



**12th Annual Conference on
“The Taiwan Issue in China-Europe Relations”**

Shanghai, China

September 21-22, 2015

A workshop jointly organised by the German Institute for International and Security Affairs / Stiftung Wissenschaft und Politik (SWP), Berlin and the Shanghai Institutes for International Studies (SIIS), Shanghai. With friendly support of the Friedrich-Ebert-Stiftung (Shanghai Office).

Discussion Paper

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Taiwan's exclusion from Interpol and implications for global security

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The mysterious and most tragic aviation incident of Malaysia Airlines Flight MH370 on March 8 2014, in which a 272-ton airliner carrying 239 people disappeared during its journey from Kuala Lumpur to Beijing, has brought attention to security deficiencies at airports around the world and caused a great concern in the international community. The investigation revealed that at least two passengers boarded the plane with stolen passports, which lead to speculations that a terrorist attack could be responsible for the plane's disappearance.¹ Accordingly, the incident reminded nations worldwide about the importance of regular access to the International Criminal Police Organization's (Interpol) Stolen/Lost Travel Documents (SLTD) database to screen travelers and ensure they are not using illegal documents. Malaysia, as a member of Interpol, the world's largest transnational police association with 190 member countries, could easily access the SLTD database which enlists international documents reported lost or stolen, and prevent the two men from boarding the plane – but failed to do so. The two men evaded immigration checks and so exposed a breach of security by Malaysian custom authorities.

Asymmetrically, Taiwan, a non-Interpol member, is not even able to access this highly important database. At the end of 2014, the SLTD database contained information on more than 45 million travel documents (passports, identity documents, visas) reported lost or stolen. The database was searched by Interpol's members more than one billion times in 2014, detecting nearly 72,000 illegal documents.² Taiwan, presenting the world's busiest air routes carrying millions of passengers can neither check against the Interpol's database nor can it send its own data of lost and stolen passports directly to central depository.³ This is creating a serious loophole in the global security apparatus, similar to the loophole created by Taiwan's exclusion from the International Civil Aviation Organization (ICAO) and its Public Key Directory (PKD), which provides authentication and validation of e-passports.⁴ These two databases – SLTD and PKD – reinforce effective and timely information exchange and are therefore playing a vital role in global public

¹ Interpol, "Interpol confirms at least two stolen passports used by passengers on missing Malaysian Airlines flight 370 were registered in its databases," March 09, 2014, <http://www.interpol.int/News-and-media/News/2014/N2014-038>.

² Interpol, *SLTD database*, <http://www.interpol.int/INTERPOL-expertise/Border-management/SLTD-Database>.

³ Each year, 40 million travelers pass through the Taipei Flight Information Region (FIR). Moreover, the route from Hong Kong to Taipei is the world's busiest air route (4.9 million passengers). See, "The world's busiest air-routes," *Telegraph*, August 14, 2014.

⁴ Although Taiwan was invited as a guest to ICAO's Assembly in September 2013, it is still uncertain whether its participation will be sustained and whether it will gain access to ICAO's important mechanisms (such as PKD) and activities on a routine basis.

safety. Taiwan's inability to access the so called I-24/7 secure police communications system, which contains several important criminal information databases with millions of records on fingerprints, DNA, data on suspected criminals or wanted persons, stolen firearms, and others, is a serious anomaly that should be corrected.

Causes and consequences of Taiwan's exclusion

Taiwan was a full member of Interpol from 1964 until 1984, when it was ejected as the People's Republic of China (PRC) applied for membership. Since then, Taiwan's attempts to restore membership were unsuccessful, because of opposition by the Chinese government, which doubts Taiwan's motives for the participation in international governmental organizations (IGOs), even when Taipei merely requests an observer status under the label "Chinese Taipei". Beijing maintains that the Taiwan government's sole aim in its observership quest is to elevate Taiwan's international status and profile which would serve only to strengthen division with China. However, by preventing Taiwan's meaningful participation in global security organizations, Beijing is affecting not only the safety of the people in Taiwan, but also the safety of other nations. For the time being, in order to maintain global aviation safety, Taiwan actively follows Interpol's safety standards and voluntarily provides information on lost or stolen documents and criminal activity to ten major countries, including the US, Canada, Japan, and Australia. On request, Taiwan receives crucial information from friendly nations; however, the second-hand information is limited and untimely.⁵

Since undetected fraudulent passports at the immigration and customs agencies could easily be used by terrorist organizations and crime syndicates for terrorist attacks or human trafficking, Taiwan's borders are potentially more attractive to criminals and global aviation safety is put at additional risk. These concerns are reinforced by the high number of stolen or lost Taiwanese passports, which are attractive on the black market owing to the visa-free treatment or landing visas extended to Taiwanese nationals by over 140 countries ranking the Taiwan passport 24th in the world.⁶ Notably, since the end of 2008, the ratio of lost Taiwanese passports had fallen owing to the introduction of biometric e-passports, which reduced the chances of passport forgery and tampering. Nevertheless, Taiwan's statistics continues to record some 20,000 lost passports per year (1.51 percent), which is not a negligible figure.⁷ Although Taiwan is not the main target

⁵ Information obtained by TECO, Vienna.

⁶ See, *Global Ranking - Visa Restriction Index 2014*, Henley & Partners, https://www.henleyglobal.com/files/download/hvri/HP_Visa_Restrictions_Index_141101.pdf.

⁷ "Ministry addresses concern over passports," *Taipei Times*, March 14, 2014; "去年護照遺失 2 萬本綠委憂成犯罪工具," 大紀元 March 13, 2014.

of terrorist attacks, being an important international transportation and trade hub, it cannot be excluded as a hiding location for terrorists or as a relay station for criminal activities. What is more, as an ally of the US, it could be seen by terrorists as a proxy setting for their retaliation against the US. In fact, Taiwan has already been chosen by Al-Qaeda and Islamic State militant groups as one of the targets for terrorist attacks.⁸ As a frequent host of mega-events which lure thousands of people from all over the globe, Taiwan automatically presents an attractive terrorist site. When China hosted the Beijing Olympics in 2008, the Asian Games in Guangzhou in 2010 and the 2011 Summer Universiade, the security at the events was assisted by Interpol and its Major Events Support Team (IMEST), which provided a range of support services both before and during the events, including checks of the names and passports of thousands individuals against Interpol's databases.⁹ Nevertheless, when Taiwan hosted the 2009 World Games and the 2009 Deaflympics, it had to solely rely on the assistance of the US, which provided the safety means for timely identification of several suspicious persons and ensured the events' security.¹⁰ In August 2017, Taipei will host the Summer Universiade, which will feature more than 12,000 athletes from 163 nations and mark the largest scale and highest level international sporting event in Taiwan's history.¹¹ Since ensuring security is fundamental, enhanced cooperation with Interpol should be realized as soon as possible. Raising the safety standards at such a mega-event would benefit not just Taiwan but the larger international community. As the next, 84th, annual session of the Interpol General Assembly will take place in November 2015 in Rwanda, Taipei is striving to highlight this global security gap and raise the international support for Taiwan's bid to obtain the observer status in Interpol. Taiwan's formal participation in Interpol would grant its law enforcement agencies the much needed access to Interpol's secure web-based system.

International support

First signs of support for Taiwan's observership in Interpol came from the United States. The January 2015 report from a Washington-based think-tank gave a very concise analysis on how Taiwan's exclusion from several important international security organizations and its restricted involvement in global efforts for human security, affects not only the security within Taiwan's national borders but the

⁸ "Al-Qaeda had its sights on Taiwan," *Taipei Times*, January 06, 2004; "Cabinet on alert after terrorism threat," *The China Post*, February 26, 2015.

⁹ Interpol, "Shenzhen Universiade ends safely with security efforts supported by Interpol," August 26, 2011, <http://www.interpol.int/News-and-media/News/2011/N20110826>.

¹⁰ Glaser, Bonnie S. and Jacqueline A. Vitello, 2015: *Taiwan's Marginalized Role in International Security*, Center for Strategic & International Studies (CSIS), pgs. 3-4.

¹¹ *2017 Taipei Summer Universiade*, <http://www.taipei2017.com.tw/bin/home.php> .

security of the world at large, including China, which itself faces growing threats to national security.¹² The report appealed to the White House to redouble its efforts to increase Taiwan's involvement in international security cooperation, lobbying particularly for Taiwan's access to security databases shared by Interpol, ICAO, and the International Atomic Energy Agency (IAEA). A major step forward was made in May 2015, when the US House of Representatives Committee on Foreign Affairs approved the legislation (H.R.1853) requiring the Obama administration to develop and implement a strategy to win observer status for Taiwan in Interpol.¹³ Clearly, Taiwan's access to Interpol is being considered as one of the most critical functional necessities having the most solid legal basis. After all, despite Interpol's acquired customary status as an IGO, it is the police forces, not states that comprise its membership. According to Article 4 of Interpol's Constitution "any country may delegate as a Member to the Organization any official police body whose functions come within the framework of activities of the Organization."¹⁴ Furthermore, General Regulations lucidly stipulate that "police bodies which are not members of the Organization" are allowed to be present at meetings as observers.¹⁵ Therefore, Taiwan's inclusion to Interpol should have no legal obstacles.

When all roads lead to Beijing

Taiwan desires to become part of a global network against crime. Eliminating obstacles which prevent Taiwan's meaningful participation in international security organizations would substantially contribute to the level of security that all nations desire to achieve. With its professional know-how, Taiwan can greatly contribute to international law enforcement infrastructure and its security endeavors. Its active involvement in security-related groups under the Asia-Pacific Economic Cooperation (APEC) and its contributions in combating money laundering and financing of terrorism through the Asia Pacific Group on Money Laundering (APG) and the Egmont Group, in addition to its voluntary adherence to several global security regimes and treaties – in spite of the fact that it is not explicitly bound by the international law – all attest to this.¹⁶ Pragmatism should have priority over high politics in Taiwan's access to those organizations;

¹² See, Glaser and Vitello, 2015.

¹³ See, H.R.1853, available at <https://www.congress.gov/bill/114th-congress/house-bill/1853>

¹⁴ Article 4, *Constitution of the ICPO-INTERPOL*, <http://www.interpol.int/content/download/9429/69209/version/9/file/Constitution.pdf>.

¹⁵ Article 8, *General Regulations of the ICPO-INTERPOL*, [http://www.interpol.int/content/download/23768/225283/version/11/file/02 e gen regulations 25 11 14\(14y2088\)\(or\).pdf](http://www.interpol.int/content/download/23768/225283/version/11/file/02%20e%20gen%20regulations%2025%2011%2014(14y2088)(or).pdf).

¹⁶ Among others, Taiwan adheres to the principles of the UN Security Council Resolution 1373, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the UN Palermo Protocol, the WCO SAFE Framework, and the Chemical Weapons Convention (CWC). For a detailed analysis see, Glaser and Vitello, 2015.

however, Taiwan's sovereignty must not be compromised. Substantial name designation concessions that enabled Taiwan's survival in the international arena over the last few decades in addition to adhering to the "1992 Consensus" did not yet offer a desired outcome in the international diplomacy.

In March this year, Taiwan attempted to join the China-led Asian Infrastructure Investment Bank (AIIB) as a founding member under the name "Chinese Taipei" but was swiftly rejected. Taiwan's entry would only be feasible, if Taipei would recognize Beijing's version of "one China" – the one which defines Taiwan as a subordinate part of the PRC. However, that is not an option for Taipei. Such posture only serves to demonstrate that the "1992 Consensus" idea of one China with different interpretations does not hold ground in the international arena – even when Taiwan is referred to as "Chinese Taipei". Just like the Greek and German finance ministers could not even "agree to disagree" in solving Greece's financial crisis, so too, Beijing cannot even agree to disagree with Taipei on the "two interpretations" part of the consensus.¹⁷ It is soon to be revealed, whether or not the way can be paved for Taiwan to enter the AIIB in the capacity of an Asian Development Bank (ADB) member.¹⁸ The factor which impedes the entry is Taiwan's official title in the ADB – "Taipei,China" – the title it reluctantly accepted in order to avoid the complete exclusion upon China's entry into the ADB in 1986. The government in Taiwan is determined not to reuse a name which implies that Taipei is a subordinate government to the one in Beijing. Therefore, Taipei remains firm in upholding the nomenclature "Chinese Taipei" as the bottom line for its entry to international organizations.¹⁹ It remains to be seen whether a compromise on yet another creative rhetoric can be reached.

Presumably, the Chinese leadership will try to keep Taiwan's bids to enter the important IGOs as jokers for dealing with the most likely elected government in the forthcoming January 2016 elections, which the recent polls suggest to be formed predominantly by the members of the DPP.²⁰ Endorsement of the China-centered discourse since the KMT resumed control in 2008 seems to have not lowered but, on the contrary, even heightened Taiwanese consciousness. Should

¹⁷ "Schaeuble 'Agrees to Disagree' With Greece's Varoufakis," *Bloomberg Business*, February 05, 2015.

¹⁸ The Articles of Agreement of the AIIB allow for members of the ADB to join the AIIB, which gives Taiwan the legitimacy to apply in the capacity of an ADB member. Article 3-2 stipulates: "Members of the International Bank for Reconstruction and Development or the Asian Development Bank which do not become members in accordance with Article 58 may be admitted, under such terms and conditions as the Bank shall determine, to membership in the Bank by a Special Majority vote of the Board of Governors as provided in Article 28." *AIIB Articles of Agreement*, <http://www.aiibank.org/uploadfile/2015/0629/20150629094900288.pdf>.

¹⁹ "Taiwan will join China-led AIIB under *Chinese Taipei* name or not at all: Ma," *Taipei Times*, July 05, 2015.

²⁰ See survey by 「台灣指標民調」(TISR), "「台灣民心動態調查、大選及國親分合」民調新聞稿," conducted September 24-25, 2015, <http://www.tisr.com.tw/?p=5913#more-5913>.

Beijing insist in limiting Taiwan's international space, it will only reinforce the growing antipathy among Taiwanese people toward China and thereby work against its own ultimate goal.