



Taiwan Communiqué

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115

Taiwan into the United Nations *President Chen submits formal application*

On Wednesday, 18 July 2007, Taiwan President Chen Shui-bian sent a formal request to UN Secretary-General Ban Ki-moon, applying for admission of Taiwan as a member of the United Nations. The letter was delivered to SG Ban's office on Thursday July 19th, 11:00 am by the Taiwan representative in NY, accompanied by the ambassadors of two of Taiwan's allies.

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The application is part of a broader campaign by the Chen Administration to highlight the fact that in spite of its efforts during the past twelve years, Taiwan continues to be kept out of international organizations at the insistence of the PRC. The other element of the campaign is the referendum to enter the UN under the name "Taiwan" (see article "*Taiwan's Presidential Campaign*", p.7).

Mr. Ban Ki-moon's response

On Monday, July 23rd, UN spokeswoman Marie Okabe announced that the UN had rejected the application, citing 1971 UN Resolution 2758, and its "adherence to the One China" policy. On Friday, July 27th, UN SG Ban Ki-moon himself was asked about it in a press meeting in California, he responded:



Hundreds of thousands at rally in Kaohsiung on 15 September 2007 for Taiwan UN membership

“... I will briefly mention that membership into the UN ultimately needs to be decided by the Member States of the United Nations. Membership is given to a sovereign country.

The position of the United Nations is that the People’s Republic of China is representing the whole of China as the sole and legitimate representative Government of China. The decision until now about the wish of the people in Taiwan to join the United Nations has been decided on that basis.

The resolution that you just mentioned is clearly mentioning that the Government of China is the sole and legitimate Government and the position of the United Nations is that Taiwan is part of China.”

Taiwan Communiqué comment: *Mr. Ban’s argument that under General Assembly Resolution 2758, the UN took the position “that Taiwan is part of China” is contrary to the basic facts. If he had read Resolution 2758 carefully, he would have seen that it doesn’t even mention Taiwan. The issue under consideration in Resolution 2758 was which government represented China. Until that time, the Chinese Nationalists had represented China, and in 1971 their seat was granted to the government of the PRC in Beijing.*

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China charms Resolution 2758 snake

*The fundamental flaw in his argument is that he equates the “representatives of Chiang Kai-shek” with Taiwan. However, Chiang and his representatives were not expelled in 1971 because they claimed to represent **Taiwan**: they were expelled because they claimed to represent **China**. Of course, they did not represent China anymore, but they did not represent the Taiwanese in any way either: the island was under martial law from 1949 until 1987, and after the democratic transition in Taiwan in the late 1980s early 1990s, they were also expelled from office in Taiwan — through democratic elections. It wasn’t until after that time that there was a government in Taipei that could truly represent Taiwan.*

We urge the UN to live up to the basic principles of human rights, democracy and self-determination which lay at the foundation of the establishment of the United Nations, reconsider its position, and facilitate the entry of Taiwan into the United Nations. The Taiwanese people have worked long and hard for their democracy, freedom and independence, and should gain a full and equal place among the international family of nations. Only then can peace be secured.

The Economist: blundering by both the EU and USA

In the course of the debate during the past two months about Taiwan's application for membership of the United Nations, there were two keen observations from the London-based **The Economist**, one critical of the EU and the other of the Bush Administration.

In an editorial on 12 July 2007 titled "**Bully for China**", it castigated the European Union for pressuring Taiwan to scrap the planned referendum. The Economist said that the EU was doing China's bidding, and strongly criticized the body for letting itself be used by China by agreeing to send a message to Taipei expressing the EU's opposition to the referendum.

The Economist concluded that the mistake made by the EU is that it pretends that there is a "moral equivalence" between Taiwan's election politics and Chinese threats of violence. It said: "...*this is not how most people understand the EU's oft-professed values (of human rights and democracy).*"

And when at the end of August 2007, two officials in the US Administration – Messrs. Negroponte and Wilder – made statements against Taiwan's campaign to enter the United Nations, **The Economist** – in an editorial titled "**America blunders into Taiwan's electoral politics**" (6 September 2007) – strongly criticized the Bush Administration's move, saying "*in fact, it was America's opposition to the referendum that brought the debate to life in Taiwan.*"

The editorial added: "*Just as China has learned in the past, however, such criticism of moves towards de jure independence can backfire. America's reaction has convinced the DPP, already skeptical of the depth of American support for Taiwan, that it has nothing to lose by pursuing a campaign that is bound to harm ties. Even so, the referendum may not give it the backing it wants. Under Taiwan's referendum law, the proposal needs more than half the 16.8m eligible voters to cast their ballots and more than half of those who vote to support it. Even with the bonus of American opposition, that may be too high a bar.*"

A Club Taiwan can't join

The U.N. breaks its own rules—again

by Gary Schmitt, American Enterprise Institute. Director of AEI's program on advanced strategic studies. This article was first published in the *Weekly Standard* on 13 August 2007. Reprinted with permission.

Membership in the United Nations is supposed to be “open to all . . . peace-loving states which accept the obligations contained” in the U.N. Charter, as the selfsame charter puts it. In a rational world, a country with the world's 18th largest economy, which is formally and diplomatically recognized by other member states and is a practicing liberal democracy, would be a slam dunk for membership. But of course the U.N.'s history is replete with resolutions and decisions that are at odds with its own charter and lofty goals. So, to no one's surprise, the Republic of China (Taiwan) has been denied membership in that august body for the 15th year in a row.



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UN Club doorman: "How can I let you in if you don't know who you are?"

But this year was different. In mid-July, President Chen Shui-bian submitted the application letter under the name “Taiwan” instead of “Republic of China.” The ostensible reason for doing so was that, having failed repeatedly in the past with the moniker ROC, it was thought best to try something new, using the name now commonly employed by both the people of Taiwan and much of the globe when talking about the self-governing island. The real reason for the switch of course was President Chen's desire to reaffirm to his constituents at home and to the wider world his view that Taiwan is in fact an independent, sovereign entity that is distinct from mainland China.

Within days, President Chen had his answer. Not only did the U.N. Secretariat reject the application, but new secretary-general Ban Ki-moon defended the decision by citing U.N.

Resolution 2758, saying that it stipulated that “the government of China is the sole and legitimate government and the position of the United Nations is that Taiwan is part of China.” But that 1971 resolution, which was intended to expel the Republic of China from the U.N., give its permanent seat on the Security Council to the People’s Republic of China, and to “recognize” the Communist regime in Beijing “as the only legitimate representatives of China to the United Nations,” said nothing at all about Taiwan being part of China.

Putting aside the fact that passage of the resolution itself—by a simple majority vote of the General Assembly—was a violation of the U.N.’s own rules for addressing such questions, U.N. Resolution 2758 did not deal with the issue of Taiwan. Indeed, as a matter of history and international law, the San Francisco Peace Treaty—the 1951 accord signed by 49 states formally ending the war with Japan—explicitly left open “the future status of Taiwan.” And to this day it has not been formally settled.

As recently as this summer, the State Department allowed that, as far as the U.S. government was concerned, the PRC is “the sole legal government of China, [but] we have not formally recognized Chinese sovereignty over Taiwan.” Unless Secretary-General Ban has now taken on a second job as a foreign policy spokesman for China, he has exceeded his brief in conflating the question of who represents China at the U.N. with the status of Taiwan.

There is in fact no good reason for Taiwan or, if one prefers, the Republic of China, not to be a member of the United Nations. Certainly, the U.N. is no stranger to figuring out ways to accommodate membership for states with complicated or even dubious sovereignty issues. From the start, for example, the Soviet Union insisted that Ukraine and Byelorussia, today’s Belarus, have votes in the General Assembly along with its own, despite the fact that both republics were clearly governed by and from Moscow. Or take India, a member even before its formal split with Britain.

More recently, prior to unification, the U.N. saw two Germanys, the Federal Republic of the West and the East’s German Democratic Republic, holding separate seats in the assembly. Even today, there are two Koreas, divided as Germany once was, not because of some inherent distinction but because of the reality of conquering armies and foreign occupations. Taiwan has a far stronger case that it has an identity apart from the mainland than either the divided Germany had or the two Koreas have today. And again, as a state that is recognized by other member states, under international law the Republic of China has sovereign status, regardless of whether Washington has formal diplomatic relations with Taipei.

Perhaps the strongest advocate for employing diplomatic legerdemain at the U.N. on behalf of the ROC was President Bush's father, former president and U.N. ambassador George Herbert Walker Bush. Trying to head off a vote on Resolution 2758, Ambassador Bush put forward a U.S. proposal for "dual representation," with the PRC taking the Security Council seat, while leaving the ROC with a place in the General Assembly. Bush argued that "we face a reality, not a theory. Our proper concern must be to do justice to the complex reality that exists today in the form of effective governing entities"—that is, the PRC and the ROC.

However, giving the people of Taiwan their due seems to be the last thing on anyone's mind these days. Rather, placating Beijing by letting it dictate what is acceptable and what is not when it comes to Taiwan's international personality is the order of the day. Yet doing so only reinforces in China's mind that it can get away with bullying Taiwan every chance it gets—which in turn feeds Taiwan's need to push back, if for no other reason than national self-respect.

Even the Kuomintang, the main opposition in Taiwan to President Chen's Democratic Progressive party and the party most open to some sort of official reconciliation with the mainland, is supporting initiatives seeking U.N. membership. And the reason is pretty straightforward. In today's Taiwan, if you want to win an election, you have to show you care about maintaining the country's sovereignty.

Until Washington understands that dynamic, it will continually be taken by surprise by the democratic politics of Taiwan. And unless Washington begins to take a more assertive position in helping Taiwan find its space on the international stage, it can count on being caught up in a cycle of Taiwan Strait crises that are getting no less dangerous for all involved.

Perhaps a good, first step in breaking this cycle would be for the folks at Foggy Bottom to make clear to the new secretary-general that a "clarification" by him is in order.

Taiwan's Presidential campaign

Hsieh selects Su Tseng-chang as running mate

On his return from a trip to Singapore and Indonesia on 15 August 2007, DPP Presidential candidate Frank Hsieh made the long-awaited announcement on his vice-Presidential running mate: but instead of former Kaohsiung mayor and Hakka Commissioner Mrs. Yeh Chu-lan, he selected former Prime Minister – and close rival in the primaries – Mr. Su Tseng-chang.

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Frank Hsieh announcing Su Tseng-chang as vice-presidential candidate at Taoyuan airport

Reportedly, internal opinion polls conducted by the DPP had indicated that Mr. Su would bring in more votes to the ticket than Mrs. Yeh: Mr. Su's strong support base in both South (he served as Magistrate of Pingtung County) and the North (where he served as Magistrate of Taipei County) outweighed the votes Mrs. Yeh would bring in due to her support among the Hakka community.

The Hsieh-Su ticket also combines the two top vote-getters in the DPP's May 2007 primaries, indicating solid support among the party's power-base.

Mrs. Yeh stated that she strongly supported the choice: "I will spare no effort to campaign for the candidates" she said. Adding: "The DPP must win for the sake of Taiwan, and I believe the Hakka people will stand by my side."

Mrs. Yeh will continue to play a crucial role in Taiwan's political world for some time to come. This became clear on Friday, August 17th 2007, when it was announced that she was appointed secretary-general of the Presidential Office by President Chen.

Ma Ying-jeou not convicted of graft

Another recent event which is having an impact on the presidential race is the recent acquittal on corruption charges of KMT candidate Mr. Ma Ying-jeou. On August 14th 2007, the Taipei District Court cleared Mr. Ma of charges that he had used a special mayoral allowance for personal use.

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However, the case remains cast under a heavy cloud of suspicions: presiding judge Tsai Shou-shun is a well-known pan-blue supporter and his ruling was full of convoluted arguments such as “*the total of Ma’s public donations far exceeded the amounts of the special allowance, and therefore Ma had no illegal intentions ...*” — which sound a bit *non sequitur*. The prosecutor in the case, Mr. Hou Kuan-jen, has filed an appeal.



Vincent Siew (who also ran in 2000): “*I rode in the same kind of balloon in 2000, but it burst.*”

Taiwan Communiqué comment: The way the case was handled by both the KMT and Mr. Ma himself throws an interesting light on the candidacy: when Mr. Ma became KMT Party chairman in mid-2005, he wanted to brush up the image of the party – which has long been tainted by a “black-gold” corruption image. He pushed through a rule which stated that any party official who was indicted on corruption charges should step down and should not run for office.

When Mr. Ma himself was indicted in February 2007, he did step down from his chairman’s position, but at the same time indicated that he still was going to run for the presidency. The KMT Party obliged, and modified the rule prohibiting indicted persons from running for office, making it possible for the KMT to enlist Mr. Ma as its candidate for the 2008 presidential elections.

Referendum on UN entry and ill-gotten assets?

Aside from the candidacy of the two team, Messrs. Frank Hsieh and Su Tseng-chang for the DPP, and Messrs. Ma Ying-jeou and former Prime Minister Vincent Siew for the Kuomintang, there are two other issues which will play a significant role in the Presidential elections.

The first one is a proposed referendum on entry in the United Nations under the name "Taiwan". The DPP has been promoting this issue for some time, and is going through the grass-root procedures: according to Taiwan's Referendum Law, a proposal for a resolution – accompanied by a number of signatures that exceeds 0.5 % of the voting citizens from previous presidential election (approx. 83,200) – is to be submitted to the Referendum Committee.

The Referendum Committee has to decide within ten days of the application on the legality of the proposed referendum. If the referendum is cleared in that first threshold, the sponsors need to collect a number of signatures that is greater than 5 % of the voting citizens in the previous presidential elections – approx. 832,000. If the proposed referendum reaches this second threshold within six months, it will go back to the Referendum Committee for a vote, and if approved, it will be put on the ballot. If it doesn't reach the threshold, it cannot be re-introduced for three years.

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Finally, in the vote in March 2008, in order to be valid, a referendum needs to be voted on by at least 50% of the voters who are *eligible* to vote. This third threshold is an extremely high one: in the 2004 presidential elections, the opposition KMT and PFP parties urged their supporters not to vote in the DPP-endorsed referendum expressing opposition to China's missiles, and it therefore failed to pass.



Pan-blue opposition to the United Nations bid under the name "Taiwan."

However, times have changed and it is now much more difficult for the KMT to oppose a referendum on UN membership. The tactic developed by the pan-blues now seems to

be to introduce a competing resolution, which supports membership in the United Nations, but which leaves the name “flexible”. At the same time, though, KMT candidate Ma Ying-jeou has suggested that the country should “re-enter” the UN under the anachronistic “Republic of China” title.

This prompted President Chen Shui-bian to argue – correctly – that “re-entry” under the ROC title re-opens the competition with the PRC over representation of “China” in the United Nations. The DPP proposal of entry – as a new nation – under the name “Taiwan” avoids this dilemma.

The second referendum the DPP is planning to propose is a referendum on the Kuomintang’s ill-gotten assets: during its 55-year long one-party rule, the Kuomintang Party amassed great fortunes, in particular in the years right after World War II, when it arrived in Taiwan from China. It confiscated land, companies and other property from the Japanese who were leaving the island after 50 years of colonial rule, and from Taiwanese who had build up companies and property under Japanese rule.

The Kuomintang is still considered the richest political party in the world, and the DPP believes that a referendum on this issue can initiate a formal, legal process designed to return the assets to either the original owners or otherwise to the government.

US Presidential elections and Taiwan

Barack Obama and the outdated status quo

By Iris Yen-ching Ho, FAPA Headquarters. This article first appeared on AsiaTimes (www.atimes.com) on 6 June 2007. Reprinted with permission.

US Senator Barack Obama, rising star in the Democratic primaries ahead of next year’s presidential election and dubbed “the black JFK” (a reference to the late president John F Kennedy) by some of the US media, has delivered his first direct comment on the relationship between mainland China and Taiwan since he became the fifth black senator in US history.

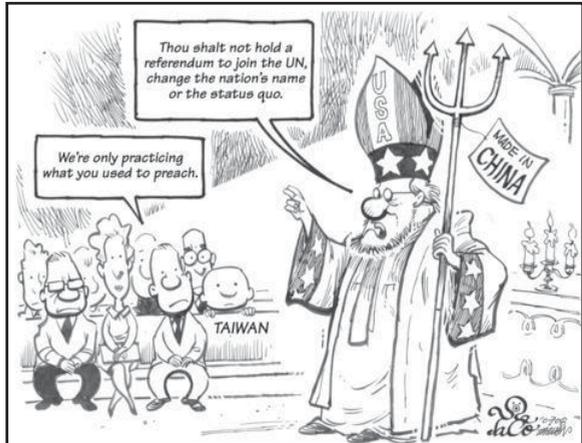
On 23 May 2007, in addressing the visit to Washington, DC by Chinese Vice Premier Wu Yi, Obama said on the Senate floor, “China’s rise offers great opportunity but also poses

serious challenges... This means maintaining our military presence in the Asia-Pacific region, strengthening our alliances, and making clear to both Beijing and Taipei that a unilateral change in the status quo in the Taiwan Strait is unacceptable. Also, though today China's military spending is one-tenth of ours, we must monitor closely China's strategic capabilities while also pushing for greater transparency of its defense activities."

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It does not come as a surprise that a first-term senator who was during his previous life mostly confined to being a community activist in Chicago does not stray from the standard cliché of US policy toward the Taiwan Strait.

"No unilateral change in the status quo in the Taiwan Strait" is the most evoked statement by the US administration, by Congress, and by scholars when it comes to the China-Taiwan stalemate. It is ironic, though, that no US officials have ever spelled out the contents and limits of the status quo, a policy the US so rigidly and religiously adheres to. Beijing's definition of the status quo certainly is different from Taipei's. What is the US definition?



Bishop USA: "Thou shalt not hold a referendum to join the UN, change the nation's name or the status quo."

Taiwan response: "we're only practicing what you used to preach."

Former assistant secretary of state for East Asian and Pacific affairs James Kelly infamously defended another cliché of the US China policy during a House of Representatives International Relations Committee hearing in 2004 - the US one-China policy. When asked to define this relic of the Cold War, Kelly stated: "I'm not sure I very easily could define it. I can tell you what it is not. It is not the one-China policy or the one-China principle that Beijing suggests, and it may not be the definition that some would have in Taiwan."

Today, the Taiwan Strait is one of the flashpoints in the world and no one, not even the high-level officials in the US State Department can clearly define the policy that is

supposedly one of the fundamental pillars in the US-Taiwan-China relationship.

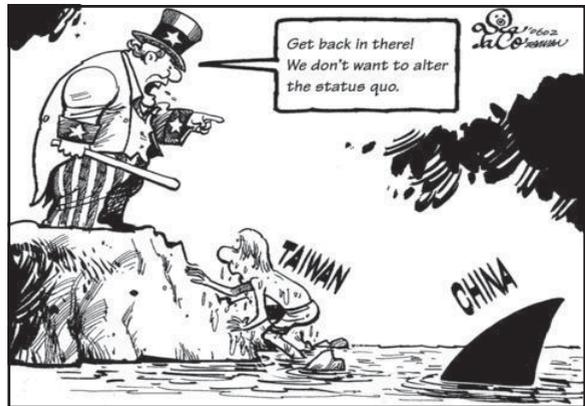
Just like the one-China policy, the policy of adhering to the status quo has deteriorated into a mantra where no one bothers to examine the content and review the background that first lent credence to the rhetoric. It is almost as if the status quo in the Taiwan Strait will be magically preserved as long as people keep reciting it. It is a policy of wishful thinking.

But international relations cannot be frozen: the Berlin Wall fell in 1989. Saddam Hussein invaded Kuwait in 1991. Kosovo spiraled into a horrific civil war in 1996. And the list goes on. Moreover, is the status quo in the Taiwan Strait that the administration of US president Bill Clinton defended so vehemently 15 years ago the same as the status quo that the administration of President George W Bush is defending today? If the answer is yes, then we are overlooking the missiles that the Beijing government continues to add every year to intimidate Taiwan, or overlooking the fact that Taiwan became a democracy in 1996 when it held its first direct presidential elections, and when the first peaceful transfer of power took place in 2000.

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What is the status quo?

The status quo is that Taiwan is an independent and sovereign country. It is a full-fledged democracy with impressive economic prowess. Compared with a lot of countries that gained democracy around the same time that Taiwan did less than a decade ago, Taiwan is faring exceptionally well.



USA to Taiwan: "Get back in there! We don't want to alter the status quo."

On the other side of the Taiwan Strait, China is a repressive regime where there is no freedom of speech, of the press or of association. It is the world's third-largest economy, with a military capacity capable of unnerving the United States. Today, China deploys more than 900 ballistic missiles targeted at Taiwan and is quashing Taiwan's international presence.

If US policy is to maintain the status quo, the policy is tantamount to acquiescing to China's blatant threats against a fledgling democracy, to condoning the fact that the 23 million people of Taiwan are being held hostage by Chinese missiles, and to equating democracy with a communist and oppressive regime. It is against the very foundation the United States' founding fathers built on more than 200 years ago.

After reading David McCullough's book 1776, out of admiration for the US founding fathers, I shared my comparison of the American quest for freedom with Taiwan's with a US congressional aide. My audience got annoyed that I compared the two situations. Undeterred, I told him that the founding fathers not only inspire Americans but people, young and old, in every corner of the world; and not only this generation but many generations to come.

And so does another internationally known American hero - the late Martin Luther King Jr. He provides inspiration for humankind, for everyone who believes in freedom, liberty and human rights. These are the heroes who give a little boy in Tehran or a young girl in Khartoum the hope and the courage that one day they too can change the world.

During the height of the US civil-rights movement in 1963, a Newsweek poll showed that almost 75% of white Americans asked, "Why do the civil-rights leaders have to insist on equal rights for negroes so immediately? "Why can't blacks accept the status quo?" they asked. Let's hope Senator Obama listens.

Hillary Clinton speaks of "strategic ambiguity"

On 3 August 2007, the London-based **Financial Times** carried an article from its Washington bureau that US Presidential candidate Hillary Clinton expressed support for "strategic ambiguity". The article reported that Mrs. Clinton's office made the statement in response to an assertion by an academic of the Carnegie Endowment for International Peace, that Mrs. Clinton had told him that the US "would never go to war over Taiwan."

Mr. Michael Green of the Center for Strategic and International Studies, who is a former NSC staffer responsible for East Asia, commented that he doubted very much that Mrs. Clinton had advocated the position outlined by the academic. He said: "*If any candidate said they would not stand by the Taiwan Relations Act, it would be a major change of policy, and a major retreat in the face of an enormous Chinese arms build up.*"

The FT article said that another former official, Mr. Peter Rodman — former assistant secretary for international security at the Pentagon — stressed that Washington needed

to ensure that its deterrence was as **unambiguous** as possible to ensure that China did not get the wrong message.

Taiwan Communiqué comment: *We are encouraged by the reassurance of Mrs. Clinton's spokesman on August 2nd 2007 that Mrs. Clinton did **not** say what was quoted by the academic. If she had made the statement, it would very seriously undermine the Taiwan Relations Act, which is very clear that the US would come to the defense of Taiwan if it was attacked, boycotted or blockaded by China. That the TRA is clear on this issue is exemplified by President Clinton's sending of two US aircraft carrier battle groups into the area in March 1996, when China was threatening Taiwan during its first democratic presidential elections.*

We may also point to previous situations in human history where well-meaning ambiguity and muddled signals actually led to a conflict and war:

1938 *When Nazi Germany threatened Czechoslovakia and Poland with the excuse that Sudeten-Germany had "always been part of Germany", the British, French and Americans looked the other way. There was a hot debate in Britain between Churchill (then a Member of Parliament) and Prime Minister Neville Chamberlain. Mr. Chamberlain persisted, went to Munich and declared "peace in our time." A few months later, Germany attacked.*

1950 *Secretary of State Dean Acheson remarked that "Korea does not fall within the US defense perimeter." China and North Korea took this as a sign of weakness and attacked across the Yalu River, starting the Korean War.*

1991 *The American ambassador to Iraq, Mrs. April Glaspie, stated that the US "does not have an opinion" when asked about the Iraqi military buildup near the Kuwaiti border. She also let Saddam Hussein know that the U.S. did not intend "to start an economic war against Iraq". This led Saddam Hussein to miscalculate that the US would not respond if he invaded Kuwait, leading to the first Iraq war.*

*We thus urge Mrs. Clinton to make it **unambiguously clear** that she supports a free and democratic Taiwan, and that she strongly opposes China's efforts to isolate Taiwan in the international community. Peace and security in the Taiwan Strait can only be ensured, if Taiwan is accepted in the international community – including the UN and WHO — as a full and equal member.*

Twenty years since end of Martial Law *Commemorations in Taipei*

On 15 July 2007, Taiwan commemorated that only 20 years ago, martial law in that country was lifted. The event in 1987 was a major turning point in the island's history, which marked the beginning of the transition to full democracy.

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The ruling Democratic Progressive Party organized a rally in Taipei to highlight the event: President Chen, Vice-President Annette Lu, Premier Chang Chun-hsiung, and DPP presidential candidate Frank Hsieh led other party officials into Lung-shan Temple in Taipei, and re-enacted a sit-in they had staged at the Temple in May 1986 to demand the lifting of martial law. At the end of the sit-in, they led the crowd in the symbolic opening of the "iron doors of martial law" at the Temple.



President Chen and DPP leader re-enact 1986 anti-martial law demonstration

Martial law was imposed on the island in May 1949, when Chiang Kai-shek and his government and defeated troops retreated from China, and installed themselves in Taipei. Under the law's provisions, the KMT arrested thousands who opposed the regime, tried them in military courts, and sentenced them to long prison sentences. Opponents included both mainlanders from China who disagreed with the regime as well as native Taiwanese who advocated freedom and democracy on the island. The 1950s and 1960s were referred to as the "White Terror" period.

The regime relaxed to some extent in the 1970s, but when a major Human Rights Day celebration in December 1979 was broken up by police, the KMT accused the organizers of "trying to overthrow the government", arrested a large number of them, and hauled the major eight before a military tribunal. The "Kaohsiung Incident trials" of early 1980 proved to be a watershed in the island's history: the defense effort coalesced into the core leadership of what was to become the democratic opposition, and the key defendants and defense lawyers are now high-ranking officials of the DPP government.

The early and mid-1980s saw a concerted thrust by the democratic opposition to demand an end to martial law, to lift the ban on political parties, and an end to human rights violations and press censorship. This culminated in the formation of the Democratic Progressive Party on 28 September 1986.

The DPP's formation, the end of martial law, and the ascent of native son Lee Teng-hui to succeed President Chiang Ching-kuo – son of Chiang Kai-shek and himself a former secret police chief – heralded the island's transition to democracy. President Lee Teng-hui's Constitutional reforms in 1991-92 resulted in elections for all seats in the Legislative Yuan, while his 1994 reforms brought about the first direct election of the President in 1996.

What about transitional justice?

While Taiwan thus achieved its democracy after a long and arduous struggle, the 38 years of martial law still leave significant unfinished business: the Kuomintang still holds billions of dollars worth of ill-gotten assets (see article about Taiwan's presidential campaign on pp. XX); the Kuomintang never atoned for the many years of repression and there were never any trials of the major offenders of the many human rights violations.

Several major cases, such as the murder – in broad daylight — of the mother and twin-daughters of former DPP Chairman Lin Yi-hsiung and the murder of Carnegie-Mellon University professor Chen Wen-cheng (see *Commemorating the death of Prof. Wen-cheng Chen* in *Taiwan Communiqué* no. 110) are still unresolved.



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The DPP has attempted to create awareness for the issues of “transitional justice” by invit-

Kuomintang: "If it weren't for my benevolence, you would still be in there."

ing speakers and specialists on the issues from both former East Germany and South Africa: both former Prime Minister Lothar de Maizière of East Germany and South African Bishop Desmond Tutu came to Taiwan and participated in seminars and presentations on the topic.

However, Kuomintang leaders didn't want to listen and filed lawsuits for "defamation" against a major proponent of transitional justice, Taiwan's former ambassador to Germany and present Government Information Minister Dr. Shieh Jhy-wey.

Taiwan Communiqué comment: *If there is to be true reconciliation on the island, it is essential for the Kuomintang to come to terms with its repressive past, and cooperate in the efforts to bring about a fair and just system. Too often the KMT reaction is one of denial.*

Aside from the attempts by former President Lee Teng-hui in the 1990s, there has been a refusal by the Kuomintang to acknowledge the fact that it imposed a long and cruel regime on the island's population. Attempts by the DPP to bring about a "truth and reconciliation" process like what took place in South Africa have been met with stonewalling and covering up of the facts.

Even Mr. Ma Ying-jeou himself is guilty of this: several of his fellow students during his days at Harvard University in the 1970s have testified that Mr. Ma was a student-spy, who collected information on the political activities of his fellow students, and relayed these to a security agency in Taiwan. If Mr. Ma truly wants to be an honest president of the island, he should try to come clean, acknowledge what occurred, and apologize for what transpired.

Report from Washington

US House unanimously passes high-level resolution

In the previous issue of Taiwan Communiqué, we reported that several members of Congress, led by Congressman Steve Chabot (R-OH) had introduced HCR136 calling for the lifting of restrictions on high-level visits by the democratically-elected leaders of Taiwan. In the subsequent weeks, the measure received a total of 47 co-sponsors.

On 30 July 2007, just before the summer recess, the House unanimously passed the resolution. It was a fitting signal to Taiwan's Democratic Progressive Party presidential candidate Frank Hsieh, who visited Washington at the end of July, and received a warm welcome at a FAPA-hosted reception in the Rayburn House Office Building.

Some 27 members of Congress attended the festive occasion - the largest Congressional attendance to welcome a dignitary from Taiwan. During his remarks Mr. Hsieh had called for the lifting of the existing arcane restrictions, pointing out that he was happy to be on Capitol Hill but that it was ironic that under the State Department’s rules, he would no longer be able to visit Capitol Hill if and when he is elected President of Taiwan in March 2008.

Senators write in support of WHO membership

In the previous issue of *Taiwan Communiqué* we reported that Senator Trent Lott (R-MS) and six other Senators sent a letter to WHO Director Margaret Chan on 10 May 2007, right before the annual summit of the World Health Organization, calling upon the WHO to support full membership for Taiwan in the WHO under the name “Taiwan.”

After the May summit, and after Taiwan was again snubbed by the international health body due to relentless pressure by China on the rest of the international community, a group of senators led by Sherrod Brown (D-OH) initiated another letter, this one to the US Administration, urging stronger support for Taiwan’s membership.

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China chasing Taiwan on the back of the WHO

In the letter dated 11 July 2007, the Senators concluded “It is in America’s best interest to ensure that Taiwan is a full member of the WHO.” Additionally, they urged the Administration “to make a concerted effort in building a coalition of like-minded nations - in particular the member states of the European Union - in support of Taiwan’s membership. We are very concerned that the recent report by the State Department to Congress regarding Taiwan’s participation in the WHO did not mention any Administration initiatives in this regard.”

Book review

Taiwan, the threatened democracy by Bruce Herschensohn

Reviewed by Gerrit van der Wees, editor of *Taiwan Communiqué*

This is an excellent book for those who want to know more about the complex history of US-Taiwan relations from 1970 to the present. Bruce Herschensohn is eminently qualified to present this history: he was a close advisor to Richard Nixon, and a member of the Reagan transition team. He presents fascinating insights into the rather haphazard decision-making on the American side during the some 40 years covered by the book.

His main argument is that since Taiwan has made a momentous political transition in the late 1980s and early 1990s, the policies of the United States towards the country should have changed. He does emphasize that this has not occurred yet is surprising in view of the Bush Administration's stated policy on spreading democracy around the world. He does blame this on the bureaucracy of the State Department, for which he has few kind words.



Bruce Herschensohn

In Chapter 3, he gives a good summary of the unfolding developments in 1970-71, which led to the expulsion of Chiang Kai-shek and his followers from the UN, and the seating of the PRC. He gives particularly good insights in the debate within the United States Government, and the effort to gain “dual representation” – which was nixed by Chiang Kai-shek.

One of the most interesting chapters is Chapter 4, in which he quotes President Nixon's views on the 1972 Shanghai Communiqué. Mr. Nixon told Herschensohn that “*the words in the Shanghai Communiqué were **not about US policy** (emphasis added – GvdW), but a statement of different views held by the US on one side and the PRC on the other ...*” This is a far cry from the present, when State Department and White House spokesmen regularly repeat the mantra that *we have a “One China policy” based on the Three Communiqués and the TRA* etc. Thus according to Mr. Nixon, it was never meant to be part of a “policy”, but simply a statement of differences.

Herschensohn also quotes Mr. Nixon as saying that “all Chinese” in the Shanghai Communiqué only refers to the mainlanders on Taiwan (15% of the population) and the Chinese in the PRC – but not to the native *Taiwanese* ... *or we would have used the word “people” instead of “Chinese.”* Herschensohn emphasizes that the voice of the native Taiwanese was not heard in 1972 because Chiang Kai-shek and the KMT prevented them from organizing into a political party.

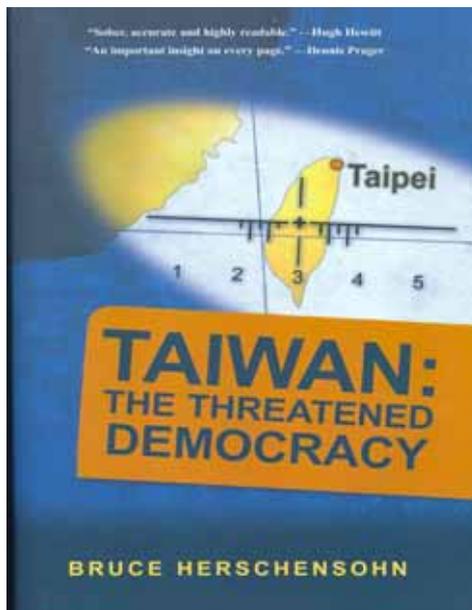
The fifth chapter deals with derecognition of the ROC by President Jimmy Carter, and the formal establishment of diplomatic relations with China. He describes the surprise at the secretive way the decision was arrived at, and strongly criticizes the way the Second (Normalization) Communiqué distorts the contents of the First (Shanghai) Communiqué, by accepting key Chinese positions as “*principles-agreed-on*”. Herschensohn strongly argues that this was never the intent of the Shanghai Communiqué, but that these were based on intentional misinterpretations by those on the US side pushing for normalization with China.

Herschensohn then reprints in full the text of a letter sent by Nixon to President

Carter, in which *inter alia* he expresses concern about the adequacy of the guarantees against the use of force by China against Taiwan, and the credibility of US commitments to other allies in view of the termination of the Taiwan Defense Treaty.

In his next chapter, Herschensohn briefly discusses the Reagan Administration, which agreed with China on the Third Communiqué of 17 August 1982, limiting US arms sales to Taiwan to the levels at the end of the 1970s, and eventually to reduce military equipment sales. He describes the soul-searching on the part of Mr. Reagan, which led to the issuing of the so-called “Six Assurances.”

In Chapter Seven Herschensohn goes on to discuss the Clinton’s Administration’s zigzagging on MFN status for China and the about-face on President Lee Teng-hui’s visit



to Cornell: from 1993 through May 1995, the State Department rigidly maintained – at Chinese insistence — that President Lee would not be allowed to visit his alma mater, but when Congressional pressure increased, the Clinton Administration gave way. President Lee did go to Cornell in June 1995, and a month later, the Chinese started the first missile crisis and subsequent military exercises, building up pressure on Taiwan in the lead-up to the 1996 presidential elections (the first democratic presidential elections in the country's history).

In Chapter Nine, Herschensohn focuses on the *name change* movement in Taiwan, and argues that it would be only right, rational and reasonable for the international community to accept the long-overdue name change and entry into the UN under the name “Taiwan.” He aims his fire at the State Department for its twisted logic on this issue, and says: “*Since the international community, including the US, stresses a “One China” policy, such name should be celebrated. But it isn’t.*”

His subsequent chapters give a good overview of China's “Anti-Secession Law” of 2005, the failed experiment of “One Country, Two Systems” in Hong Kong, Taiwan's struggle to retain its diplomatic relations, the Vatican's ties with Taiwan, and France's tripping over the lifting of the arms embargo. In Chapter Fifteen Herschensohn give a hilarious rendering of the improbably knots and twists the State Department spokesmen have tied themselves into when discussing Taiwan. He suggests they should receive some training in language and logic. In Chapter Sixteen he describes the disunity and mixed signals created by the 2005 visits to Beijing by KMT leader Lien Chan and PFP leader James Soong and strongly chides the pan-blue opposition for not contributing to national unity on the island.

In the last chapter, Mr. Herschensohn comes to the key message of his book: the one on US policy towards Taiwan. He says that three events around 1990 really changed the situation: the Tienanmen Massacre in 1989, Taiwan's adoption of full democracy, and the renunciation of any claim to China. He says this last change left the name of the country, “Republic of China” to be both anachronistic and inaccurate – which is the reason for the name change movement on the island.

He says this renunciation of the claim to be government of China should have been a cause for congratulating Taiwan in conceding to realism. He castigates the State Department for insisting that Taiwan retain that antiquated name, and says it is only doing so at the insistence of China and its policy of deception.

He also takes aim at the policy line repeated so often by the Bush *Administration that neither side should unilaterally change the status quo*. He argues that this line of thinking is side-stepping the fact that the government of China is still a dictatorship and that Taiwan is a democracy. He highlights the contradiction by relating how President Hu Jintao of China was given a red carpet treatment on the White House South Lawn, while democratically-elected President Chen Shui-bian of Taiwan is relegated to fair-flung airfields for brief transit stops. He concludes the book with an eloquent appeal for American support for Taiwan's threatened democracy.

In all, Herschensohn presents an excellent account of the complex relations between the United States and Taiwan, and gives a very clear vision of the way ahead. We urge people in Washington's policy circles to start sharing his vision.

The full title of the book is **Taiwan: the threatened democracy**. It was published by World Ahead Publishing, Los Angeles, CA 2007.

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In the limelight

Nat Bellocchi, former Chairman of AIT

In this new feature of *Taiwan Communiqué*, we focus on an organization or person making an impact on the understanding of Taiwan in the world today. This limelight is focused on Nat Bellocchi, former Chairman of the Board (August 1990–December 1995) of the American Institute in Taiwan.

Mr. Bellocchi had a long and illustrious career as a US diplomat: he joined the diplomatic service in 1955 after having served as a first lieutenant Rifle Platoon in Korea from 1950 through 1953. The first few years he traveled all over the world as a diplomatic courier, often in the Soviet area, and once came out of an air crash in the Mediterranean. From 1960 through 1982 he served in a wide variety of positions in Asia, including Hong Kong, Laos, Taiwan, Vietnam, Japan, and India.

In 1982, he was appointed Deputy Assistant Secretary of State for Intelligence and Research, in which position he served until October 1985, when he was appointed Ambassador to Botswana, where he served until 1988. After a stint at the National Defense University, he was appointed Chairman of the American Institute in Taiwan, the highest person in the conduct of the “unofficial” diplomatic relations with Taiwan.

In his position, Mr. Bellocchi contributed greatly to the good communications with Taiwan, which was just in the middle of its momentous transition to democracy. Mr. Bellocchi made it a point to openly meet with members of the democratic opposition party, a departure from the line followed by his predecessors, who generally restricted themselves to meeting with the ruling Kuomintang, and only rarely ventured into a contact with the DPP. He also made many speeches to overseas Taiwanese organizations throughout the U.S., talking with them about the changes taking place in Taiwan.

In doing so, Mr. Bellocchi provided invaluable support to democracy on the island. The most difficult moment in his career came in May 1994, when the Clinton Administration allowed President Lee Teng-hui only a refueling stop in Hawaii on the way to a meeting in Latin America. The move angered members of Congress, led by Congressman Tom Lantos and Senators Paul Simon, Frank Murkowski and Hank Brown, who spearheaded a move to allow President Lee to visit his alma mater, Cornell University, which took place in the summer of 1995. This visit became the high point of Mr. Bellocchi's career. At the end of 1995, he completed his term as chairman of AIT and retired.



Ambassador Nat Bellocchi

But unlike many other retirees, Mr. Bellocchi remained active, attending seminars and workshops about Taiwan and Cross-Strait relations in Washington. He started writing articles for the **Liberty Times**, and when the English-language **Taipei Times** started publishing in 1999, also for that newspaper. His articles generally urge the readers to step back, and think about the larger perspective. He has emphasized the need for better communication between Taiwan and the United States, and he has been critical of both the Clinton and Bush Administrations for clinging to the outdated and rigid American rules that needed change and giving insufficient consideration to the fact that Taiwan is now a new democracy.

Nat, thanks for what you have done for Taiwan!

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CONTENTS

Taiwan Communiqué no. 115
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Taiwan into the United Nations

<i>President Chen submits formal application</i>	1
<i>Mr. Ban Ki-moon's response</i>	1
<i>The Economist: Blundering by both EU and USA</i>	3
<i>A Club Taiwan can't join</i> by Gary Schmitt, American Enterprise Inst ..	4

Taiwan's Presidential campaign

<i>Hsieh selects Su Tseng-chang as running mate</i>	7
<i>Ma Ying-jeou not convicted of graft</i>	8
<i>Referendum on UN entry and ill-gotten assets?</i>	9

US Presidential elections and Taiwan

<i>Barack Obama and the outdated status quo</i>	10
<i>Hillary Clinton speaks of "strategic ambiguity"</i>	13

Twenty years since end of Martial Law

<i>Commemorations in Taipei</i>	15
<i>What about transitional justice?</i>	16

Report from Washington

<i>US House unanimously passes High-level resolution</i> ...	17
<i>Senators write in support of WHO membership</i>	18

Book review: Taiwan, the threatened democracy

by Bruce Herschensohn	19
-----------------------------	----

In the limelight

<i>Nat Bellocchi, former Chairman of AIT</i>	22
--	----

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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