



Taiwan Communiqué

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137

Su Tseng-chang takes the DPP reins

On 27 May 2012, the Democratic Progressive Party elected Mr. Su Tseng-chang as its new chairman, and on 30 May, Mr. Su formally took over the party reins from Kaohsiung Mayor Chen Chu, who had served as interim chairperson since the departure of Dr. Tsai Ing-wen at the end of March 2012.

Mr. Su is a longtime party veteran, who started his political career as a defense lawyer for the Kaohsiung defendants in 1980, when eight major opposition leaders were arrested and imprisoned on political charges. He served as Provincial Assembly member in the early days, and later was elected as county magistrate, first in his home county of Pingtung (1989-1993), and later in Taipei County (1997-2004). After that he served as Secretary-General of the Presidential Office under President Chen Shui-bian (2004-2005), had a brief stint as party chairman, and subsequently was appointed Prime Minister (Jan. 2006 – May 2007).

Photo: Taipei Times

DPP National Party Congress in July

On 15 July 2012, the DPP held its first National Party Congress under Su Tseng-chang's leadership. The Congress elected a new 30-member Central Executive Committee, which in turn elected 10 members for the Central Standing Committee, the party's top decisionmaking and administrative



**New DPP Chairman
Su Tseng-chang**

body. Elected members included former prime ministers Frank Hsieh and Yu Shyi-kun. In addition, the CSC has seven ex-officio members designated by the chairperson, three legislative caucus executives and three mayors, including Kaohsiung mayor Chen Chü and Tainan mayor William Lai.

In early June 2012, Chairman Su had already appointed his long-time aide Lin Hsi-yao to the position of party secretary-general, and former Taiwan representative to Washington Joseph Wu to the position of executive director of the Policy Research Committee, an influential office which develops policy positions within the party. Su also appointed three deputy secretary-generals.

In his speech to the National Party Congress, Chairman Su first recounted how the DPP had played a crucial role in Taiwan's transition to democracy only 25 years ago. He then emphasized how the current KMT government still chooses to neglect the voices of society and its people, both on domestic and international issues.

On the domestic front he said that "In today's Taiwan, the people's expectations are simple, which is to have a steady income, enough to support their families and to buy their own homes." He then emphasized how declining salary levels of university graduates in particular have caused hardship. He criticized the Ma government for its steep increases in oil and electricity prices and said ""Regretfully, the people have stopped dreaming of a future with a better life."

He also criticized the KMT government's lack of efficiency in dealing with key economic and social problems and said that the recent corruption scandals (see following story) have made the people lose confidence in the government.

Su also emphasized that the people in Taiwan hope to see their country become a full and equal part of the international community. He said that "with the aim of getting closer to China, the KMT government has avoided emphasizing Taiwan's dignity. Their "diplomatic truce" has turned into a diplomatic breakdown." He said: "The people of Taiwan have started to feel anxious about the denigration of our sovereignty."

Su concluded with an appeal to openness and broad participation by the populace in political decisionmaking. He said: "Twenty-five years ago, we broke through the barrier of martial law with the will of the people on our side. Today we must break through Taiwan's current stagnation with open participation."

DPP establishes China Affairs office

In his first few months in office, Mr. Su Tseng-chang also displayed a willingness to reach out to China. Right after his election in late May he announced that the party would set up a department of China Affairs and establish a China affairs committee. On 25 July 2012, at a press conference at the DPP headquarters, he formally announced the establishment of the China Affairs department, which will be headed by Prof. Honingmann Hong, a prominent scholar who has specialized in economic developments in the region.

Copyright: Taipei Times



The DPP puzzling over its China policy: "I wonder if Newton had this much trouble .."

In a subsequent interview with the **Wall Street Journal** ("*Taiwan opposition leader willing to be flexible with China*", published on 1 August 2012), Su said that his party would be willing to be flexible in its approach to Beijing, and would be willing to engage in communication and exchanges with Chinese scholars and officials. He also did not exclude a visit to China, provided there were no preconditions from the Chinese side (such as acceptance of the "One China principle" or the 1992 consensus).

At the same time Su reiterated that the DPP is committed to its position on safeguarding Taiwan's democracy, freedom and sovereignty. He also called on would-be PRC leader Xi Jinping to come up with more accommodating and flexible approach towards Taiwan.

Judiciary shows partisan prosecution

Cabinet Secretary-General Lin's corruption case

On 27 June 2012, **Next Magazine**, the Taipei-based publication owned by Hong Kong media magnate Jimmy Lai, published an article in which it alleged that Cabinet Secretary-General Lin Yi-shih, a close confidant of President Ma, had received some NT\$ 63 million (US\$ 2.15 mln) from an industrialist in 2010, and reportedly was asking the industrialist an additional NT\$ 83 mln. (US\$ 2.83 mln.) in return for assistance in securing contracts with the state-owned China Steel Corporation.

Copyright: Taipei Times

The industrialist, a Mr. Chen Chi-hsiang, owner of a metal-recycling company in Kaohsiung has solicited Mr. Lin's help in securing procurement contracts from China Steel in 2010, when Mr. Lin was still a legislator and a whip in the KMT legislative caucus. Mr. Lin was reportedly paid the NT 63 mln. at the time, and when Mr. Chen approached him again in March and April of this year, Mr. Lin demanded an even higher amount, NT 83 mln.



The Special Investigation Division (SID) moving very slowly in the corruption case of secretary-general Lin Yi-shih

However, in the meantime Mr. Lin had climbed to a higher position: he lost the race for a legislative seat in the January 2012 elections, but had been appointed by president Ma to be Executive Yuan Secretary-General. As legislator, Mr. Lin had built up a reputation as strong supporter of President Ma, who rewarded him with this promotion. He had also shown himself to be a ruthless attacker of the DPP, especially lambasting former president Chen Shui-bian.

Two days after the news reports of the scandal broke, Mr. Lin resigned from his position, while the Special Investigation Division (SID) of the Supreme Prosecutors' Office launched an investigation. Lin was subsequently arrested and detained on bribery charges. His wife was also briefly detained but later released after being questioned.

The case took an almost comical turn a few days later when Lin's mother turned up at the SID's offices, voluntarily handing over some NT\$ 18 mln. in cash, partially in US dollars, and also told investigators that she had stuffed money in plastic bags and thrown them in a pool in her backyard, had burned part of the money in a furnace, and had flushed bills down the toilet.

After the case became public a number of labor union officials stated that Mr. Lin Yi-shih's influence went well beyond China Steel and involved other state-owned corporations, including Chunghwa Telecom and Tang Eng Iron Works. They also stated that the political interference in China Steel started after President Ma came into office in 2008, and appointed Messrs. Chang Chia-juch and Tsou Juo-chi as chairpersons at China Steel.

The case of course attracted a lot of media attention, to the detriment of the ruling Kuomintang, which had always prided itself of being "clean", but now saw one of its highest officials caught with his hands in the cookie jar.

Chiayi prosecutions blatantly partisan

While the investigation into the Lin Yi-shih was ongoing, the Investigation Bureau of the Ministry of Justice suddenly launched a major investigation into an old case involving the DPP Chiayi County Commissioner Helen Chang and her predecessor, Chen Ming-wen.

In the period 2004-2006, when Chang was a legislator and Chen was the County Commissioner, the two had been supportive of the Dapumei herbal medicine biotech park project. The project later folded and in 2011 the park was turned into a precision machinery industrial park.

On July 31st 2012, the MJIB suddenly dispatching 150 agents from its office in Chiayi and 250 agents from the Kaohsiung office to raid 51 locations and question dozens of people. Ms. Chang and Mr. Chen were detained but later released on bail. The raids included the county government offices as well as the offices of the environmental engineering departments of several local universities, which had also participated in the biotech park project.

There were also indications that the MJIB leaked information about the investigations to the press: on the day before the raids, several prominent TV commentators made statements to the effect that the raids were going to take place.

Tsai Ing-wen cleared of Yu Chang Biologics allegations

On 14 August 2012, the Special Investigation Division of the Supreme Prosecutors' Office announced that it had closed the Yu Chang Biologics case, clearing former DPP Presidential candidate Dr. Tsai Ing-wen from any wrongdoing.

The SID had launched the investigation with great fanfare in mid-December 2011, just a few weeks before the January 2012 presidential elections. Many observers in and outside Taiwan perceived it as a rather overt attempt to influence the elections, and it indeed was one of the reasons contributing to Dr. Tsai's loss in the presidential race.

Photo: Taipei Times



**Former DPP chairperson and presidential candidate
Dr. Tsai Ing-wen**

The investigation had focused on investments by the National Development Fund (NDF) in the biotech startup when Tsai was vice premier in 2007. The SID concluded that all investments were legal and that all approval procedures had been followed properly.

Tsai and her family had invested their own money in the company, but she had not played any role in the NDF decision making. A number of months after she stepped down as vice premier and entered private life she was asked to serve as chairperson of the Board of the company, which she accepted. The SID concluded that there was no wrongdoing in that either.

Taiwan Communiqué comment: *While it is encouraging that the SID has now come to the right conclusions, the whole episode is still very indicative of the political bias of the judiciary system: the prosecutors all too easily go after present and former members of the DPP, while there is a reluctance to apply the law evenly and use the same measuring stick in relation to members of the Kuomintang.*

There is not only a need for reform of the judiciary system as such, but also a change of culture of the personnel involved. Equality under the law, innocence until proven guilty, and fair trial procedures are principles that are still not fully embedded in the minds of many prosecutors and members of the judiciary in Taiwan.

The difference in the prosecution of these cases prompted the following commentary from FAPA President Dr. Mark Kao.

Jury still out on Taiwan's judiciary

By Mark Kao, president of the Formosan Association for Public Affairs. This article was first published in the Taipei Times on August 13th 2012. Reprinted with permission.

Taiwan is by all accounts a vibrant democracy, but if it wants to safeguard its liberty and freedom, it urgently needs significant judicial reform.

The nation's democratic transition occurred more than 20 years ago, yet the judicial system still reflects many traits dating back to the days of martial law, when Taiwan languished under one-party domination of the Chinese National Party (KMT). Significant improvements were made in the early 1990s, especially under the governments of presidents Lee Teng-hui and Chen Shui-bian, but many feel there has been a regression since 2008, when President Ma Ying-jeou took office.

Although the courts often show their political bias, there have been some positive developments, such as the cases of former National Science Council vice minister Shieh Ching-jyh, former deputy foreign minister Michael Kau and former National Security Council secretary-general Chiou I-jen, who were recently acquitted. The fact that they were declared not guilty is gratifying, but it came at a cost of years of costly legal proceedings.

The problem of political bias lies with the prosecutors, and especially with the Special Investigation Division (SID) of the Supreme Prosecutors' Office, which fall under the jurisdiction of the Ministry of Justice. Not only does the organizational structure make them vulnerable to political influence, but for far too long individuals who occupy these positions have been supporters of the KMT. Their allegiance to the ruling party has guaranteed them their perks and positions.

This political bias is evident from the eagerness with which the prosecutors go after present and former Democratic Progressive Party (DPP) officials, and their reluctance to investigate KMT officials, especially those in high places.

In December last year, when DPP presidential candidate Tsai Ing-wen was pulling ahead of Ma in the race for the presidency, the SID suddenly opened an investigation into the 2007 involvement of Tsai in the Yu Chang Biologics Co, a highly successful biotech company which is developing medicine for the treatment of AIDS. That this investigation happened less than a month before the elections was of course no coincidence. The SID also made sure the press received all the necessary information to write sensationalized articles.

Copyright: Taipei Times

By contrast, in June of this year, Next Magazine published charges that Cabinet secretary-general Lin Yi-shih was involved in corrupt dealings, the SID moved slowly and gingerly. It did arrest Lin, question and detain him, but observers in Taiwan indicate that the investigation has dragged on for weeks and express doubt that the probe into the financial dealings of Lin, who has long been a confidant of Ma, is thorough enough.



Biased judiciary

Making its political bias even more evident, on 31 July 2012, the Investigation Bureau of the Ministry of Justice (MJIB) suddenly launched a major investigation into the involvement of the DPP Chiayi County Commissioner Helen Chang and her predecessor, Chen Ming-wen, in the Dapumei herbal medicine biotech park project. The investigation stems from the period 2004 to 2006. That it suddenly pops up now does not seem to be a coincidence. It is clearly designed to draw attention away from the Lin Yi-shih corruption case.

What can be done? The people of Taiwan need to voice their concerns and ensure that there is a movement towards a fair and balanced judicial system in which people can expect a fair trial with no political interference.

Judicial reform is essential if Taiwan wants to safeguard its hard-won freedom and democracy.

Taiwan's status, the Senkakus and the SCS

During the past two months several interlinked issues have hit the front pages in Taipei and have been hotly discussed by pundits and observers on the island and overseas. Below are a summary of the developments and a commentary by Mr. Joe Bosco, who served as China desk officer at the Pentagon in 2005-2006.

Ma Ying-jeou's flawed understanding of Taiwan's status

The first issue making headlines was a statement by President Ma Ying-jeou on 5 August 2012, who concluded that the 1952 Treaty of Taipei between Japan and the then Republic of China of Chiang Kai-shek was “proof” under international law that sovereignty over Taiwan had been “returned” to the Republic of China.

The problem with that argument is twofold: 1) the text of the treaty in question only deals with the citizenship of the people on the island, who had hitherto had the Japanese nationality, and with the disposition of properties and claims on the island. 2) at that point Japan did not have sovereignty over Taiwan anymore, as it had given this up under the San Francisco Peace Treaty of September 1951, in which it renounced “all right, title and claim to Formosa and the Pescadores.”

At the San Francisco Treaty many delegations had stated that Taiwan's status needed to be determined “... *in due course ... in accord with the purposes and principles of the Charter of the United Nations*” (British delegate). Certainly in those days that meant the principle of self-determination and eventual independence, as occurred with virtually all nations in Asia and Africa.

Taiwan Communiqué comment: *President Ma's flawed understanding of Taiwan's legal status not only makes him a laughing stock internationally, but is also dangerous for the decision process on Taiwan's future: his emphasis on Taiwan being part of his anachronistic (Republic of) China runs the risk of the (false) perception gaining hold internationally that Taiwan is somehow part of the Peoples Republic of China.*

A factual analysis of history shows that Taiwan was never part of the PRC: it was a Japanese colony until 1945, then occupied by the Chinese Nationalists “on behalf of the Allied Forces” (General MacArthur's Executive Order no. 1). If the international

community is faithful to the principles enshrined in the UN Charter it would grant the people of the island the right to decide their future freely, without outside interference and threats by the PRC. A free and fair referendum would without any question show that the Taiwanese want to be a full and equal member of the international community.

New tension surrounding the Senkakus

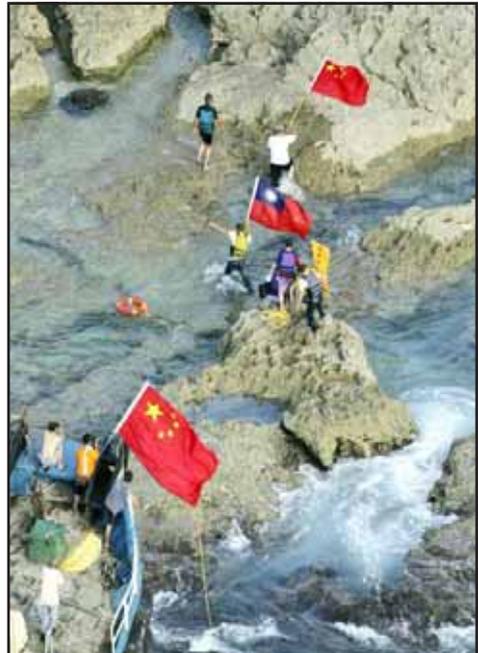
The situation surrounding the Senkakus heated up again in mid-August 2012, when a fishing boat with Hong Kong activists made their way to the island group via Taiwan and a group of some five activists landed on one of the islands to plant several PRC flags and one ROC flag there, only to be arrested by the Japanese Coast Guard. The Coast Guard also arrested nine other activists and crew who had stayed on board the fishing boat. The Japanese authorities subsequently deported the 14 activists back to Hong Kong.

A few days later a group of Japanese activists reciprocated and landed on one of the islands too.

Photo: AFP

However, a group of activists from Taiwan who were scheduled to sail to the islands and join up with the group from Hong Kong made a last-minute decision not to leave the harbor of Keelung. According to press reports from Taiwan, the Ma administration decided to cool the fervor of the group by urging the group to stay in port.

But at the same time, the Ma administration added oil to the fire by having the foreign ministry in Taipei making critical statements of Japan, but saying hardly a word about the activists who were provoking the situation by landing on the islands. In fact, officials in Taiwan prided themselves for the fact that the Taiwan Coast Guard had given “humanitarian assistance” to the activists when they passed by Taiwan on their way to the Senkaku Islands.



Hong Kong and Chinese activists plant flags on the Senkakus

Deputy Minister of Foreign Affairs Tung Kuo-yu also lauded the fact that the Hong Kong and Chinese activists had planted the ROC flag on the islands, next to the PRC flag: “We thought that the appearance of the ROC national flag on the islands was in accordance with our sovereignty claims over the Diaoyutai Islands,” he said.

In the meantime, the arrest and deportation of the 14 Hong Kong / Chinese activists prompted large-scale demonstrations in China, where authorities were fanning the flames of Chinese nationalism and anti-Japanese sentiments. Demonstrators burned Japanese flags, overturned or smashed Japanese cars and in some places broke windows of Japan-related businesses.

Taiwan Communiqué comment: *By playing up the extremist nationalistic fervor over the islands, the Ma Ying-jeou administration is escalating tensions in the region, and estranging Taiwan from Japan, by all measures one of its most important democratic neighbors and allies in a potential clash with China.*

To align itself on the side of China in this situation is not only imprudent but outright dangerous. The words and actions of the Ma administration are also contrary to the stated goals of peace and stability in the region, and a peaceful approach to the disagreement over sovereignty over the rocks.

Time for Taiwan to take action on SCS

By Joseph Bosco. Mr. Bosco served as China country desk officer in the office of the secretary of defense from 2005-2006, is now senior associate at the Center for Strategic and International Studies and writes on national security affairs. This article was first published in the Taipei Times on August 6th 2012. Reprinted with permission.

ASEAN’s historic failure last month to reach agreement on a unified approach to peaceful resolution of disputes in the South China Sea focused attention on an asymmetrical division among its members. The list of players in the unfolding and increasingly dangerous drama is familiar, but incomplete.

There are four ASEAN claimants (Vietnam, the Philippines, Malaysia and Brunei) and five ASEAN non-claimants (Thailand, Singapore, Laos, Myanmar and Indonesia). These nine countries support a collective position that would produce a fair, peaceful, and effective dispute mechanism.

There is China, which opposes both the process and the intended result, and there is the 10th ASEAN member, non-claimant Cambodia, which hosted the meeting and presently does China's bidding.

Then there is the US, which asserts no claim of its own except the right of free navigation for all, takes no position on the parties' respective claims, but wants a peaceful resolution and supports the ASEAN approach toward that end.

The impasse was widely seen as a triumph for China's obstructionist policy and a diplomatic defeat for the US, but neither outcome need be longstanding if the US acts wisely, creatively and forthrightly in its ongoing quest for regional stability. The US' much-touted "pivot" or "re-balancing" policy toward Asia clearly needs a partial re-set on the South China Sea issue.

Photo: Reuters



Ultra-nationalism raises its head in China over the South China Sea and the Senkakus/Diaoyutai

Enter a sixth claimant, the hitherto relatively silent Taiwan; the US' former and possibly future ally, asserts the same sweeping maritime claims as the US' former and potentially future adversary, the People's Republic of China. At first blush, this has been considered a complicating factor for US diplomacy and Taiwan policy-making.

All the other four claimants reject the expansive China/Taiwan positions as baseless under the UN Law of the Sea Convention (UNCLOS). Though Taipei's claims coincide with China's because of their shared pre-1949 history, it has not endorsed or emulated Beijing's militant stance in enforcing them.

Even rhetorically, it has been less assertive regarding its claims than it has in its dispute with Japan over the Diaoyutai Islands — known as the Senkaku Islands in Japan. Nor, however, has it been willing so far to line up with the multilateral approach proposed by ASEAN.

For its part, Washington, while supporting ASEAN multilateralism, has given Taiwan a pass on taking the same principled position so as to avoid annoying Beijing. That was unsound advice even before the summit fiasco and, given China's increasing aggressiveness, it is time now for the US and Taiwan to line up their policies with ASEAN's approach.

Both China and Taiwan are excluded from membership in ASEAN — China because of its geographical remoteness from the region and Taiwan because of its political remoteness from China, but Taiwan is uniquely situated to set a positive international example for its powerful protagonist across the Taiwan Strait. It has done so in the past in other areas.

During the SARS, HIV/AIDS, Asian flu and other pandemics, Taiwan's candor and international cooperation were exemplary, while Beijing delayed, deceived and obfuscated.

Taiwan actively participates in the Proliferation Security Initiative, along with almost 100 other countries, while China boycotts it and instead fosters nuclear and missile proliferation.

When Japan was struck by natural and nuclear disasters last year, Taiwan contributed more aid than any other country, significantly outstripping China's paltry donation.

Now Taiwan can show Beijing the way of responsible international behavior in the South China Sea disputes — and Washington should encourage it to do so, even at the price of annoying China. Taipei can start by doing what China academics have long urged Beijing to do: Discard the amorphous and incoherent “historical” over-reach and state the precise scope of its claims and their basis under specific provisions of UNCLOS.

As China expert Ken Lieberthal recently told a Washington conference, if all regional claimants were to declare the actual land features that support their respective maritime claims, many of the apparent conflicts would probably disappear.

Such a move by Taiwan will surely antagonize China, which will accuse it of selling out historical Chinese interests, but Beijing will do nothing more than fume, as long as Washington makes clear its own support for Taiwan's enlightened position.

Unlike questions such as membership in international organizations or participation in the Olympics, China has already conceded that Taipei has a separate and distinct basis for asserting its South China Sea claims in its own name. Beijing did that last month when it urged Taiwan to fall in line with its posture and present a united cross-strait front on the issue.

President Ma Ying-jeou, recently reelected but now with record low popularity, can respond that Taiwan has considered China's argument, respectfully disagrees, and finds the views of the Southeast Asian nations more persuasive and more conducive to regional stability and Taiwan is indisputably located in the South China Sea, while continental China's land mass is a lot farther away.

If China threatens to react with more than words, such as by trying to seize Taiping Island which Taiwan presently occupies, the US can take the opportunity, once and for all, to discard its risk-inviting policy of strategic ambiguity and declare its unequivocal commitment to Taiwan's defense. That will also reassure countries in the region which, while wary of getting involved in a China-US conflict, also fear US abandonment of its commitment to Asian security.

Both Vietnam, a former US enemy and the Philippines, a longstanding ally, are edging toward inviting the US back to Cold War-era military facilities from which they were ejected in past decades. Today, they see Taiwan, given its long relationship with the US, as a test case for US resolve and credibility.

It is quite possible that Beijing, after some ritualistic protest, will decide that Taiwan — and the countries of the region — have it right and that China has more to gain by cooperating and avoiding unnecessary confrontation with the international community. Many on both sides of the Pacific would breathe a sigh of relief.

Former President Chen Shui-bian's health *US medical experts visit Chen in jail*

In the previous issue of *Taiwan Communiqué*, we presented the developments surrounding former President Chen Shui-bian's deteriorating health, and also reported on the increasing concern in the US Congress about the issue. We also reprinted an OpEd from the Taipei Times by former Alaska governor and senator Frank Murkowski, who had written a piece titled "*Treatment of Chen is a national disgrace*" (see *Taiwan Communiqué* no. 136 pp 16-19).

Since early June 2012, there have been some changes: the prison authorities announced in mid-June that Chen would be able to exercise one hour per day instead of the previous half an hour. They also said that for a couple hours each day he would have a desk and

chair available to him, set up in a separate cell. For the remaining time he would still be locked up in his own cell, without a desk, bed or chair.

In mid-June, Chen was also visited by an American medical team of private citizens consisting of Joseph Lin, Ph.D., Ken Yoneda, M.D., and Charles Whitcomb, M.D. The team visited former President Chen in jail on 11 June 2012, and subsequently wrote a report titled “The Effects of Incarceration on the Mental and Physical Health of Former President Chen Shui-bian of Taiwan.”

Photo: Taipei Times

In an interview with the Taipei Times, the American medical experts stated that the conditions of former President Chen’s confinement are “unacceptable” and have affected his physical as well as mental health (“*Prison harming Chen: experts*”, *Taipei Times*, 14 June 2012).

The report issued by the team in early July 2012 concluded that: “*Because it is not easily predictable how much CSB’s incarceration conditions need to improve to prevent further serious physical and mental damage such as adjustment disorder or PTSD (Post Traumatic Stress Disorder)...medical parole is the most appropriate effective treatment intervention.*”

The team further recommended: “*That former president Chen Shui-bian be released from confinement on medical parole based on the above assessments, conclusion and recommendations, and on compelling humanitarian grounds.*”

Team leader Dr. Joe Lin, stated: “*We went to Taiwan as private neutral American citizens, concerned about reports on the medical condition of President Chen, and we came back convinced that the conditions of his confinement are utterly unacceptable having caused extreme mental stress and serious medical symptoms, some potentially life threatening. His mental state is particularly worrisome.*”



Former President Chen on his way to a recent Court appearance

Members of Congress express concern about former president's health

On 12 July 2012, U.S. Representatives **Robert Andrews** (D-NJ) and **Dan Lungren** (R-CA) submitted the report of the abovementioned American medical team to the co-chairs of the Tom Lantos Human Rights Commission, Reps. Frank Wolf (R-VA) and James McGovern (D-MA).

Rep. Andrews also submitting the full report of the American medical team for insertion into the Congressional Record of the U.S. House of Representatives.

In their report, the doctors express the hope that “*by presenting this report to the Tom Lantos Human Rights Commission a hearing will be convened, and at the same time the Commission will strongly urge President Ma Ying-jeou of Taiwan to grant medical parole to his predecessor on humanitarian grounds.*”

In a separate letter dated 13 July 2012, Senator **Sherrod Brown** (D-OH) called U.S. Assistant Secretary of State for East Asian and Pacific Affairs Kurt Campbell’s attention to the report and urged him to “give careful consideration” to the report calling for medical parole for former President Chen Shui-bian of Taiwan.



Senator Sherrod Brown (D-OH)

Senator Brown added: “*As advocates for human rights, freedom, democracy, and the rule of law around the world, it is critical that we continue to support Taiwan as it builds a society based on the ideals of freedom we hold so dear.*”

Taiwan civic groups call for medical parole

At the end of July 2012, a coalition of civic groups led by a six-member task force of physicians and human rights advocates submitted a petition to the Legislative Yuan calling for the immediate release on medical parole of the former president.

Taipei Veterans General Hospital physician Dr. Kuo Cheng-deng, one of the members of the task force, was quoted by the Taipei Times as saying “It doesn’t take a physician to understand that Chen is not healthy of you’re able to meet him face to face.” The task force, which includes National Taiwan University physician Ko Wen-che and former Northern Taiwan Society director Janice Chen, had visited Chen in prison on three occasions.

At the time of the presentation of the petition, a group of some 200 supporters took part in a demonstration outside the legislature, holding banners and placards urging Chen to be released on medical parole.

A few days earlier, former DPP chairwoman Dr. Tsai Ing-wen had also pleaded for adequate medical care for the former president. “*The government should take the former president’s health and the medical care he receives seriously*”, Tsai said.

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Report from Washington

Senators Murkowski and Begich introduce Taiwan resolution

On 2 August 2012, Alaska Senators Lisa Murkowski (R-AK) and Mark Begich (D-AK) jointly introduced a resolution “*Expressing the Sense of Senate that the United States Government should continue to support democracy and human rights in Taiwan following the January 2012 presidential and legislative elections in Taiwan.*”

S.Res. 542 cites the summarized conclusions of a recently released report by the International Election Observation Mission (IEOM) to the International Committee for Fair Elections in Taiwan (ICFET) that the national elections held in Taiwan on January 14, 2012, were “***mostly free but only partly fair.***” The full report is available at the ICFET website at: <http://www.taiwanelections.org/wp-content/uploads/2012/08/Taiwan-2012-Elections-IEOM-Final-Report.pdf>

The report by the IEOM, which was made up of 19 observers from 8 countries, identified several diverse elements, including vote buying, violations of administrative neutrality, and attempts by the People’s Republic of China (PRC) to influence the elections as

worrying factors which may have affected the election outcome. The report also stated that some actions and statements by the US government revealed a lack of neutrality on its part.

Further stating that “Taiwan’s free and open society plays a stabilizing role in the Asia Pacific region and is thus conducive to the interests of states in the region, including the United States, in furthering peace, prosperity and stability, “ the resolution outlines several recommendations in support of its stated goal of continuing U.S. support for democracy and human rights in Taiwan, including:

- * encouraging the people and the Government of Taiwan to take steps to continue to strengthen protection of democratic values and human rights in their country, including freedom of speech, freedom of assembly, and freedom of the press;
- * encouraging the people and government of Taiwan to take into consideration the conclusions and recommendations of international election monitoring missions, including the final International Election Observation Mission (IEOM) report, as they seek to strengthen their democratic practices and human rights protections;
- * affirming that the future of Taiwan should be resolved peacefully, in accordance with democratic principles, and with the assent of the people of Taiwan.

Former governor Frank Murkowski, who led the IEOM mission, stated: *“I am pleased to see the work of our mission culminating in the insertion of the report into the Congressional Record. It is a recognition of the hard work of the Taiwanese people achieving their democracy during the past two decades, but it is also a signal that much work still remains to be done in terms of fairness of the elections and establishing a level playing field.”*



**Senator Lisa Murkowski
(R-AK)**



Senator Mark Begich (D-AK)

Professor Peng Ming-min, the chairman of the International Committee for Fair Elections in Taiwan (ICFET), who invited the mission to observe the elections, said: *“We are grateful to governor Murkowski, Dr. Woodrow Clark (the lead author of the report), and the members of the observation mission for their work. It helps us in Taiwan in our fight to protect the values of democracy, human rights, and freedom of speech, assembly and the press. There has been an erosion of these values during the past four years. We want to ensure that Taiwan remains a free democracy.”*

DHS agrees to drop “China (Taiwan)” reference

In mid-July 2012, the U.S. Department of Homeland Security (DHS) announced its decision to correct references to Taiwan on Form I-94 documents issued to Taiwanese visitors entering the United States, and during the application process of the Global Entry Program. The Department was responding to a recent letter from Congressman Howard Berman (D-CA).

In a letter to Berman dated 17 July 2012, Assistant Commissioner Michael Yeager of CBP’s Office of Congressional Affairs stated: *“CBP has looked into and corrected this matter. Henceforth, persons presenting Taiwanese passports will have their country of citizenship listed and recorded as “Taiwan” on their respective Form I-94 and the Global Entry Program application process will refer to “Taiwan.”*

On 19 June 2012 Berman had written to DHS Secretary Janet Napolitano asking that I-94 documents issued by Customs and Border Protection (CBP) to Taiwanese visitors entering the United States list their country of citizenship as Taiwan, rather than “China (Taiwan).” The letter noted: *“It has been a long-standing U.S. policy that the U.S. govern-*

ment refers to Taiwan as ‘Taiwan.’ This designation is employed by the Department of State, the Department of Defense and other federal agencies.”



**Congressman Howard Berman
(D-CA)**

In a press release, Berman thanked CBP for recognizing that a correction needed to be made, saying: *“This is about fairness and today is a victory for the entire Taiwanese*

community.” He added: “*It is an indignity to force Taiwanese citizens to list anything other than Taiwan on their U.S. entry documents, and together we righted this unfortunate wrong.*”

Congressman Andrews calls for establishment of Taiwan Commission

On 6 June 2012, Congressman Robert Andrews (D-NJ) introduced HR 5902 legislation in the U.S. House of Representatives to establish a “Congressional Advisory Commission on the Implementation of United States Policy under the Taiwan Relations Act.”

The bill calls for the appointment of a five-member commission to be named by the President and leaders of the House and Senate, for the purpose of producing an official report, within one year of convening its first meeting, on the implementation of the 1979 Taiwan Relations Act (TRA) by the U.S. government since 2000.

Hewing closely to the language of the TRA, the legislation outlines the areas for review by the Commission, including:

- * The sufficiency of defense articles made available to Taiwan by the United States
- * Current and potential threats to the security, social, or economic system of the people on Taiwan, and the extent to which the United States retains the capability to resist any resort to force...that would jeopardize the above
- * Measures taken by the U.S. government toward the preservation and enhancement of the human rights of the people of Taiwan
- * Policy options for the United States to advance toward a normalization of the relationship with Taiwan



**Congressman Robert Andrews
(D-NJ)**

The concept of a Congressional Taiwan commission follows from the testimony of Mr. Randall Schriver, President and Chief Executive Officer of the Project 2049 Institute, before the House Foreign Affairs Committee on June 16, 2011 in a hearing titled “Why Taiwan Matters.”

On that occasion Schriver highlighted the tendency of successive U.S. administrations to relegate relations with Taiwan to a “sub-issue in U.S.-China bilateral ties.” Schriver added: “*Objective analysis is important because it remains the legal obligation of this administration to make weapons for self-defense available to our democratic friend Taiwan.*”

US representatives commemorate July anniversary of "Six Assurances"

On 13 July 2012, members of the U.S. House of Representatives inserted extensions of remarks into the Congressional Record calling upon their colleagues in Congress to join them in commemorating the 30th anniversary of President Reagan’s “Six Assurances” and the 25th anniversary of the lifting of martial law in Taiwan.

Reps. Michael McCaul (R-TX) and Shelley Berkley (D-NV) issued statements commemorating these two critical junctures on Taiwan’s road to democracy.

On July 14, 1982, as the U.S. was on the verge of concluding a third Joint Communiqué with the People’s Republic of China, President Reagan issued the “Six Assurances” to Taiwan’s government to reaffirm U.S. policy toward Taiwan at the time, particularly with regard to the sale of arms to Taiwan, American commitment to Taiwan’s security under the 1979 Taiwan Relations Act, and the existing U.S. position on Taiwan’s sovereignty. The Assurances also stipulated that the U.S. would not pressure Taiwan to enter into negotiations with the PRC.

On the same date five years later, President Chiang Ching-kuo lifted martial law in Taiwan on July 14, 1987. Martial law had been promulgated in Taiwan on May 19, 1949 by Chiang Kai-shek’s Chinese Nationalist government; by the time it was terminated 38 years later it was the longest period of rule by martial law by any regime in the world. Even after the end of martial law, tight restrictions on the freedom of assembly, speech and the press remained in place in Taiwan however.

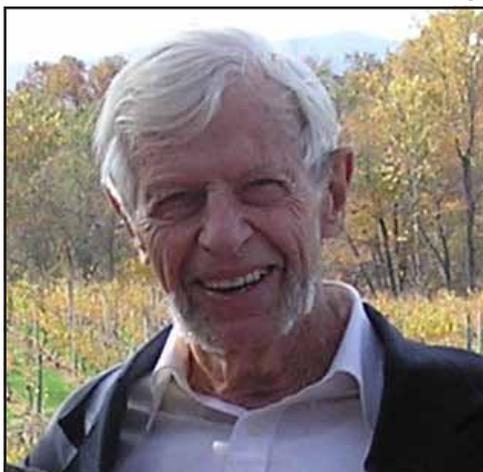
In response to the introductions, FAPA president Mark Kao stated: “*The coincidence in dates of these two critical junctures in Taiwan’s history, five years apart, highlights the indispensable role that the United States and the Taiwan Relations Act each played in Taiwan’s democratization. Taiwanese Americans are grateful to the U.S. for continuing to safeguard Taiwan’s security.*”

In Memoriam Norm Getsinger

On 22 June 2012, Mr. Norm Getsinger passed away at his home (“Guan Shan”), in Flint Hill, Virginia. He was 93 years old. Mr. Getsinger was an old Taiwan and China hand.

He got an early start in East Asia: he did Chinese studies at Harvard in the 1930s and graduated with a degree in American History and Literature in 1941. He joined the Navy right after Pearl Harbor, and relished telling his family about serving on a refurbished yacht searching for German submarines off the Atlantic Coast. After the end of World War II he first served in the US occupation force in Japan.

Photo: Taiwan Communiqué



Norman W. Getsinger 1919 - 2012

In 1946 he joined the United Nations Relief and Rehabilitation Administration (UNRRA) and was sent to Taiwan a few months after the February 28th 1947 massacre of native Taiwanese by the Chinese Nationalists. He joined the Foreign Service in 1949 as a Security Officer and received Chinese language training at both Yale and Cornell.

From 1951 through 1956 he was posted in Cairo and Rome respectively, but in 1956 returned to Taiwan and resumed

language training and an assignment as commercial officer at the US embassy followed. In 1961 he came back to the US, attended the Naval War College, and then was at the State Department (Operations Center and China desk). This was followed by a stint at the White House under President Johnson at the height of the Vietnam War. Then postings in Ankara and South Korea, and in 1974 he became Deputy Principal officer in Hong Kong. During this assignment he frequently returned to Taiwan.

After his retirement in 1978 he continued an active life. He was a frequent visitor to Taiwan seminars in Washington DC. He also prided himself in being the oldest graduate student at George Washington University. Until last year he was still taking classes, and he was doing a Graduate Certificate on Taiwanese identity. An actor at heart, he participated in

many local theatre productions, most recently playing the role of “Scrooge” with a spry sense of humor and wit while he was already passed 90 years of age.

We got to know Norm as a true gentleman, full of zest, a love of life, and a warm spot for Taiwan. During the past few years we would drive to his country home in Flint Hill, and have long discussions about recent developments in Taiwan. He was a signatory to the two most recent letters by international scholars and writers to President Ma, expressing concern about the judiciary procedures relating to the 36,000 missing documents and the charges against former president Lee Teng-hui.

Norm is survived by his wife Jo-an (who served two stints in Taiwan as a State Department Foreign Service Secretary), three sons and nine grandchildren. We will miss him. The people of Taiwan have lost a dear friend.

Gerrit and Mei-chin van der Wees
Editors, Taiwan Communiqué

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CONTENTS

Taiwan Communiqué no 137
August / September 2012

Su Tseng-chang takes the DPP reins
National Party Congress in July 1
DPP established China affairs office 3

Judiciary shows partisan prosecution
Cabinet Secretary-General Lin's corruption case .. 4
Chiayi prosecution blatantly partisan 5
Tsai Ing-wen cleared of Yu Chang allegations 6
Jury still out on Taiwan's judiciary
by PAPA President Mark Kao 7

Taiwan's Status, the Senkakus and the SCS
Ma Ying-jeou's flawed understanding 9
New tensions surrounding the Senkakus 10
Time for Taiwan to take action on SCS
by Joseph Bosco 11

Former President Chen's health
US medical experts visit Chen in jail 14
Members of Congress express concern 16
Taiwan civic groups call for medical parole 16

Report from Washington
Senators introduce Taiwan democracy resolution .. 17
DHS agrees to drop "China (Taiwan)" reference.... 19
Repr. Andrews calls for Taiwan Commission 20
US representatives commemorate anniversaries 21

In memoriam Norman Getsinger 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

Internet homepages: www.fapa.org and www.taiwandc.org

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