substitute bodies to enhance his de facto power and to coordinate actions taken by different branches of the government. The various party-state coordination organizations established by President Chen are typical ex-

amples. These bodies are ad hoc and beyond the supervision of other constitutional institutions.

Tension between extra-constitutional and constitutional outputs arises most frequently when the president's independence-leaning remarks undermine the legitimacy of the ROC Constitution and the statehood it implies. The way that the legitimacy of the ROC can be challenged by its president can be attributed both to Taiwan's ambiguous international status and Chen's pro-independence background. Taiwan is officially recognized by very few countries in the world even though most of them do not deny the island's de facto independence. Most countries use "China" and "Taiwan" to identify the two political entities on either side of the Taiwan Strait but worry about the possibility that the island might adopt "Taiwan" as its official title. As for Chen's background, he was elected president of the Republic of China but has frequently sought to bolster his legitimacy as president by reminding his supporters of the threat from "China." Constitutionally speaking, the ROC's territory still includes mainland China, an unrealistic claim recognized by very few countries.[35]

These ambiguities have given those standing for election in Taiwan an incentive to redefine the status quo in different ways. For example, President Lee Teng-hui coined the term "ROC on Taiwan" and claimed that the country exists only on Taiwan and its offshore islands. In Chen's two inaugural speeches, he vowed to adhere to the "five no's" and to keep the national title intact, but he himself has contested this promise on several occasions. Soon after he was inaugurated in May 2000, Chen highlighted Taiwan's independent sovereignty by denying the existence of the 1992 consensus on the "one-China" principle. Since then, Chen has frequently claimed that Taiwan is an independent country that does not belong to the PRC and that its national title is the Republic of China.[36] Yet he also sug-

[35] According to Article 4 of the Constitution, "the territory of the Republic of China according to its existing national boundaries shall not be altered except by resolution of the National Assembly." When the ROC Constitution was promulgated in 1947, the territory not only covered mainland China, but also areas that are now outside the PRC.

[36] In referring to the historical origins of the ROC, Chen has adopted President Lee's claim

gested, on September 13, 2006, that the international community would be likely to confuse "ROC" with "PRC."[37] Moreover, Chen launched a second wave of pro-independence moves before the 2004 Legislative Yuan election when he promised his supporters that he would initiate a new constitution and a referendum by 2006, and then reiterated his appeal to change the name of the nation to "Taiwan." Thereafter, Chen proclaimed on at least seven occasions, all of them extra-constitutional, that "the ROC equals Taiwan," his reason being that the transition of power in 2000 had put an end to the KMT's rule over Taiwan. These examples suggest that the term "ROC" has been used by Chen in expedient ways, sometimes as a positive means of bolstering his legitimacy and sometimes as a historical burden to be dismantled.

Taiwan's dual-executive structure can also put the president and the premier at odds with each other. As has been explained, Taiwan's president must be able to control the premier—the head of the government—in order to be able to carry out his campaign promises. The dual-executive structure implies that if this control fails, the president may be downgraded to a figurehead, which can happen when the president's legitimacy deteriorates. On May 31, 2006, a scandal-embroiled Chen promised that he would leave all cabinet-related matters in the hands of the premier. This pledge, although made in a meeting with high-ranking officials at the Office of the President, was not enforceable because it is still the president who decides how and to what extent the promise will be fulfilled.[38] This event suggests that a popularly elected president is always sensitive to the loyalty of the ministers he appoints, and that there is always the possibility of tension

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that the ROC was established in 1912, existed on the mainland until 1949, and then moved to Taiwan.

[37]This remark was made in a video conference held to promote Taiwan's membership of the United Nations.

[38]One example is the Conference on Sustaining Taiwan's Economic Development held in Taipei in late July 2006. This conference saw competition between Premier Su Tseng-chang (蘇貞昌), who planned to loosen restrictions on Taiwanese investment on the mainland, and the pro-independence participants. It is obvious that President Chen, who has been engulfed in scandals involving his aides and family members, still exerted considerable influence in that debate.

between the president and the premier.

Conclusion

Since he was inaugurated in May 2000, President Chen Shui-bian has been playing three roles: the head of state, the de facto head of government, and an election campaigner. Depending on his needs, the president decides which of these roles he wants to play. The tension among these roles is partly responsible for Chen's inconsistent remarks about cross-Strait relations. On the positive side, extra-constitutional operations can take the place of ineffective government agencies and strengthen the president's commanding position on cross-Strait affairs. If the president's extra-constitutional efforts and the government's official policies are both effective, however, inconsistency between them can create some undesirable consequences. In turn, inconsistency in Taiwan's cross-Strait messages will affect the dynamics of the Washington-Beijing-Taipei triangle, although not necessarily in the direction Taipei wants: Chen's pro-independence remarks make it easier for Beijing to ask for concessions from Washington, even if Beijing and Washington both recognize that Chen can hardly achieve his goals in this respect.[39]

Leadership style certainly matters in decision-making. Yet it is the loopholes in Taiwan's decision-making structure that allow personal traits to have such a great impact on cross-Strait policymaking. One can imagine what might happen under a different constitutional system. Had Chen been a prime minister in a parliamentary democracy, he would have little in-

[39]When Washington needs Beijing's support in international affairs, Taipei's independence-leaning moves increase Beijing's bargaining power. To convince Beijing that Taipei is unlikely to move closer to independence, Washington has to toughen its attitude toward Taiwan's leadership so that the status quo will remain unchanged. This example shows that Taiwan's deterrence capability will not be enhanced if its policies are inconsistent. For how honesty can be a source of deterrence, see Alexandra Guisinger and Alastair Smith, "Honest Threats: the Interaction of Reputation and Political Institutions in International Crises," *Journal of Conflict Resolution* 46, no. 2 (April 2002): 175-200.

centive to perform extra-constitutional maneuvers if his goals were supported by the legislative majority; if he did not enjoy this kind of legislative support, the parliament would be the most direct supervisor of his actions. If Taiwan had a presidential system, President Chen would have no incentive to bypass the legislature and make adventurous moves; however, the president, as head of the government, would be directly responsible for his policy goals. Taiwan's constitutional system needs to be reengineered in order to make its decision-maker more accountable and responsible.

In sum, inconsistencies in Taiwan's cross-Strait messages reveal an institutional deficiency which affects not only the government's international credibility but also the quality of Taiwan's constitutional democracy. As the country's supreme leader, Taiwan's president enjoys the freedom to broadcast his messages in ways that take his political rivals by surprise. This tactic, however, leads to a lack of public deliberation on important national affairs, ministerial participation that would make the president's aspirations practicable, and the international acknowledgement that would enhance Taiwan's credibility. For those who wish to see cross-Strait relations improved by the transition of power in Taiwan, this paper highlights the institutional shortcomings in this area. Inconsistencies in cross-Strait policies are always possible, especially when the executive and legislative branches are not controlled by one coherent political party. Even if an anti-independence president were to be elected, he or she would still be confronted with the constitutional provision that the mainland belongs to the ROC rather than the PRC, and the fact that the PRC's jurisdiction does not extend to Taiwan. Again, the president would be faced with a dilemma.

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