



# Taiwan Communiqué

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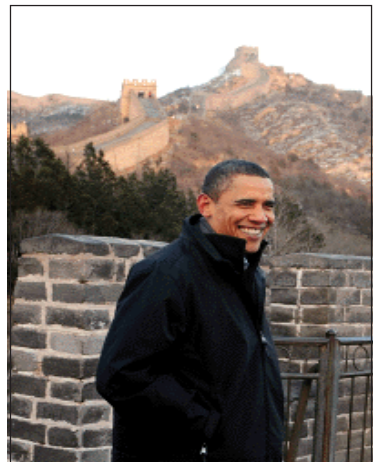
## President Obama and China “Sovereignty” and “territorial integrity” ?

From the 15<sup>th</sup> through the 17<sup>th</sup> November 2009, President Obama visited the Peoples' Republic of China. The joint statements reflect engagement with the PRC on a broad range of global issues, affecting the economy and the environment. However, many US publications concluded that the visit was short on concrete results, and was lacking substantial commitments from China on key issues like human rights, Iran, dialogue with the Dalai Lama, or on goals to be set at the December 2009 UN climate change summit in Copenhagen.

While engagement is to be welcomed, President Obama and his advisors seemed too eager to create a “positive atmosphere”, and let the PRC dictate the terms of the visit and the contents of the “Joint Statement.” In particular, two elements in the statements in Beijing are detrimental to freedom and democracy in Taiwan and a free choice for the people of the island on their future as a full and equal member in the international family of nations.

1. President Obama did refer to the Taiwan Relations Act in his statement to the press on 17 November 2009. However, both in the press statement and in the US-China Joint Statement, several references were made to “respect for *sovereignty* and *territorial integrity*”. These are code-words for China’s unjustified claims

Photo: Reuters



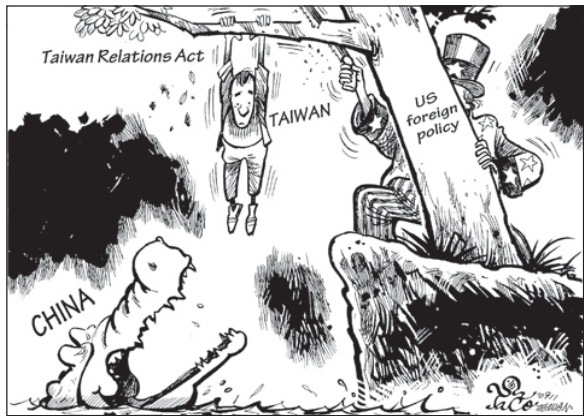
**President Barack Obama  
at the Great Wall**

to sovereignty over Taiwan. The US has never recognized these Chinese claims, only “acknowledged” them. If the Administration now appears to “agree” to “respect for *sovereignty* and *territorial integrity*” in the context of a Taiwan-related statement, there is a significant problem.

2. In his press statement, President Obama also applauded the “... *steps taken to relax tensions and build ties across the Taiwan Strait.*” While a reduction of tension across the Strait is obviously to be welcomed, it has been documented extensively

that the rapprochement across the Strait has been accompanied by an erosion of justice and a significant degradation of human rights and democracy in Taiwan. Former US Ambassador Nat Bellocchi, who served as Chairman of the AIT in the 1990s, referred to this in an OpEd in the **Taipei Times** (*Pitfalls and possibilities in Obama’s Taiwan line*, 9 November 2009) while a group of prominent international scholars and writers wrote yet another Open Letter to President Ma, expressing concern about these developments (see pp. 13-15).

Copyright: Taipei Times



### Is the TRA a "core interest" of the United States?

**Taiwan Communiqué comment:** *On the first issue: Obama Administration officials may argue that the words “sovereignty” and “territorial integrity” earlier appeared in the Three Communiqués. This is only partially true: in the First (Shanghai) Communiqué they appeared in a very different context: below is the specific quote. Perhaps the US should remind the Chinese of their emphasis on peoples’ right to choose according to “their own wishes” and the “right to safeguard the independence” ...*

*The Chinese side stated that it firmly supports the struggles of all the oppressed people and nations for freedom and liberation and that the people of all countries have the right to choose their social systems according **their own wishes** and the **right to safeguard the independence**, sovereignty and territorial integrity of their own countries and oppose foreign aggression, interference, control and subversion....*

*In the Second (Normalization) Communiqué of December 1978, the terms “sovereignty” and “territorial integrity” do not appear at all, while only in the Third (August 17<sup>th</sup> 1982) Communiqué the term appears again, this time in relation to Taiwan. However, at the same time, the United States government issued the Six Assurances to Taiwan, stating: “The United States does not formally recognize Chinese sovereignty over Taiwan.”*

*However, the two main points to be made in the context of this issue are:*

- 1. Taiwan was not a party to the Three Communiqués in any way; in fact it was ruled by a very undemocratic KMT regime at the time. The US should not hold Taiwan’s future hostage to the Communiqués, but maintain a policy in which the people of the island can freely and openly decide on their own future.*
- 2. Against the background of the present situation, it is a significant – and even dangerous — step backwards that “sovereignty” and “territorial integrity” are mentioned in a US-China document with specific reference to Taiwan as a “fundamental principle.” It severely undermines Taiwan’s negotiating position (China will say “see the US agrees with us”) thus giving Taiwan very little leeway, and forcing it with its back against the wall.*

*We emphasize that the US position needs to remain – in accordance with the 1979 TRA – that Taiwan’s future needs to be resolved **peacefully**, and that this is done with the assent/consent of the Taiwanese people, as emphasized by President Clinton in 1999-2000.*

*On the second issue, “relaxation of tensions”: the unquestioning, rosy-colored praise by the US Administration for the Taiwan-China rapprochement — without any reference to the significant degradation of justice, democracy and freedoms which has occurred under President Ma Ying-jeou — will only strengthen the undemocratic forces in Taiwan, and severely undermine its hard-earned democratic liberties.*

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## **The 1979 Kaohsiung Incident at 30**

### ***Beginning of Taiwan’s transition to democracy***

December 10<sup>th</sup> 2009 marks the 30<sup>th</sup> anniversary of the Kaohsiung Incident of 1979. It became a watershed in Taiwan’s political history, as it galvanized the democratic opposition in Taiwan and overseas Taiwan supporters into action, and thus ushered in

the beginning of the end of the Kuomintang's martial law and one-party police state.

The event, which started out as a Human Rights Day celebration by the nascent democratic opposition turned into a melee after the police surrounded the crowd and started using teargas. Three days later, the Kuomintang authorities used the disturbances as an excuse to arrest virtually all leaders of the opposition. Eight major leaders were accused of "sedition", tried in military court and sentenced to prison terms ranging from twelve years to life imprisonment.



### **Military and police units encircling the crowd and releasing teargas**

The course of events during the evening of December 10<sup>th</sup> 1979 were later chronicled in the publication **The Kaohsiung Tapes**, published in December 1981 (<http://www.taiwandc.org/kao-tapes.pdf>). The document presents a word-for-word account of what was said during the evening and contradicts the KMT government's claim that the speakers were "inciting" the crowd to "overthrow" the government – the basis for the government's "sedition" charges.

In fact, the document shows that the police was primarily responsible for the disturbances, when heavily-armed military and police units encircled the crowd and started to throw teargas into the peaceful demonstration. The melee occurred after the crowd broke through the police cordon to escape the teargas.

Several of the imprisoned opposition leaders became major political figures: Ms. Chen Chü served in various government positions and presently is mayor of the southern port-city of Kaohsiung; Ms. Annette Lu served as Taiwan's vice president from 2000 to 2008;

Mr. Yao Chia-wen served as DPP Chairman in the late 1980s and became President of the Examination Yuan in the government of President Chen Shui-bian, while Mr. Lin Yi-hsiung served as DPP Chairman in the late 1990s.

The defense lawyers also became a closeknit group and their roster reads like the *Who is Who* in the later DPP: Chen Shui-bian is of course the most well-known on the list, as he became Taipei mayor in the 1990s and was elected President of Taiwan in 2000. Mr. Hsieh Chang-t'ing, who served as mayor of Kaohsiung and Prime Minister, and was the DPP's Presidential Candidate in 2008, was also a key member of the defense team. But there were other defense lawyers who played crucial roles: Chiang P'eng-chien, who became the first Chairman of the DPP in 1987, and Dr. You Ching, who served in the Control Yuan, was elected Taipei County Magistrate, and served as Ambassador to Germany.

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## Local elections on December 5<sup>th</sup> 2009

### *Test of Taiwan's Democracy*

*By Michael J. Fonte, DPP Liaison in Washington DC*

A vibrant democracy demands at least two vigorous political parties. Taiwan's upcoming December 5<sup>th</sup> elections will provide a snapshot of how well Taiwan is doing on this score. Voters in these "Three-in-One" elections will go to the polls to elect 17 mayors and county magistrates, 592 city and county councilors, and 319 city and township heads in 17 cities and counties across the country.

The Democratic Progressive Party is in a rebuilding mode, trying to regain ground and the momentum lost in the legislative and presidential election defeats in January and March 2008 respectively. *"The DPP must return to local government and prove to the people the quality of pan-green leadership. We must let people know the DPP is a competent and compassionate party. We not only help the marginalized, we are also effective at stimulating the domestic economy and the job market,"* DPP Chair Tsai Ing-wen has declared.

The DPP is likely to keep the three magistrate positions it holds in Yunlin, Chiayi and Pingtung counties and win back Ilan County which has long been a DPP stronghold. Winning four counties out of the 17 might not seem like a great victory, but it will provide the DPP with a sense of having stopped its slide in the polls and give the party energy

for the “Big Five” contest in 2010, when elections will be held for the positions of mayor and county magistrate of Taipei City and County and the recently redistricted metropolitan areas of Kaohsiung, Tainan and Taichung. The 17 counties in the present elections hold approximately 9 million of Taiwan’s 23 million people and thus are a major steppingstone to 2010.

*“Overall, the situation for the DPP is moving in a positive direction, but close observation is still needed as to whether the tendency can be maintained up to polling day, when we can see quality change made through quantity change,”* DPP Chair Tsai noted.

Photos: DPP Democracy & Progress



**The four likely DPP winners in the local elections (left to right): Tsao Chi-hung (Pingtung County), Chang Hua-kuan (Chiayi County), Su Chi-fen (Yunlin County), and Lin Tsung-hsien (Ilan County).**

Intriguing races are taking place in Hsinchu and Hualien counties, where the KMT is divided and independent candidates are very likely to win. In Hsinchu, KMT lawmaker Chiu Ching-chun is the party’s nominee. However, Chiu garnered some bad publicity for himself on November 21<sup>st</sup> when he reportedly said during a KMT Central Standing Committee meeting that because the county has a large population of Hakka, voters should support a Hakka candidate and not elect a candidate from a different ethnic group. Critics have accused Chiu of fostering ethnic tension, always a hot issue in Taiwanese politics. County Council Speaker Chang Pi-chun, running as an independent, is challenging Chiu and polls show Chang winning.

Three candidates are running in Hualien, all originally KMT. The poll shows the official KMT candidate, Tu Li-hua, losing to lawmaker Fu Kun-chi. However, another former KMT’er, Vice County Magistrate Chang Chih-ming, also running as an independent, has the support of the DPP, with DPP Chairwoman Tsai saying that the issue is not a win for the DPP but rather endorsing a good magistrate.

While Chang is not likely to win, this is an interesting test case of whether there will be more collaboration across party lines and shifting coalitions of power in the future.

## *Referendum on Ma Ying-jeou's policies*

While the saying “all politics is local” applies in Taiwan as in the U.S., the December elections are viewed by many as a referendum on Ma Ying-jeou, who doubles as President and KMT Chair. Reports from the field say KMT candidates have been trying to distance themselves from Ma. During the past months, Ma has been under intense criticism for

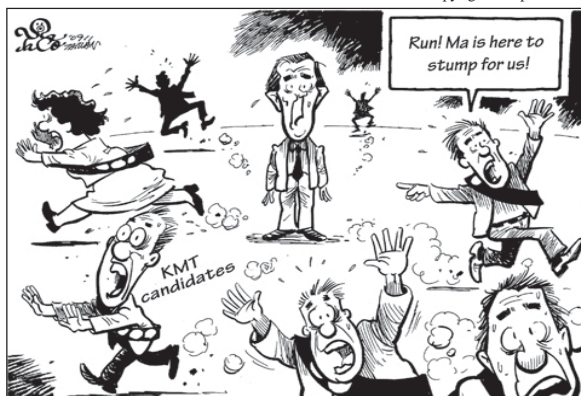
his China-leaning policies, the inept response to typhoon Morakot (see *Taiwan Communiqué* no. 125) and the continuing downturn in the island's economy. In most opinion polls, Ma's popularity has plummeted to below 30%.

After the uproar on the lack of the Ma administration's response to typhoon Morakot, President Ma accepted the resignation of Prime Minister Liu Chao-shiuan. However,

in spite of the KMT's claim to have broad experience in governing at the national level, Mr. Ma picked as new premier and vice-premier two people — former Kaohsiung mayor Wu Den-yih and former Taoyuan county magistrate “Eric” Li-luan Chu — whose principle strength is local-level politics. Perhaps he did have these local elections in mind?

Two other variables may have a bearing on the election results. DPP Chair Tsai noted that the biggest variable in local elections is vote-buying, and that bribery prevention is the key to winning. The DPP has purchased videotaping equipment to help monitor this problem.

During the past months, quite a number of cases of vote buying by KMT officials have come to light, with the courts annulling the election of a total of four KMT legislators on charges of vote buying, representing only the tip of the KMT's vote buying iceberg.



Copyright: Taipei Times

**KMT candidates running away from President Ma:  
"Run, Ma is here to stump for us!"**

Also, in a sign that vote buying is still an integral part of the KMT culture, rampant vote buying came to light during the October 2009 elections for the KMT Central Standing Committee, forcing an *en masse* resignation of twelve of the CSC's 32 elected members in late October and a new by-election on November 14<sup>th</sup> 2009.

Another DPP concern is the continuing use of the judiciary to harass DPP candidates. In October-November 2008, the KMT-controlled judiciary detained a number of local DPP officials, including outgoing Chiayi County Magistrate Chen Ming-wen and Yunlin County Magistrate Ms. Su Chih-fen, who is running for re-election. Since then, a number of "investigations" of local DPP officials have been initiated, which never lead to indictments or convictions, but which do smear the name of these officials and harm their chances of winning an election.

Recently, the DPP's Hsiao Bi-khim accused the KMT of nudging prosecutors to launch a probe into the campaign of the DPP's candidate in Chiayi County, Mrs. Chang Hua-kuan. DPP Chair Tsai called on the KMT to refrain from using such unfair and unjust tactics. *"This is absolutely unfair to the DPP candidates. In the last few years, in every major election, the judiciary suddenly started to investigate the DPP candidates. But the fact is, the recent string of lawmakers that have fallen from grace for vote-buying have all belonged to the pan-blue camp."*

The December 2009 elections may just be "local" but their ramifications could be profound. Hang on to your hats and watch closely.

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## **Erosion of justice and democracy**

### ***Former President Chen and his wife sentenced to life imprisonment***

In our previous *Taiwan Communiqué* we reported on the judicial proceedings against former President Chen Shui-bian, and the appeals by prominent scholars in Taiwan and by fifteen Taiwanese-American organizations against the continuing incarceration of the former President (see *Taiwan Communiqué* no. 125, pp 11-14).

On September 11<sup>th</sup> 2009 (an ironic choice for a date!), the Taipei District Court handed down the verdict: life imprisonment for both President Chen and his wife Wu Shu-jen.



The sentence immediately drew strong reactions inside Taiwan and overseas: in Taipei hundreds of Chen supporters demonstrated outside the District Court with yellow ribbons and yellow balloons, protesting the severely flawed proceedings and the unreasonably heavy sentences.

DPP Chairperson Tsai Ing-wen stated that the process was politically-biased, and that the Court employed double standards. In editorial, both major English-language newspapers in Taipei, the **Taipei Times** (*A guilt verdict to scorn*, 12 September 2009) and **Taiwan News** (*Taiwan deserves better justice from Chen trial*, 11 September 2009), strongly criticized the verdict as being unfair and unjust. The London-based **The Economist** decried the judicial flaws in an editorial on 17 September 2009.

Photo: Taiwan News



**Former President Chen Shui-bian, being led to a High Court hearing**

Elsewhere overseas, Prof. Bob Yang — the president of the Washington-DC based Formosan

Association for Public Affairs – termed the process and verdict “*political persecution by judicial means*” and urged the Kuomintang government to release president Chen Shui-bian pending the further appeal procedure in High Court.

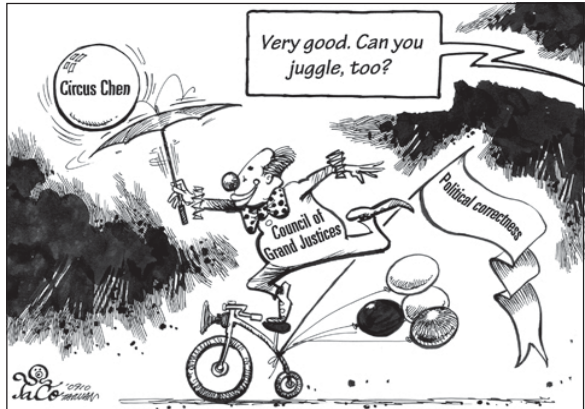
An appeal for Chen’s release was also made by New York University professor Jerome Cohen, who served as President Ma Ying-jeou’s advisor during his studies at Harvard. At a 25 September 2009 symposium in Washington DC, professor Cohen stated that Chen faces the near-impossible task of defending himself in the lengthy appeal procedure, and that it was “*like fighting with one arm tied behind his back.*”

At the same symposium, University of Pennsylvania professor Arthur Waldron decried the “stench of vindictiveness” surrounding the legal procedures against Chen. He stated that the way Chen had been treated “*... is not the way a developed and modern country deals with a former head of state*” and criticized the Kuomintang government for going after the DPP while totally ignoring its own dirty laundry “*... that is stored in all kinds of closets and hidey-holes around Taiwan.*”

## *Chen Shui-bian appeals sentence and incarceration*

After the September 11<sup>th</sup> 2009 verdict, President Chen and his lawyers immediately lodged an appeal, both against the sentence as well as against the fact that he was still being incarcerated. Under Taiwanese law, the appeal against the sentence automatically means a new trial in Taiwan's High Court, which could take many months, if not more than a year.

The appeal against the incarceration needed to be settled immediately, and on 24 September 2009, the High Court decided that Chen should remain imprisoned for at least another three months. Chen and his lawyers immediately appealed this decision to the Supreme Court, which came back with a ruling that the High Court had "not explained adequately" why continued detention was necessary, questioned the High Court's notion that Chen and his family had hidden cash and assets overseas, and called into question that Chen was "likely to flee" when released from detention.



### **The Council of Grand Justices circus: very "politically correct"**

However, hope for fairness and balance in the judicial proceedings evaporated on 8 October 2009, when the High Court simply reiterated its position and kept Chen behind bars. On 5 November 2009, the Supreme Court rejected Chen's appeal against the High Court ruling, making it final. No dates have been announced for a start of the trial in the High Court.

In the meantime, an interesting episode played out in the Council of Grand Justices, a kind of Constitutional Court which decides whether particular judicial matters are in keeping with the Constitution. A number of months ago, Chen and his lawyers had filed a complaint to the Council that the mysterious switching of judges in mid-December 2008 was unconstitutional: judge Chou Chan-chun, who had set Chen free after his mid-December 2008 indictment, was suddenly replaced by judge Tsai Shou-hsun who subsequently had Chen rearrested.

On 16 October 2009, the Council finally came out with its “constitutional interpretation”, which – not unexpectedly (against the background of the present political climate in Taiwan) – that the decision had been constitutional. Interestingly, the decision came not without debate: two of the fifteen members of the Council took the position that the switching of judges was unconstitutional, but they were obviously in a minority.

### *Reporters Without Borders downgrades Taiwan*

In the middle of October 2009, the Paris-based organization **Reporters Without Borders** published its annual report on global press freedom. Not surprisingly, Taiwan dropped considerably in its press freedom ratings: during the past year there had been many reports of interference by the KMT government of president Ma Ying-jeou in the press.

Taiwan dropped from 36<sup>th</sup> place in 2008 to 59<sup>th</sup> place this year, a 23 spot drop. In the current rating it ranks behind countries such as Haiti, Burkina Fasso and Papua New Guinea. The report mentioned specifically that “*the new ruling party in Taiwan tried to interfere in state and privately-owned media...*”



**Reporters Without Borders press freedom index for Taiwan, Japan and South Korea**

Data from **Reporters Without Borders** over the period 2002-2008 also showed that during the presidency of DPP President Chen Shui-bian, press freedom in Taiwan had significant improved, leading many international observers to praise the country for its “*rambunctious press.*” This trend has now been reversed in a downward direction.

The data also show that press freedom in surrounding East Asian countries varied considerably: neighbor Japan continued to show an increasingly free and open society, on par with most West European nations, while South Korea also experienced a significant downturn after the government of President Lee Myung-bak took office.

## Presbyterian leaders go to Washington *Presenting the “Appeal of the People in Taiwan”*

On the eve of president Obama’s visit to Asia, the leadership of the Presbyterian Church in Taiwan visited Washington to present the US government with the “Appeal of the People in Taiwan”, an open letter to President Obama that was adopted by the General Assembly in Tamsui in July 2009.

Photo: Presbyterian Church in Taiwan

From November 9<sup>th</sup> through the 12<sup>th</sup> 2009, General Secretary Andrew Chang and Moderator Leonard Lin made the rounds in Washington visiting government offices and members of Congress. In two separate meetings with the Department of State, they handed over the letter to the US President, and also discussed the erosion of justice and degradation of democracy and human rights which have taken place in Taiwan since President Ma came to power in May 2008.

The leaders emphasized that this deterioration of basic freedoms is directly related to the policies of the Ma administration to move closer to China, economically and politically: in almost any decision by the KMT government, the main question seems to be: “*what will Beijing think of this?*” leading to infringements of basic freedoms such a freedom of expression and of the press.



**Rev. Andrew Chang (R) and  
Leonard Lin (L) in Washington**

The Church leaders also detailed the often not-so-subtle coercive actions taken by the KMT government against the Presbyterian Church itself, such as wiretapping and frequent visits by tax inspectors selectively aimed at the Presbyterian Church: no other religious organization is subject to similar scrutiny.

In meeting with more than half a dozen Congressional offices, Rev. Chang and Rev. Lin explained that the Church is deeply rooted in the Taiwanese society, and has built a widespread network, especially in the aborigine community. This was of tremendous significance in the aftermath of Typhoon Morakot, when the Church was able to provide quick and efficient relief work, while the KMT government was dithering.

The Church leaders also referred to the long history of the TPC in speaking out for social justice as well as democracy, human rights and a free and independent Taiwan. In particular they spoke of the courageous stance in the 1970s, when — under the leadership of General Secretary Kao Chun-ming — the Church issues three statements, On Our National Fate (1971), Our Appeal (1975) and Declaration on Human Rights (1977).

The Church leaders emphasized that this long history of social and political concern is prompting the Church to raise its voice again and urge the Obama Administration and the US Congress not to allow any backsliding on democracy and human rights in Taiwan. They stated that – with American help – the people of Taiwan had fought long and hard for their democracy, and that it would be highly unfortunate if these hard-won democratic gains would now be sacrificed on the altar of “*relaxation of tensions and building ties across the Taiwan Strait.*”

They said they believed that the United States would stand by Taiwan as its good friend and ally, but felt that the headlong rush by the Ma administration towards China was seriously undermining Taiwan’s democracy and endangering its very existence and future as a free and democratic nation.

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## International scholars reiterate concern

### *Open letter to President Ma Ying-jeou*

During the past year, a number of international scholars and writers have repeatedly expressed concern to the Kuomintang government of President Ma Ying-jeou about the erosion of justice, human rights and democracy in Taiwan.

Recently, the group sent its fifth open letter, which was published in the **Taipei Times** on 13 November 2009. Below follows the full text. The list of 31 signatories can be found at <http://www.taipeitimes.com/News/editorials/archives/2009/11/13/2003458289>

*Dear President Ma Ying-jeou,*

*During the past year, we, the undersigned — scholars and writers from the US, Canada, Asia, Europe and Australia — have publicly expressed to your government our concerns about a number of trends and developments in Taiwan. On Nov. 6, 2008, and again on Dec. 2 in letters to Minister of Justice Wang Ching-feng, we focused on the issues of erosion of justice, significant flaws in the judicial system and judicial abuses against members of the democratic opposition.*

*On Jan. 21, 2009, and again on May 21, we addressed two open letters to you, Mr. President, expressing concern about the fairness of the judicial system, as well as erosion of press freedom and democratic checks and balances.*

*We regret to say that the responses received from Government Information Office (GIO) Minister Su Jun-pin did not adequately address the issues raised, nor have we seen any substantive ameliorative steps taken to correct the problems.*

*Since then, a number of developments have taken place — some positive and some negative — which prompted us to write to you again to express our views on these issues. We wish to reiterate that we raise these points as strong international supporters of Taiwan's democracy who care deeply about the country and its future as a free and democratic nation.*

*We also emphasize that we do not take sides in internal political debates, but do have Taiwan's international image and credibility as an international partner in mind. Because of the hard work and perseverance of the Taiwanese people, Taiwan was able to make the transition to democracy two decades ago.*

*We applaud this achievement and strongly believe that this basic fact, democracy, is the strongest card Taiwan can play in building and strengthening its relations with other countries around the world and the strongest protection against outside interference in Taiwan's internal affairs.*

*We are sure that you would agree with us that Taiwan's young democracy can only grow and prosper if it is nurtured through good governance, accountability and transparency based on the fundamental principles of freedom, democracy, justice and human rights. This would also adhere to both the letter and spirit of the two UN human rights covenants signed by you and ratified by the Legislative Yuan, and be enhanced by the implementation of these covenants into national law in accordance with the advice of the International Commission of Jurists.*

*During the past two decades, Taiwan has made major progress in each of these areas. It thus has been a disappointment for us to see an erosion of justice, a weakening of checks and balances in the democratic system and a decline in press freedom in Taiwan. These trends are reflected in the significantly downward ratings Taiwan received in the annual reports of international organizations such as Freedom House and Reporters without Borders.*

*They are also reflected in the expressions of concern by international scholars and friends of Taiwan related to the flaws in the judicial proceedings against former president Chen Shui-bian and the apparent lack of neutrality in the continuing*

*“investigations” and indictments of other prominent members of the former DPP government. We thus appeal to you again to ensure that measures are taken to ensure the impartiality and fairness of the judiciary.*

*Good governance, accountability and transparency based on the fundamental principles of freedom, democracy, justice and human rights are all the more essential now that your government is moving Taiwan on a path of closer economic ties with China. We believe that a decrease of tension across the Taiwan Strait would indeed be welcome, but emphasize that this should not be done at the expense of the hard-won democracy and human rights in Taiwan itself.*

*Thus, the process of improving relations with your large neighbor across the Taiwan Strait needs to be an open, deliberative and democratic process, in full consultation with both the Legislative Yuan and the democratic opposition, and fully transparent to the general public.*

*We are thus pleased to hear that officials of your government have stated that any agreement with China would need to have both a domestic consensus, including approval by the Legislative Yuan, and acceptance by the international community.*

*We trust this process will be open and consultative in ways that respect the democratic traditions begun so promisingly two decades ago. Indeed, we emphasize that a country can only grow and prosper if it has diversified ties — economically and politically — to other countries.*

*Too close an embrace with one neighbor will expose that country to the risks of volatility in the neighboring country, in particular if that neighbor remains authoritarian and openly disrespectful of Taiwan’s democratic achievements.*

*Mr. President, we wish to emphasize again that, as international scholars and writers who have followed, supported and applauded Taiwan’s impressive transition to democracy, we feel strongly that Taiwan should be more fully accepted by the international community as a full and equal partner.*

*This can only be achieved if Taiwan ensures that its democratic achievements are safeguarded, that its sovereignty, human rights and fundamental freedoms are protected, and that the democratic fabric of society is strengthened so the country is ready to meet the challenges ahead.*

*Respectfully yours,*

# Seminar “Beyond Formosa Betrayed”

## *The history of Taiwan’s transition to democracy*

On Friday, 25 September 2009, a seminar titled “Beyond Formosa Betrayed” was held at the National Press Club in Washington DC, drawing some 80 participants. The seminar drew its name from the recently-released movie “Formosa Betrayed” depicting the journey of an American FBI agent trying to get to the bottom of a murder of a Taiwanese-American professor in the early 1980s, when Taiwan was still under martial law (see “Formosa Betrayed, the movie”, in *Taiwan Communiqué* no. 125, pp. 16-17).

The purpose of the seminar was to present the audience in Washington further background on the actual events in the early 1980s as well as the crucial role played by the US Congress in moving Taiwan towards its transition to democracy in the late 1980s. Prof. Nancy Bernkopf Tucker of Georgetown University, author of *Strait Talk; US-Taiwan Relations and the Crisis with China*, set the stage and provided the overall historical backdrop, describing the political environment in Taiwan in the late 1970s and early 1980s.

Photo: You-yen Yang



**FAPA president Prof. Bob Yang opening the seminar, with the first panel behind the table**

She was followed by Mr. Fulton Armstrong, staff at the Senate Foreign Relations Committee. In the early 1980s Mr. Armstrong served as foreign affairs aide to Congressman Jim Leach. He discussed the efforts in the House of Representatives to help bring about a transition to democracy in Taiwan. He described how the cases of the murders of the Lin family and of professor Chen Wen-chen provided an opportunity for the US Congress to understand what was wrong in Taiwan, and to take steps to help fix it.

Mr. Armstrong then turned to the present and said that the continuing poor quality of Taiwan’s democracy and the deep problems with its judiciary are being overshadowed



by the mistaken image that the present KMT policies are “solving the Taiwan problem.” He emphasized that from all sides there should be a solid commitment to democracy. This means that the KMT and Beijing cannot pretend that the Taiwanese do not exist and should not have a voice in their future. He stated that the 2008 election result is not a mandate for the Ma government to forget that democracy requires close consultation.

The last speaker in the first panel was Mr. Thomas G. Hughes, former chief of staff to the late Senator Claiborne Pell (D-RI), who was a driving force in the Senate in support of human rights and democracy in Taiwan. Mr. Hughes gave a very moving account of the friendship between two of the main actors in the early 1980s whose work contributed greatly to Taiwan’s transition to democracy: Senator Claiborne Pell and Dr. Mark Chen, who came to the US as a young student studying at the Univ. of Oklahoma in Norman, and returned in the late 1980s to Taiwan to join the political process, culminating in his position as foreign minister under President Chen.

Hughes described how Pell had taken the lead on democracy and human rights issues, including the political murders which took place, and also took a longer-term view, outlining a vision for the future, which resulted in a resolution drafted by Pell which included the now famous phrase: *“Taiwan’s future should be settled peacefully, free of coercion and in a manner acceptable to the people of Taiwan.”*

## *Towards truth and reconciliation in Taiwan?*

After a brief intermission, the second panel started, which was titled: Implications for Today: towards Truth and Reconciliation in Taiwan. The first speaker in this panel was Prof. Jerome A. Cohen, Professor of Law at New York University and Co-Director of its US-Asia Law Institute. He started his presentation by arguing in favor of “Double Reconciliation”: a) in Taiwan itself, and b) between Taiwan and China. He said that watching the movie “Formosa Betrayed” brought back many memories of his involvement with Taiwan’s transition to democracy, from working with Prof. Peng Ming-min in 1969 through his legal assistance to the widow of writer Henry Liu in 1984.

He then focused on the need to overcome the bitter divisiveness in the society: both sides need to overcome this, and keep the interest of the Taiwanese people in mind. In his view, this needs to be combined with moves towards some kind of accommodation with China, which needs to be consistent with Taiwan’s national interests, its freedom and democracy. As an example of the need to keep freedom and democracy in mind, he referred to the recent decision by the Kuomintang government not to allow Rebiya Kadeer into

Taiwan to attend the Kaohsiung Film Festival for the showing of the movie “Ten Conditions of Love.” He said that the Ministry of Interior’s arguments that Kadeer might be a terrorist or is linked to a terrorist organization “is nonsense.” He said that Kadeer lives in Washington DC, and that her presence has not affected anybody’s security here.

He was followed by Prof. Arthur Waldron, Lauder Professor of International Relations in the Department of History at the University of Pennsylvania. Prof. Waldron put the developments in Taiwan in a broader context, and spoke on the process of transitional justice and truth and reconciliation, drawing from the experience in other countries such as South Africa.

Photo: FAPA



**Prof. Jerome Cohen (L) and Prof. Arthur Waldron**

Prof. Waldron discussed the various concepts of truth and reconciliation, saying that it holds the middle between the Neurenberg model (in which the conqueror comes in and decides who is the guilty one) and the Spanish model (where, after the Franco era, it was decided not to reopen the books so as to avoid further divisiveness in society). Turning to Tai-

wan, Prof. Waldron discussed how society in Taiwan has in a way already confronted a past—the 228 events of 1947—that was a taboo in Taiwan for many decades. Now there is a 228 Monument in Taipei that is “carrying everything into memory.”

Still, he expressed deep concern about several recent events, which turned him from being “cautiously optimistic” to “cautiously pessimistic” about Taiwan’s future: first he referred to the trial of former President Chen Shui-bian. Expressing shock about the “stench of vindictiveness” associated with the trial. He stated that “this is not the way a modern, developed country deals with its former head of state.”

He said that these and other events made him feel concerned that the party in power in Taiwan is losing track of the way democracy works: “*we see the bypassing of the Legislative Yuan, the influx of Chinese money in the media, and the use of economic coercion by China, making democracy increasingly difficult. At its worst, one might say it is an attempt at the restoration of the party-state system in Taiwan.*” But he said that these trends are eliciting countertrends pulling Taiwan back to its democratic baseline.

In closing he returned to the inherent tension between real democracy in Taiwan and accommodating an increasingly powerful – and still repressive – China. He said: “in history we have been in this position many times before: our democratic values and our beliefs in liberty and freedom may – at least in the short term – work against our material values. I hope we will know which way to chose.”

The final speaker was Prof. Ed Friedman, Professor of Political Science, University of Wisconsin, Madison. From January 1981 through August 1983 Prof. Friedman served as foreign affairs aide to Congressman Stephen Solarz (D-NY). Prof. Friedman drew conclusions from the earlier presentations, assessed the way forward between Taiwan and China, emphasizing the need for the US to remain true to its basic values of freedom and democracy.

Prof. Friedman recounted that in 1969 he had been asked to write a paper by the Kissinger NSC, and that in this paper, titled “Finessing the Taiwan Issue” he had argued that “Taiwan” was not an obstacle to US-China normalization *if the US would stick to its basic principles*. The paper was totally ignored by the Nixon administration, which proceeded to sell Taiwan down the river.

Prof. Friedman emphasized that “large strategic views” are often very faulty, and turn out NOT to be an accurate description of the real world. In the 1970s the opening to China by Nixon and Kissinger was used as a counterweight to the Soviet Union and an attempt to resolve the Vietnam crisis. Friedman argued that this simply did not materialize. He stated that in a similar way, some in the present (Obama) administration argue – incorrectly – that as long as we have a G-2 *Chimerica* solution, then we can solve all the world’s problems. He stated that we should certainly try to engage China, but that we should not be naive about it and maintain a hard-nosed attitude, keeping in mind the basic principles of democracy and human rights for which the US stands.

He emphasized that Prof. Chen Wen-chen and other freedom fighters in Taiwan did not give their life in vain, since Taiwan does have democracy now, and if its people are pushed too hard in China’s direction, there will be a counterforce. He concluded by saying that we need to make sure that the Taiwan story has a happy ending.

The event was organized by the Washington-based Formosan Association for Public Affairs and the Los Angeles-based Formosa Foundation, in cooperation with the Chen Wen-chen Memorial Foundation and the Formosan Association for Human Rights.

# Report from Washington

## *Three new Taiwan-related resolutions introduced*

During the past two months, three new Taiwan-related resolutions were introduced in the US Congress. First, on 15 October 2009, House Armed Services Committee member and a long-time friend of Taiwan, Congressman Robert Andrews (D-NJ), introduced HCR 200 “*expressing the sense of Congress regarding the freedom, security, and stability of Taiwan.*” The resolution highlights China’s coercion and increasing military threat against Taiwan and refers to the latest Pentagon report on the Chinese military power and to the passage by China of the anti-secession law in 2005 that drew a severe rebuke from the U.S. Congress.

The resolution concludes that it is the sense of Congress that—

- (1) grave concerns exist concerning the continued deployment by the People’s Republic of China of over 1400 ballistic missiles directed toward Taiwan, which threaten the security and stability in the Taiwan Strait;
- (2) the President should seek a public and unequivocal renunciation from the leaders of the People’s Republic of China of any threat or use of force against Taiwan;
- (3) the future of Taiwan should be determined free from coercion by the People’s Republic of China, peacefully, and with the express consent of the people of Taiwan.



**Robert Andrews (D-NJ)**



**Heena Ros-Lehtinen (R-FL)**

FAPA President Bob Yang lauded introduction of the resolution, and stated in a response: “*The missiles that China has targeted at the 23 million peace-loving people of Taiwan are the equivalent of China putting a gun to the heads of the people of Taiwan. They are the clearest and strongest indicator of China’s real intentions vis-à-vis Taiwan. It is not only high time that Beijing remove its missiles, it is time that the people of Taiwan be able to determine their own future free from fear.*”

In mid-November 2009 two more resolutions were introduced: one by a bipartisan group of legislators headed by the ranking member on the House Foreign Affairs Committee, Ileana Ros-Lehtinen (R-FL), and the co-chairs of the Congressional Taiwan Caucus, Shelley Berkley (D-NV), Lincoln Diaz-Balart (R-FL) and Phil Gingrey (R-GA). This resolution, HR 4102, will – when passed — provide for mandatory briefings to Congress by the Administration on upcoming arms sales to Taiwan.

The resolution extensively quotes from the 1979 Taiwan Relations Act, and emphasizes that the US “... will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability” and also states that the “President and the Congress shall determine the nature and quantity of such defense articles and services “based solely” upon their judgment of the needs of Taiwan.” The resolution decries that in 2009 no notifications on arms sales to Taiwan have been made yet, in particular for Blackhawk helicopters, diesel submarine design, and additional Patriot PAC-3 systems.



**Joe Barton (R-TX)**

In a separate resolution, H.Res. 927, introduced by Texas Congressman Joe Barton (R-TX), the Obama Administration was urged to proceed with the sale of F-16 C/D fighter aircraft to Taiwan. FAPA President Bob Yang, commented on the introduction by saying: “*This bill intends to remind the administration to truthfully follow the letter and the spirit of the Taiwan Relations Act. It is yet another message from the legislative branch to the executive branch to move forward with arms sale to Taiwan, and in this case, the F-16s.*”

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## **Book Review**

### ***The Generalissimo: Chiang Kai-shek and the Struggle for modern China***

*By Jay Taylor, reviewed by Gerrit van der Wees*

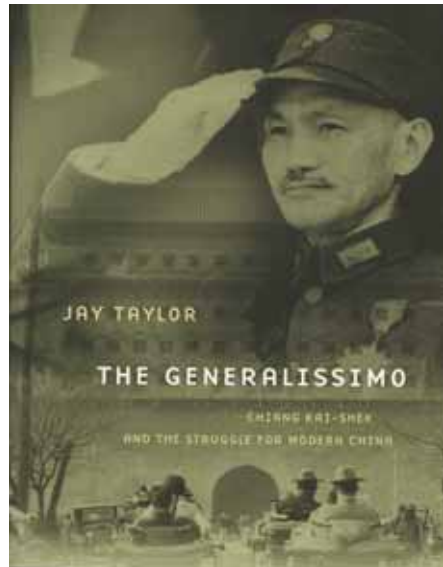
Taylor did an incredible amount of research to produce this biography of Chiang Kai-shek. He presents a compelling account of the Generalissimo’s life and times, and adds many insights into events and developments, both during Chiang’s rise to power in the 1910s and 1920s, during the long Civil War with the Communists, and during his repressive rule in Taiwan from the end of World War II until his death in 1975.

Taylor portrays Chiang as a more benign human being, with both strong and weak points. He describes times when Chiang, as China's president and top commander of China's military forces, had keen insights in what was going to happen, and other times when he utterly failed to make the right decisions. Taylor also touches extensively on Chiang's personal weaknesses, his womanizing, his failure to control the rampant corruption in the Kuomintang – which continues to this day – and most importantly, his total ruthlessness against anyone or any group which seemed to challenge his control of the political and military establishment.

Whether he succeeds in presenting a convincingly more benign portrait of Chiang Kai-shek remains to be seen. Certainly in the area of military strategy and tactics, Taylor presents evidence that Chiang saw matters more clearly than some of his US counterparts: in 1941 he counseled General Joseph Stilwell against an offensive against the Japanese forces in Burma, and advocated a defensive approach. However, Stilwell underestimated the size and strength of the Japanese, went on the offense ... and badly lost, prompting his well-documented escape march through the jungles of Burma.

Taylor describes in great detail the endless intrigues and maneuvering by Chiang and his wife Soong Mei-ling, in particular their quest to squeeze more financial and military assistance out of President Roosevelt for the beleaguered but corrupt Chinese Nationalists. He also describes at length the perpetual tug-of-war between Chiang Kai-shek and US General Joe Stilwell over strategy and tactics in the war against Japan. Interestingly, based on documents, Taylor – more often than not – comes down on the side of Chiang, blaming much of the tension on the stubbornness of Stilwell.

Taylor also goes into significant detail in describing Chiang's repressive rule in Taiwan after the end of World War II, including a fair account of the "February 28<sup>th</sup>" Massacre in 1947, when Chiang sent troops from China to Taiwan to put down protests by the native Taiwanese against the corruption of the arriving Chinese mainlanders, leading to a massacre of some 28,000 people, many of them students, professionals and leading



political members of the Taiwanese community. For the next four decades the Taiwanese were prohibited from even mentioning “228”, and it wasn’t until the democratization of the late 1980s that it was possible to talk about it.

Where we would strongly disagree with Taylor is his assertion that Chiang’s rule in Taiwan laid the foundation for Taiwan’s prosperity and “set the stage for Taiwan’s development of a vigorous democracy.” This is simply not the case. It can actually be argued that without the presence of the Chiang regime, Taiwan would have fared much better, both in terms of economic development as well as the transition to democracy: following World War II, Taiwan had — due to the Japanese colonial period — a much better infrastructure than China ever had, and would have prospered better if Chiang had not been there to perpetuate his wasteful “recover the mainland” line.

On the issue of democracy: Chiang gave only lip-service to this idea in order to maintain his ties with the successive US governments, but in the meantime continued a repressive one-party dictatorship for several decades. In fact, Taiwan’s momentous transition to democracy in the 1980s was driven by the grassroots, native Taiwanese, democracy movement and came about *in spite of* vigorous opposition from the ruling Kuomintang.

Sadly, at the present time, the successors of this same Kuomintang are – again — disregarding basic democratic principles, and are causing an erosion of Taiwan’s hard-won human rights, democracy and press freedom in an apparent attempt to drive Taiwan closer to their old archenemies of the CCP.

A final note: one point that stands out throughout Taylor’s narrative is the lack of understanding among US policy makers of the forces at work, both in the 1930s and ’40s with the crucial role played by Moscow behind the scenes, and again in the early 1970s, when Chou En-lai kept Chiang Kai-shek informed of what the Americans were doing behind his back.

At the present critical juncture in cross-strait relations, is US policy similarly misinformed and misguided in face of the unprecedented collaboration of KMT and CCP in undermining Taiwan’s international position and future as a free and democratic nation?

The complete title of the book is *The Generalissimo: Chiang Kai-shek and the struggle for modern China*, by Jay Taylor. Published by: The Belknap Press of Harvard University Press, Cambridge, Massachusetts. 2009.

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*The goals of FAPA are: 1) to promote international support for the right of the people of Taiwan (Formosa) to establish an independent and democratic country, and to join the international community; 2) to advance the rights and interests of Taiwanese communities throughout the world; and 3) to promote peace and security for Taiwan*

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