



# Taiwan Communiqué

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# 121

## Former President Chen arrested *Held in incommunicado detention*

In a fast-moving development, former president Chen Shui-bian was arrested on 11 November 2008 and detained by the Special Investigative Unit (SIU) of the Office of the Supreme Public Prosecutor. The SIU prosecutors questioned the former president for seven hours, after which he was handcuffed, and led away for detention. While being led away, Chen shouted “*Long live Taiwan*” and “*political persecution.*”

The SIU questioned the former President over the use of a US\$ 450,500 special secret “state affairs” diplomatic fund to which he had access during his presidency. Prosecutors say that Chen used the fund for his personal purposes. Chen maintains he is not guilty, and that the prosecution is politically-motivated. DPP lawmakers stated that if the evidence is so “clear” as SIU prosecutors have been saying, Chen should simply be indicted without being put under *incommunicado* detention. Observers in Taiwan say that it is doubtful that under the present circumstances Chen can get a fair trial.

The case is separate from accusations of money laundering against Chen and his wife Wu Shu-jen: in that case, Mrs. Chen has been charged, but the case is still being tried. Chen has said that the funds were part of election campaign donations and that his wife wired the funds abroad without his knowledge.

Photo: Taipei Times



**Former President Chen  
being detained**

As we went to press, Mr. Chen had not been indicted, but under Taiwan's draconian "investigative detention" laws, he can be held for up to four months without being charged.

International lawyers and human rights advocates consider this procedure highly controversial, as it facilitates "fishing" for confessions, and leaves the defendants subject to "leaks" by the prosecution – as frequently happens in Taiwan – or other "trial by media." At present, some half a dozen members of the DPP are being held under such circumstances (see "*political arrests and detentions in Taiwan*", pp. 12-15).

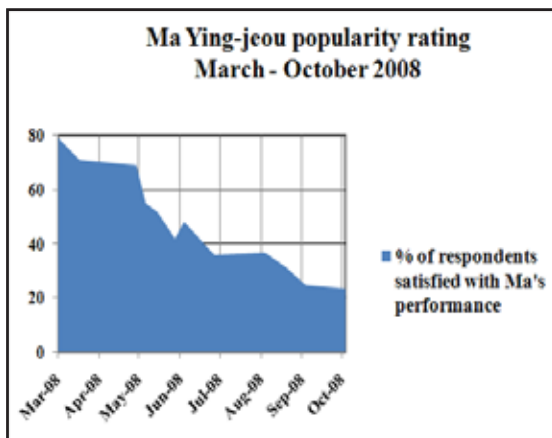
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## Taiwan at the crossroads

### *Ma moving too far, too fast ...and in wrong direction*

During the past few weeks, developments in Taiwan have accelerated ... *in the wrong direction*. At the roots of the problem lie the policies of the Administration of Ma Ying-jeou, elected President in March 2008.

Mr. Ma came into office promising a rosy picture of the economy, which would grow and blossom as he would open up Taiwan for closer relations with China. However, since his inauguration on 20 May 2008, the economy has gone steeply downhill, the stock market has dropped almost 50%, and his headlong rush towards China at the expense of Taiwan's interests and sovereignty has raised the ire of the Taiwanese.



As a result, during the past few months Ma's popularity declined from a high of more than 70% right after the election down to approximately 24% in opinion polls at the end of October 2008. It must be emphasized that most of these polls were conducted by pan-blue, pro-government publications and TV networks such as the **China Times** and **TVBS-Television**.

The dismay with Mr. Ma's policies was most clearly expressed at two large-scale protest rallies, one on August 30<sup>th</sup> (on which we reported in our *Taiwan Communiqué* no. 120), and one on October 25<sup>th</sup> 2008 in front of the Presidential Office in Taipei – which was attended by some 600,000 people. Below we first present a summary of that event, and then a brief analysis of “why” people in Taiwan are angered at the turn of events.

## *Six hundred thousand protest in Taipei*

On 25 October 2008, more than half a million people took to the streets in Taipei in the biggest display of disapproval of Mr. Ma's policies since he took office only five months earlier. The protest was coordinated by the opposition Democratic Progressive Party, but was joined by a host of other civic and grassroots organizations.

The organizers had developed five main themes, and each theme was depicted in one of the five routes taken by the protesters, originating in different parts of the city, and converging on the Kaitakelan Boulevard in front of the Presidential Office. The five themes were:

1. Opposition to “Made in China” toxic goods, especially melamine-laced milk;
2. No to “One China education”: Mr. Ma has indicated he is planning to recognize degrees from Chinese universities;
3. No to “hollowing out of sovereignty”: a reference to Mr. Ma's moves to downplay Taiwan's sovereignty,
4. No to “a One China market” which would further loosen restrictions on moving Taiwan's factories – and thus jobs — to China and the import of cheap Chinese agricultural products, and
5. No to “incompetent government”, a reference to a host of zig-zag decisions and measures taken by the Ma Administration during its first few months in office.



**Banner: Say NO to "One China Market"**

The marches in the different parts of the city started in early afternoon. DPP chairperson Tsai Ing-wen herself started at National Taiwan University behind a banner reading “Oppose One China” flanked by leading DPP politicians, such as Kaohsiung City Mayor Ms. Chen Chu and former presidential secretary-general Mrs. Yeh Chu-lan.

Students walked behind a banner denouncing “One China education”, and carried giant black student graduation caps emblazoned with the five red stars of the PRC flag, and banners charging Ma with “selling out the future of Taiwan’s children.”

Photo: Taiwan News



**Massive crowd in Taipei on October 25th 2008**

By 5:00 pm the five separate marches had converged on the large square in front of the Foreign Ministry and

Presidential Office, and a series of speeches began, including ones by former DPP vice presidential candidate and ex-premier Su Tseng-chang, former DPP chairman Yu Shyi-kun, TSU Chairman Huang Kun-hui, Taiwan Society Chairman Wu Shu-min, and rock singer Freddy Lin.

DPP Chairperson Tsai Ing-wen’s speech was the highlight of the event. She spoke about the “shared ideas and common anxieties” of the marchers, and said: “*We are worried about the continued decline of our economy and about whether the KMT government is turning Taiwan to a part of China.*”

She added: “*Our parents worry whether the KMT government is tossing away everything that they worked for all their lives and intellectuals are taking to the streets because they worry about whether one-party hegemony is leading to a retreat in democracy and freedom of speech. Over 600,000 marched today to show our anger and fury to this government.*” As she was speaking, a green laser lighted the Office of the President with the two characters for “*incompetent.*”

Dr. Tsai also expressed opposition to the visit of Chen Yunlin, the chair of China’s Association for Relations Across the Taiwan Strait (ARATS), China’s organization responsible for relations with Taiwan (see following story). Tsai stated: “*We oppose*

the visit of Chen Yunlin because we are not willing to give up our sovereignty for the sake of his visit,” and vowed that the DPP “will find ways to let Chen Yunlin hear that we do not welcome him to Taiwan.”

## *Towards de facto unification ?*

The moves by the Ma Administration have left many people to wonder about his ultimate objectives. During the election campaign in January-March 2008, Mr. Ma emphasized his “Three Noes”: that during his presidency he would have “*no unification, no independence and no use of force.*”

However, since taking office, Mr. Ma has aggressively pursued rapprochement with Beijing. Many in Taiwan feel that this has occurred at the expense of Taiwan’s basic interests and Taiwan’s sovereignty. They point to the fact that Mr. Ma is foregoing being addressed as “President” by the Chinese emissaries, that he is now referring to Taiwan and China as two “regions” under the “One China” heading, and his apparent willingness to discuss a Comprehensive Economic Partnership Agreement (CEPA) along lines similar to those China has with Hong Kong and Macao.

Copyright: Taipei Times

Until now, the basic position of the international community has been that China and Taiwan should maintain the “*status quo*” and not take steps that would change the balance across the Strait. Most countries do consider Taiwan a *de facto* independent country and have applauded its transition to democracy in the late 1980s and early 1990s. They have also emphasized that Taiwan’s future should be resolved peacefully, and with the assent/consent of the people on the island.



**Mr. Ma showing all his cards in poker game with China over sovereignty stakes**

The Ma Administration now seems to be moving in the direction of *de facto unification*: all his steps, actions and measures point to the fact that he wants to inextricably link Taiwan’s economy and society with that of China’s.

*Taiwan Communiqué comment: Mr. Ma's moves represent a dangerous slide of Taiwan in China's direction for a number of reasons:*

- 1. There was no attempt whatsoever by him to arrive at a consensus with the democratic opposition: while a large majority of the people on the island favor improvement of relations with China, the way how this is done should be the subject of a democratic debate;*
- 2. A rapprochement with China should be done on a reciprocal footing, with both sides granting concessions and gaining points. Until now, Mr. Ma has granted all the concessions, while China has not budged an inch, particularly on the missile threat and Taiwan's international space;*
- 3. It is moving Taiwan into China's sphere of influence **by stealth**: also referred to as the "Hong Kong-ization" of Taiwan. Because of Taiwan's strategic location, its economic importance and key role as a high-tech powerhouse, Ma's policies would undermine US and Western interests in the region;*
- 4. It is detrimental to Taiwan's role as a beacon of democracy, since Ma's moves undermine democracy in Taiwan – also through the arrests of a number of opposition figures (see article "**Political arrests and detentions in Taiwan**", below);and*
- 5. It forecloses a fully free and open debate necessary for a democratic process by which the people of Taiwan can determine the future status of their island.*

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## The visit of ARATS Chief Chen Yunlin

From November 3<sup>rd</sup> through 7<sup>th</sup> 2008, Mr. Chen Yunlin, China's highest official in charge of relations with Taiwan, visited the island at the invitation of the Ma government. It was a return visit to a meeting held in Beijing in June 2008 between China's Association for Relations Across the Taiwan Strait (ARATS) and Taiwan's Straits Exchange Foundation (SEF).

The purpose of the visit was to sign four agreements on cross Strait aviation, shipping, postal links, and food safety. The agreements on aviation and shipping links had actually been worked out already by the previous DPP Administration, while the food



safety agreement was prompted by the recent melamine milk poisoning scare, which also severely affected food safety in Taiwan. However, a number of former government officials stated that the agreements signed by the Ma Administration are significantly inferior to the ones originally negotiated by the DPP Administration.

However, the visit prompted large scale demonstrations in Taipei, and led to a number of altercations between police and protesters. Below we present a summary of the course of events.

## *Turning into a police state once again?*

Mr. Chen Yunlin arrived on Monday, 3 November 2008 at Taiwan's international airport in Taoyuan. In preparation, the police had emptied out the airport and allowed only ticketed passengers onto the airport premises. Similarly, the Grand Hotel just north of Taipei, where Mr. Chen would be staying, was enclosed by a tight police cordon with barbed wire barricades, and only people with long-standing hotel reservations were allowed in.

The police also prevented passersby and people on overpasses from waving the Chinese Nationalist flag, which is the symbol for Ma's government, and stopped a busload of Tibetans with colorful Tibetan flags from going to the airport to "welcome" Mr. Chen. A young woman's finger was broken when police ripped a Tibetan flag from her hands. People were stopped and questioned on the street for wearing T-shirts reading "*Taiwan is my country.*" Before Chen Yunlin's arrival at the Grand Hotel, four Taichung City councilors unfurled two banners reading "*Taiwan is Taiwan*" and "*Chen Yunlin go home*" from the hotel's sixth floor. Within a few minutes, police confiscated the banners.



**Protest banners at the Grand Hotel**

The measure prompted major newspapers in Taipei to criticize the police measures: In a strongly-worded editorial, the **Taipei Times** stated: "*The security measures ... must be awakening a sense of dread in anyone old enough to have lived in the Martial*

*Law era under dictator Chiang Kai-shek.” It added: “In fact, so ostentatious was the presence of police and National Security Bureau officers at critical venues along Chen’s path from Taiwan Taoyuan International Airport to the Grand Hotel in Shilin that the Chinese envoy must have felt right at home” (“Fear and Loathing in Taipei”, *Taipei Times*, 4 November 2008).*

Copyright: Taipei Times

On Tuesday, 4 November 2008, the four agreements were signed by Mr. Chen on behalf of China, and SEF Chairman Chiang Pin-kung on behalf of the Taiwan side. In the meantime the protests continued Tuesday and Wednesday, when Legislative Yuan Speaker Wang Jin-pyng met Mr. Chen and urged him to dismantle China’s missiles aimed at Taiwan, and leave Taiwan more international space. Newspaper reports did not record how Mr. Chen responded.



**Items banned in Taiwan: Narcotics, weapons, .... and "I Love Taiwan" T-shirts and ROC-flags**

## *Guess who's coming to dinner?*

Matters came to a head on Wednesday night, when several thousand demonstrators surrounded the **Formosa Regent Hotel**, when Chen was having dinner with Kuomintang Chairman Wu Po-hsiung and a coterie of KMT officials. Lines of police cordoned off the hotel and prevented the demonstrators from getting close to the hotel. The crowd shouted “*Ma Ying-jeou step down*”, blaming President Ma Ying-jeou for the deteriorating situation. In the meantime, a record shop close to the hotel, which was playing Taiwanese music, was forcibly closed by the police at the scene.

The stand-off lasted until around 2:15 a.m. when a large police force with clubs and riot shields started to remove the demonstrators to make way for Chen Yun-lin’s motorcade. In the meantime, a police force inside the hotel entered the lobby in advance of Mr. Chen’s departure, and threw a number of people gathered there on the ground and against the wall. Several prominent DPP legislators sustained injuries, including



senior DPP legislator Chai Trong-jong (73 years old, who was injured on the head) and former Minister of Culture, Mrs. Wang Ching-chu, whose arm was broken by the police, and who had to undergo a three hour operation to reset her arm.

## *The November 6th "Yellow Ribbon" siege*

The next day, Thursday, 6 November 2008, turned out to be the most chaotic day of the visit: according to the original schedule, President Ma planned to receive ARATS chief Chen at 4:00 pm. However, in order to avoid the large-scale demonstrations organized by the DPP and civic groups, the meeting was moved to 11:00 am.

Thus, Mr. Chen arrived at the Taipei Guest House, right across from the Presidential Office, and he and Mr. Ma exchanged gifts. The most awkward moment came when Chen handed his gift, a Chinese scroll with a horse painted on it, and stated: *"This is by a world famous painter of horses who has received many international awards. I give this painting to ... give this painting to ..."* Mr. Chen stammered, until settling with a simple "you" to refer to President Ma.

Photo: Taiwan News

Dr. Tsai Ing-wen, chairwoman of the opposition Democratic Progressive Party, said that the episode shows how Mr. Ma has undermined Taiwan's position. *"People feel anxious especially when we have to wonder whether Taiwan's democratically elected president, will be addressed as president,"* she said. *"If he (Ma) cannot even defend his own title, what can he defend for us?"* she added. She also charged that Mr. Ma seemed to be more willing to reach out to Communist China than to Taiwan's own people across the internal political divide.



November 6th protest demonstration in Taipei

As the day wore on, a large crowd – estimated at up to 200,000 people – joined the protest, coined "The Yellow Ribbon Siege" by the DPP organizers. In the late morning

and early afternoon, the crowd first gathered near the Presidential Office, where they shouted “*Taiwan, China. One country on each side (of the Taiwan Strait),*” and waving flags and placards reading “*Chen Yunlin, go home.*”

Photo: Taiwan News

Traffic in the streets of central Taipei came to a total standstill as the protesters moved, on foot and in vans equipped with loudspeakers, towards the Grand Hotel, in the northern part of the city. The procession moved along a route planned by the DPP, and was peaceful, but in a number of other locations skirmishes occurred between people and police armed with riot shields and clubs. A number of people on both sides were injured.



**DPP Chairwoman Tsai Ing-wen and other DPP leaders at "Yellow Ribbon" protest**

At 5:30 pm, the DPP called off any further demonstrations and urged its supporters to go home for the day, but DPP Chairwoman Tsai Ing-wen said future demonstrations would be necessary: “*We are doing this for the future of Taiwanese people,*” she said. “*We want to defend Taiwan’s sovereignty and human rights.*”

## ***Students start “Wild Strawberry” protest***

The aggressive police behaviour during the four days of Chen Yunlin’s visit prompted a group of some 500 university students, accompanied by several professors and NGO professionals to start a sit-in in front of the Executive Yuan Building on Chung-hsiao East Rd in Taipei. The sit-in started at 11:00 am on Thursday, 8 November 2008.

The group emphasized they were not associated with either KMT or DPP, but wanted to express concern about the excessive use of force by the police authorities, resulting in large numbers of civilian injuries. The group also protested the severe infringement on freedoms of speech during the events surrounding Chen Yunlin’s visit.

The students expressed three demands:

1. A public apology from President Ma Ying-jeou and Prime Minister Liu Chao-shiuan to the people on Taiwan for the police behaviour and abuse of human rights;
2. The immediate resignation of Mr. Wang Cho-chiun, the Director General of the National Police Agency, and Mr. Tsai Chao-ming, the head of the National Security Bureau;
3. A revision of the Assembly and Parade Law by the Legislative Yuan; at present the Law prohibits any peaceful assembly at major locations until specific permits have been granted by the police.

In a statement, the students stated that “...*there have been numerous reports on Taiwan police officers engaging in abusive acts against peaceful protesters and bystanders in the name of “keeping the social order.” Arbitrary searches and prohibitions, seizure and destruction of property, physical assault, dispersion, and even arrest and detention have been all conducted by the police in the name of “violation of Assembly and Parade Act,” “Social Ordinance Protection Act” and “Law Enforcement Act.”*”

Photo: Wild Strawberry

On Friday, 7 November 2008, the sit-in was broken up by police and the demonstrators were dropped off at different locations around the city, but the students reconvened at Freedom Plaza in front of the National Taiwan Democracy Memorial Hall, where they vowed to continue the sit-in until the KMT government had met their demands.



**Students in front of Executive Yuan: the banners read "Apologize" and "Amend the (Assembly) Law"**

The move evoked a wide-spread response across university campuses across Taiwan: at dozens of campuses support movements sprang up, and students organized local sit-ins in support of the one in Taipei. The movement was quickly dubbed “Wild Strawberry Movement”, after the “Wild Lily” student movement of 1989-91, which helped bring about democratization in Taiwan two decades ago.

The present generation of students has often been referred to as the “Strawberry Generation”, because of its general lack of involvement in politics and apparent

indifference to social causes: like strawberries, they were presumably too sensitive for the rough and tumble of present-day politics. The *Wild Strawberry Movement* is now showing otherwise.

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## Political arrests and detentions in Taiwan

### *Present and former DPP officials arrested*

During the second half of October and early November 2008, the Kuomintang authorities moved to arrest at least seven senior members of the DPP and held most of them under draconian “investigative detention” laws. The move brought back memories of the Kuomintang’s repressive rule under its forty years of martial law, 1947-1987.

Below we present the names and the arrested persons. As of this writing, only one had been formally charged. The others were being held in *incommunicado* detention, while the prosecutor’s offices were busy spreading leaks to the press about the alleged suspicions against these people.

1. **Cheng-hsien Yu**: a DPP member, former Interior minister. Detained on October 15<sup>th</sup> 2008 without charges, and held incommunicado. Leaks by the prosecutor’s office to newspapers state that he is “suspected” of corruption in relation to the construction of a Convention Center in Taipei.
2. **Dr. James Lee**, a DDP member, former Hsinchu Science Park Director. Detained on October 27<sup>th</sup> 2008 without charges and held incommunicado. Newspaper reports state that the prosecutors “suspect” he took bribes in a land deal for Science Park in Lung-tang. The “suspicion” was based on a deposit of a large sum of money in Mrs. Lee’s account. The family indicated that the money was the result of the sale of their house in Maryland when they decided to return to Taiwan.
3. **Mr. Ming-wen Chen**, DDP member, currently the Magistrate of Chiayi County. Detained on October 29<sup>th</sup> 2008 without charge and held incommunicado. Newspaper reports state that prosecutors “suspect” he took bribes in the case of the construction of a county sewer system, an old case which was still being litigated, but now seems to be revived for political purposes. Mr. Chen has been rated as one of the best county magistrates in Taiwan.

4. **Mr. Ting-yu Wang**, a DPP member, City Councilor in Tainan City. On October 21<sup>st</sup>, Mr. Wang organized a protest gathering against the visit of ARATS vice chairman Zhang Mingqing in Tainan. There was some pushing and shoving and Zhang tripped and fell to the ground. On October 30<sup>th</sup> (with lighting speed!) Mr. Wang was indicted for “inciting violence.” The prosecution is asking for 14 months imprisonment. In the meantime, two Bamboo Union gangsters who threatened to kill Councilor Wang were let go by the authorities....
5. **Mr. I-jen Chiou**, a DPP member, former Secretary General of the National Security Council and Deputy Prime Minister. Detained on October 31<sup>st</sup> 2008 without charges and held incommunicado. Prosecutors have leaked info that he is “suspected” of irregularities in connection with a \$500,000 secret fund for diplomatic work.

Photo: Taiwan News

6. **Dr. Mark Chen**, a DPP member, former Foreign Minister and General Secretary of the National Security Council. On November 3<sup>rd</sup> 2008, he was questioned in relation to I-jen Chiou’s case. Only a few hours after the questioning the *Apple Daily* (a local tabloid) ran an article that the prosecutors were thinking of charging Dr. Chen in relation to the case.



**Yunlin County Magistrate Su Chih-fen being hospitalized**

7. **Ms. Chih-fen Su**, a DPP member, the first female Magistrate of Yunlin County. She was arrested without charges on November 4<sup>th</sup> 2008. Newspaper reports indicated the prosecutors “suspected” her of taking bribes in connection with the construction of a garbage disposal facility, an old case which is suddenly being revived.

Right after she was arrested, Ms. Su went on a hunger strike to protest her innocence. On November 8<sup>th</sup> she was transferred to a hospital. Her father was Su



Tung-chi, one of Taiwan's most famous political prisoners in the 1960s - 70s, and her mother, Su Hung Huei-chiao, was one of the earliest opposition politicians, and served for many years in the Taiwan Provincial Assembly.

As we were going on press on 11 November 2008, we received word that former President Chen Shui-bian had been questioned for some seven hours, and was also being detained under the draconian "preventive detention" law.

## *Scholars and writers express concern*

*Washington DC, 4 November 2008. The undersigned, scholars and writers from the US, Canada, Europe and Australia wish to express their deep concern about the recent series of detentions in Taiwan of present and former DPP government officials. To date there have been at least seven such cases.*

Copyright: Taipei Times

*It is obvious that there have been cases of corruption in Taiwan, but these have occurred in both political camps. The political neutrality of the judicial system is an essential element in a democracy. It is also essential that any accused are considered innocent until proven guilty in the court of law.*



**The KMT government's Ministry of Justice:  
*H.M.S. Revenge***

*We also believe that the procedures followed by the prosecutor's offices are severely flawed: while one or two of the accused have been formally charged, the majority is being held incommunicado without being charged. This is a severe contravention of the writ of habeas corpus and a basic violation of due process, justice and the rule of law.*

*In the meantime, the prosecutor's offices evidently leak detrimental information to the press. This kind of "trial by press" is a violation of the basic standards*



*of judicial procedures. It also gives the distinct impression that the Kuomintang authorities are using the judicial system to get even with members of the former DPP government. In addition, the people who are being held incommunicado are of course unable to defend themselves against the misreporting and the leaks in the news media.*

*We do firmly believe that any alleged wrongdoings must be dealt with in a fair and open manner in an impartial court. Justice through the rule of law is essential to Taiwan's efforts to consolidate democracy and protect fundamental human rights.*

*We do not want to see Taiwan's hard-earned democracy jeopardized in this manner. Taiwan can justifiably be proud of its transition to democracy in the late 1980s and early 1990s. It would be sad for Taiwan and detrimental to its international image if the progress which was made during the past 20 years would be erased. Taiwan needs to move forward, not backwards to the unfair and unjust procedures as practiced during the dark days of Martial Law (1947-87).*

The statement was signed by 20 scholars, writers and former US officials, including Nat Bellocchi, former Chairman of the American Institute in Taiwan; Gordon G. Chang, author, "*The Coming Collapse of China*"; Professor June Teufel Dreyer, University of Miami, Florida; professor Edward Friedman, University of Wisconsin, Madison; professor J. Bruce Jacobs, Monash University, Melbourne, Australia; Professor Scott Simon, University of Ottawa; Mr. John J. Tkacik Jr, The Heritage Foundation, Washington DC; Professor Arthur Waldron, University of Pennsylvania; and Mr. Stephen Yates, former Deputy Assistant to the US Vice President for National Security Affairs.

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## Taiwan and the United States

The recently-concluded US presidential election campaign and the victory of Democratic candidate Barack Obama represent the end of the George W. Bush chapter in US-Taiwan relations and the beginning of a new era.

Below we first present a piece by veteran Asia correspondent Julian Baum on what we would like to see happening under the presidency of Mr. Obama. *Will there be change the Taiwanese can believe in?* This is followed by a retrospective on the Bush years by veteran Washington observer Michael Fonte.

## *Obama and Taiwan: Fresh beginnings, new directions*

*By Julian Baum. Mr. Baum is a veteran journalist who has reported from both Taipei and Beijing*

If anyone doubts that US policy toward Taiwan needs a fresh start, the hundreds of thousands of Taiwanese who took to the streets of Taipei in late October and early

November 2008 should settle the question. The peaceful protestors voiced their mistrust of President Ma Ying-jeou and his Chinese Nationalist Party (KMT), especially of the government's assault on democratic rights and its multiple one-sided concessions to China.

As Ma and his pro-unification officials eagerly tear down the walls that separate Taiwan from the People's Republic of China, this popular mistrust is a potential deal-breaker, threatening social stability at home and the peaceful reconciliation that both sides say they want.

Yet Washington and its large community of pundits and Asia experts continue to be President Ma's biggest cheerleaders. The tone was set only hours after Ma's election in March and has not been contradicted since. Typical of the misplaced enthusiasm for the new government in Taipei were comments by Douglas Paal, former director of the American Institute in Taiwan. After the election, Paal predicted that the political changes would open a "potentially great new era in East Asia" and bring a "positive sum game" to cross-strait relations.



**President-elect  
Barack Obama**

Six months into Ma's administration, such cheerleading looks to be simplistic if not foolish. There's a new era, to be sure. But it's found in the raw complicities of cross-strait politics. The assumption that whatever reduces tensions and brings the two sides together is good for everyone is nonsensical. The how and why matter.

The reception for China's top negotiator, Chen Yunlin, in Taipei in early November 2008 was an especially egregious example of martial law-era indignities and abuses. Chen's fawning hosts attempted to arrange for him to move in a politically sterile environment for meetings and social calls with police tactics that provoked public wrath. This was a lame imitation of the "harmonious society" Beijing preaches for itself but which is far removed from the real Taiwan where freedom of expression and individual rights are valued as the norm.

In spite of these disturbing events, the news media continued to echo the consensus view of Ma as “smoothing the waters” of conflict by re-opening talks, as the *Wall Street Journal* commented recently. (See “Chinese Strait Talk,” *Wall Street Journal*, Nov. 5, 2008.) But in a bitter-sweet note that hinted at the political risks, the newspaper accurately observed that “*Beijing’s policy makers are eager to promote these talks to the Chinese public as proof for their claim that Taiwan is part of China.*”

In these radically changed circumstances, President-elect Barack Obama’s administration needs a more realistic and balanced approach than its predecessor. This could usefully begin by understanding that the Taiwanese public’s mistrust of Ma’s policies and the rejection of his methods are not mere partisan opposition from a disaffected minority.

They arise from popular fear that Ma’s government, which has allowed a reactionary KMT to set policy, is ready to turn the clock back to the martial law-era if it will advance its goals and please its negotiating partners in Beijing. In addition, there is popular discomfort over the egregious lack of accountability and transparency in the secretive party-to-party negotiations that Ma and Beijing are pursuing in contradiction of Taiwan’s own laws and Constitution.

*“Indeed, Taiwan’s 23 million people are being excluded from the real cross-strait negotiations carried out by the KMT and CCP just like the six million people of Hong Kong were excluded from the negotiations between Great Britain and the PRC over the future of Hong Kong in the 1980s,”* the Taiwan News warned recently (see editorial *Taiwan News*, Oct. 24, 2008).

This complicity between the Chinese Nationalist and Chinese Communist parties would mock two decades of hard-won democratic reforms and the Taiwanese people’s demonstrated capacity for self-government. The evasion of accountability and public scrutiny also provokes doubts about the legitimacy of any “peace agreement” that Ma has vowed to negotiate with Beijing. With weak legislative oversight, it also raises questions about the soundness of agreements already struck and those that will be “negotiated” next year.

Besides the urgent need to bring Washington back to its basic principles, President-elect Obama has an opportunity to bring greater coherence and purposefulness to U.S. policy objectives for Taiwan. The questions ask themselves: ***Should Washington accept the eventual annexation of Taiwan’s vital, high profile democracy by a single-party Chinese state that is hostile to democratic freedoms? Would this***

*outcome be acceptable to Japan and other indispensable allies in East Asia? If not, how can the U.S. avert such an outcome and check the current drift of events while preserving the peace?*

At a minimum, the Obama administration must un-mute Washington's inarticulate opposition to China's Taiwan policies, including its provocative military deployments and its harsh and unjustified suppression of Taiwan's participation in global affairs. Timidity and inattention are sullyng the U.S. reputation for fairness and balance while encouraging cynicism, even in China.

In advocating for stronger defense cooperation between the US and Taiwan, Rupert Hammond-Chambers of the US-Taiwan Business Council wrote recently: "*The fact is the Chinese expect us to act in our own interests. When we attempt to empathize with theirs, it only results in our core interests being marginalized, which is a Chinese goal.*" (See *Defense News*, Oct. 27, 2008.) An Obama administration must not let this democratic showcase in the Western Pacific be further marginalized, any more than its own core security interests.

A timely study for achieving this objective deserves greater attention. "A US-Taiwan common agenda is needed now more than ever. The relationship is dangerously drifting which carries the potential to harm US interests," wrote the study's lead authors, Dan Blumenthal and Randall Schriver. (See "Strengthening Freedom in Asia, A Twenty-First Century Agenda for the US-Taiwan Partnership," published by the **American Enterprise Institute** and **Armitage International**, February, 2008.)

The detailed study offers a positive bi-lateral agenda that would place US-Taiwan relations on a sustainable basis while strengthening Taiwan's viability as a democratic state and a valued ally. The proposals include enhanced security and economic cooperation, joint efforts in international aid and democracy promotion, as well as measures to correct the "asymmetry in communications" between Taipei and Washington. The authors make a strong case for why Taiwan matters and why a more active and constructive approach is urgently needed.

Obama's foreign policy team needs to take a close look at these recommendations, even if it means contradicting the new comrades-in-arms from Beijing and Taipei who are wooing the Taiwanese people with promises of a politically convenient but false peace.

## *A retrospective on the Bush Administration's Taiwan policy*

*By Michael J. Fonte, Washington Consultant on US-Taiwan relations*

In his 2000 inaugural speech, President Chen Shui-bian offered an olive branch to China, declaring that *“while upholding the principles of democracy and parity he would be willing to dialogue with Beijing on the possibility of a “future one China.”* He further stated his “four noes and one will not” – all related to independence questions. His premise was simple - *“as long as the CCP regime has no intention to use military force against Taiwan.”*

The Clinton Administration was pleased. The Chinese government, with its unwillingness accept Taiwan-China “parity,” was not. China answered Chen’s pledges with more missiles pointed at Taiwan and hostile rebuffs to every Chen overture.

George Bush offered China no such olive branches during his campaign for the presidency. Bush branded China as a “strategic competitor” and moved quickly to establish a strong relationship with Taiwan during the first months of his presidency.



**George W. Bush**

On April 24, 2001 Mr. Bush approved a robust package of arms for possible sale to Taiwan, including, to almost universal surprise, 8 diesel-electric submarines. The next day President Bush, when asked if the US had an obligation to defend Taiwan if it was attacked by China, replied. *“Yes, we do, and the Chinese must understand that.”* He went on to pledge that the US would do *“whatever it took to help Taiwan defend itself.”*

However, after that day, the two presidents slowly moved in opposite directions in their policies toward China, with disastrous consequences for the relationship between the US and Taiwan.

On the one hand, China did not respond to President Chen’s overtures, it continued to build up its military and missiles, and incessantly tried to reduce Taiwan’s international space. In addition, Chen took heart in the positive stance of the US, the strong arms sales offer, the increased mil-to-mil relations between the US and Taiwanese armed forces, and the transit visits which added the consideration of “dignity” to the former standard “safety and comfort” of Taiwan’s president.

In the face of continued Chinese hostility, Chen also moved to publicly and clearly affirm long-standing DPP policy – that Taiwan was an independent, sovereign country and any change in this status would have to be put before the Taiwanese people in a plebiscite. On August 3, 2002, President Chen declared that there was “one country on each side” of the Taiwan Strait. This, he said, was a basic fact of life. The Chinese were not amused.

On the US side, after the events of 9-11, President Bush moved in the opposite direction in his China policy: in the new fight against terrorism, it was argued, the United States needed China’s cooperation.

The Chinese leaders knew how to play into America’s new anxieties: By 01:30 am on September 12<sup>th</sup> 2001, only a few hours after the attacks, President Jiang had sent a personal message to President Bush expressing his sympathy and condolences to the American people and offering the support of the Chinese government in combating terrorism. At the same time, Foreign Minister Tang sent Secretary Powell a message, which said that “in the fight against terrorism, the United States and China stand side by side.”

The die was cast: China’s support in the UN Security Council was vital to Bush’s moves against Afghanistan and Iraq. In his personalized diplomatic way, President Bush would increase his contacts with Jiang Zemin and later Hu Jintao via meetings and frequent phone calls.

In the meantime, Ambassador Randt would leapfrog normal State Department and National Security Council channels to talk directly with President Bush about Chinese needs and demands. Old China hands like the president’s father - George H.W. Bush, Brent Scowcroft, and Henry Kissinger weighed in on behalf of a warming of US-China relations. The economic relationship between the two countries became increasingly symbiotic, with the US importing huge amounts of Chinese-made goods and the Chinese underwriting the US need for more cash by buying US Treasury bonds with their growing asset surplus.

From his initial strategic clarity of his April 2001 position, President Bush moved to a dual deterrence policy – no unilateral action by either side of the Strait, whether the use of force by China or a declaration of independence by Taiwan. Bush came to accept Chinese red lines about Taiwan as the ones not to be crossed regarding the *status quo*. Almost every move made by President Chen was interpreted as a move toward “independence,” and Chen Shui-bian became the “troublemaker” to be silenced and marginalized.



Chen pointed to the increasing number of missiles aimed at Taiwan as the real disruption of the status quo in the Strait. He called for a “defensive” referendum to be held in conjunction with the 2004 Presidential election in Taiwan. In a December 9, 2003 press conference with Chinese Premier Wen Jiabao, President Bush stated, “*We oppose any unilateral decision by either China or Taiwan to change the status quo. And the comments and actions made by the leader of Taiwan indicate that he may be willing to make decisions unilaterally to change the status quo, which we oppose.*”

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This public slap at President Chen was bad but made worse when Bush Administration officials did not dispute Premier Wen’s statement that President Bush had “reiterated...opposition to Taiwan independence.” By not correcting the record and stating that the US policy was “non-support” rather than “opposition” to Taiwanese independence, Bush implicitly accepted the Chinese position.



**US "democracy gun" and Taiwan's "referendum arrow": "Put it down, pardner. These things ain't toys, y'know."**

After this joint press conference, US-Taiwan relations remained tense throughout the rest of Chen’s first and second terms. Struggles continued over issues like the National Unification Guidelines and the National Unification Council, options for transit visits through the US by President Chen on his trips to Latin America and the Caribbean, and another referendum flap in 2008.

As part of his overall “forward strategy of freedom”, articulated in the September 2002 *National Security Strategy of the United States*, President Bush made democratic transformation of authoritarian states a central focus of his foreign policy. In speeches that followed, he praised Taiwan e.g. in Kyoto on November 2005.

Unfortunately, the Bush Administration seemed to have a “China exception” to its democracy promotion and allowed Chinese objections to undermine democratic principles and practices in Taiwan. Bush looked the other way while China was

fundamentally altering the balance across the Strait, but leaned heavily on Taiwan “*not to change the status quo*”. What is more democratic than a referendum to hear the peoples’ voice on major issues such as China’s missile threat and Taiwan’s membership in the UN? Yet, the Bush Administration found it necessary to “oppose” these referendums.

Many Taiwanese are deeply concerned that President Ma Ying-jeou has bent to US insistence on dialogue with China and less tension across the Taiwan Strait by accepting the PRC’s “one China principle” in the form of the so-called “’92 consensus.” While this is way beyond what the Bush Administration demanded of President Chen, it may well be a painful legacy of the divergence in the Bush and Chen policies toward China.

President Ma’s systematic moves into China’s sphere of influence are detrimental to the island’s hard-won democracy and US strategic interests in the region. Hopefully a new US Administration will return to a more balanced policy toward Taiwan.

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## US arms sales to Taiwan proceed

### *The Bush Administration notifies Congress*

In our previous issue we reported on the delays in arms sales notifications by the Bush Administration to Congress (“*Are US arms sales to Taiwan “frozen”?*”, *Taiwan Communiqué* no. 120, September 2008).

On 3 October 2008, just before the beginning of the Congressional recess, the Bush Administration finally notified Congress of the arms package it intended to sell to Taiwan. The package consisted of six items, totaling US\$ 6.5 bln. and included an upgrade for four 4E-2T advanced warning aircraft, 30 Apache helicopters, 330 Patriot PAC-3 missiles, 34 Harpoon anti-ship missiles, 182 Javelin guided anti-tank missiles, and spare parts for F5-E, C-130 and F-16 aircraft presently in service in Taiwan’s air force.

The package did not include three other major items: 66 F-16 block C/D fighter aircraft, eight diesel-electric submarines, and 60 Blackhawk troop transport helicopters. The exclusion of the Blackhawks is peculiar, since they did not seem to be controversial in any way: only the F-16s and submarines had been hotly debated.

The arms package was long-delayed: it had been offered by President Bush in April 2001, but after the government of president Chen Shui-bian formally proposed the

budget in Taiwan's Legislative Yuan, it was blocked time and again by the opposition Kuomintang: in total, the KMT used its majority some 65 times in the LY's Procedure Committee to block even a preliminary discussion of the budget. The KMT was simply using a "scorched earth" tactic and wanted to prevent President Chen from having any success.

After a considerable amount of pressure from the American side on Mr. Ma and LY Speaker Wang Jin-pyng, the Legislative Yuan finally passed the budget in late 2007. However, at that point Taiwan's legislative and presidential elections were fast approaching, so the US held back and didn't proceed with the notifications.

After Mr. Ma was elected in March, the US wanted to wait and see what his policies would be like, and whether the new KMT administration wanted to proceed with the sales. After some mixed signals -- in particular by Mr. Su Chi, the secretary-general at the National Security Council in Taiwan at the NSC (who reportedly indicated to the US that he favored *slowing down* the decision making process for the sales) — the Ma Administration started to indicate somewhere in July 2008 that they wanted the arms sales to go ahead.

The package itself and the way it was arrived at evoked a number of concerns. A brief summary:

1. **Defense News** asked in an editorial whether the present rapprochement between the Ma Ying-jeou government and the PRC "... *raises the possibility that advanced arms sent to Taiwan could be in China's hands a decade hence*" ("**A Complex Matter**", **Defense News**, 13 October 2008);
2. US Taiwan expert **John J. Tkacik Jr.** criticized the size of the package and the fact that key items such as the F-16s and submarines were excluded. He stated:

*"Rather than addressing Taipei's deteriorating military balance against China's rapidly modernizing and expanding forces, these approvals provide gasps of new oxygen to Taiwan's aging defenses, which were starved of air initially by domestic politics and then, for the last year, by Washington's concern about Beijing's ire.*

*Indeed, for the most part, the sales seem to be designed around a new standard: providing no capability that Taiwan does not already have and about which Chinese protests will be perfunctory*" ("**Less than meets the eye**", **Heritage Foundation WebMemo** , 8 October 2008).

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