FROM POLITICAL TARGETS TO TECHNOLOGICAL SECURITY: THE EXPANDING SCOPE OF CHINA'S LAWFARE AGAINST TAIWAN

by
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Introduction

Beijing has increasingly expanded its use of legal measures, including laws, regulations, and judicial guidelines, that can affect Taiwanese freedom of speech and movement, even when those measures are not specifically directed at Taiwan or designed within a coordinated legal framework. Taiwanese officials and scholars have increasingly categorized some of these developments as mechanisms through which Beijing seeks to deter Taiwanese citizens and their advocates, alongside Beijing's repeated assertion that it seeks peaceful reunification while refusing to rule out the use of force.

While lawfare is often understood as the use of legal instruments to support a broader strategic or military objective, China's approach toward Taiwan suggests that legal mechanisms can also serve to constrain individuals, reinforce Beijing's sovereignty claims, and shape the political and legal environment in which Taiwan and its advocates engage with the international community.

The Development of China's Legal Measures

Three legal developments illustrate this trend: the "Notification on Punishment of "Taiwan Independence" Diehards Who Commit Crime of Splitting the Country and Inciting Secession," the "Ethnic Unity and Progress Promotion Law" and the new regulations concerning Exit and Entry Administration. These measures can have interconnected effects, expanding the range of legal mechanisms through which Beijing can affect people perceived as challenging its political narratives or posing risks to China's national security and interests. The first measure primarily targets Taiwanese political actors, while the other two have broader scopes and do not specifically target Taiwan, although they can still affect Taiwanese citizens.

In June 2024, Beijing announced a notification regarding the punishment of Taiwan independence diehards, targeting individuals accused of intending to "separate" Taiwan from the People's Republic of China (PRC). Those convicted under the notification can face sentences of up and including the death penalty. The notification raised concerns in Taiwan and among its partners. However, because of its specific focus on "Taiwan independence," its primary targets are Taiwanese politicians associated with the Democratic Progressive Party (DPP) and others labeled as pro-independence.

In July 2026, Beijing expanded this legal approach to the realm of ethnicity through the Ethnic Unity and Progress Promotion Law. One aim of this law is to strengthen Taiwanese people's sense of belonging to the Chinese nation and encourage them to identify as Chinese. The legislation indicates that organizations such as the All-China Federation of Taiwan Compatriots (台湾同胞联谊会) and companies operating within China should contribute to these efforts. This creates additional channels through which Beijing can scrutinize or influence individuals through social organizations and companies.

Concerns over the law's implications for Taiwan have become more pronounced following the July attack on Akio Yaita, a Taiwan-based Japanese journalist. Taipei has characterized the incident as a potential case of transnational repression and raised concerns that China's new law could facilitate such activities. The case remains under investigation.

On September 15, the new Exit and Entry regulations took effect. They allow Chinese authorities to examine individuals' private data to prevent alleged criminal activity committed both within and outside China. They also allow the authorities to deny individuals permission to leave China based on concerns that they may endanger national or technological security. Taiwan's Mainland Affairs Council has warned its citizens about the potential risks of traveling to China, pointing out that Taiwanese tech professionals could be among the groups at particularly high risk under these regulations.

The Ambiguity and Extraterritoriality

The new regulations have only recently taken effect, and no concrete case has yet been directly linked to them. However, the case of AI company Manus' founders, Xiao Hong and Ji Yichao, who were reportedly barred from leaving China while authorities investigated the company's deal with Meta in March, illustrates the type of restrictions that could arise under the new framework. Similarly, Chinese authorities allegedly asked another AI firm, MiroMind, not to send its talent abroad. Although both cases predate the formal implementation of the new regulations, they reflect the type of restrictions for which the new rules could provide a clearer legal basis. In this context, the significance of the Exit and Entry regulations as instruments of lawfare lies in their incorporation of technological security into a broader legal framework through which Beijing can exert pressure on individuals whose activities it considers contrary to its national interests.

The Exit and Entry regulations and the Ethnic Unity and Progress Promotion Law may primarily target Chinese citizens rather than specifically targeting Taiwanese citizens; nevertheless, their implications extend beyond China's citizens. Taiwanese citizens, in particular, hold an ambiguous position within the Chinese legal system, creating uncertainty over how Chinese authorities may categorize them and which legal provisions could be applied to them. The U.S. Department of State also warns that when individuals travel to China using a Chinese-issued document, such as the Mainland Travel Permit for Taiwan Resident (so-called *taibaozheng*, 台胞證), "Chinese authorities may consider one to be Chinese only". The potential application of these regulations to Taiwanese citizens therefore illustrates how Beijing's broader national-security legislation can affect Taiwan, especially because the regulations could encompass a wide range of conduct that Chinese authorities deem criminal.

Moreover, the Ethnic Unity and Progress Promotion Law has an extraterritorial dimension, while the other two measures may also have implications beyond Chinese territory, given Chinese authorities' broad and potentially unchecked interpretation of their scope. This creates the possibility for Beijing to further employ legal instruments as tools of transnational repression. The potential for individuals to be targeted outside China could have a chilling effect and encourage self-censorship in both Taiwanese society and the international community. Such effects could potentially undermine societal resilience by heightening fears among Taiwanese citizens and Taiwan advocates.

Conclusion: The Changing Status Quo in the Taiwan Strait

Although these measures were not necessarily designed as a single, coordinated framework targeting Taiwan, their combined effects contribute to a broader legal environment that expands the scope of China's lawfare against Taiwan—from targeting political opposition and mobilizing social institutions to increasingly affecting professional activities linked to national and technological security. The interaction among these measures blurs the boundaries between political opposition, social activities, and professional conduct, while potentially affecting the personal safety and freedom of Taiwanese citizens and Taiwan advocates. More broadly, Beijing's gradual expansion and reinterpretation of legislation concerning Taiwan and national security, alongside its expanding extraterritorial reach, indicate that the status quo across the Taiwan Strait is being challenged through legal and political means, not just military coercion.

These legal developments should be treated as part of China's gray-zone tactics against Taiwan. They are often overlooked because some changes are considered minor and the potential drawbacks and consequences are less tangible than, for instance, military exercises and the presence of Chinese vessels around Taiwan. Taiwan's major partners, including the U.S. and European countries, should therefore remain alert to these legal developments and reconsider how their trade and foreign policies can respond to Beijing's expanding use of legal mechanisms to advance its ambitions in the Taiwan Strait and deter opposition to them.

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