



# Taiwan Communiqué

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## Massive “Fury” rally in Taipei *Two hundred thousand take to the streets*

On 13 January 2013, some 200 thousand people took to the streets in Taipei in the largest demonstration yet against the policies of President Ma Ying-jeou since his re-election one year ago. The march began at around 3:00 pm at the Sun Yat-sen Memorial Hall, and moving along two or three different routes, the processions converged in front of the Presidential Office, where leaders of the democratic opposition gave speeches during the evening.

Photo: Taipei Times

The rally was led by DPP luminaries such as Chairman Su Tseng-chang, former Chairman and Presidential candidate Dr. Tsai Ing-wen, former vice-president Annette Lu, and former prime ministers Frank Hsieh and Yu Shyi-kun.

### *Winter of discontent*

The main theme of the gathering was “Fury”:



Leading members of the DPP speaking to the crowd against the backdrop of the "Fury" characters and the Presidential Office in Taipei on 13 January 2013

people being angry about the state of the economy, which grew only at around 1% during the past year, in spite of promises by the Ma government that the agreements with China, in particular the Economic Cooperation Framework Agreement (ECFA) concluded in 2010, would bring new prosperity to Taiwan.

The unemployment rate has remained relatively high, making it difficult for young college graduates to find jobs, while housing prices have skyrocketed, leaving first-time buyers out in the cold. Demonstrators also complained that the economic situation made it almost impossible to get married and start a family. One group of women dressed up in wedding gowns, making the point that marriage is almost unaffordable these days.

A second theme of the rally was the growing deep concern about press freedom. This was prompted by the recent sale of **Next Media**, owned by Hong Kong-based Jimmy Lai, to the Want Want consortium headed by pro-Beijing industrialist Tsai Eng-meng. Next Media includes the **Apple Daily**, a feisty publication that has not shied away from exposing corruption in Taiwan or criticizing developments in China.

After this purchase Mr. Tsai now controls close to 50% of all of Taiwan's printed and electronic media, leading many people to fear an increasingly pro-Beijing slant in those publications and news outlets. In the past, Tsai has disciplined and even fired editors and reporters who wrote pieces not to his liking.

During the past months, students and media freedom activists have organized frequent demonstrations against the deal, but the Ma government has taken no steps to block the deal, although the Fair Trade Commission (FTC) and the National Communications Commission (NCC) reportedly have the legal power to approve or disapprove the deal (more on this topic on pp. 11-13 below).

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## **Senkaku conflict heating up**

### *China ratchets up the pressure*

In the previous two issues of **Taiwan Communiqué** (no. 138, October 2012, and 139, December 2012) we reported on the increasing tensions surrounding the Senkaku Islands (referred to as Diaoyutai in Taiwan). The recent wave started when Chinese ultranationalist activists tried to land there in mid-August 2012. In the subsequent weeks and months

this was followed by a number of moves and countermoves from the Chinese and Japanese sides, as well as a water cannon fight between Japanese and Taiwanese Coast Guard vessels at the end of September 2012, when the Ma government allowed a fleet of fishing boats to sail to the islands, under “protection” of the Coast Guard..

Since the end of November 2012, China has ratcheted up the pressure further by sending coastal patrol ships into the area with increasing frequency, often crossing into the Japanese 12-mile contiguous zone, and sometime even into the Japanese territorial waters around the islands. According to Japanese press reports this has occurred almost daily in the period since early October 2012. News media from Japan also reported that Japanese fighters had to be scrambled as many as 91 times to ward off incoming Chinese aircraft during that time.

Photo: AFP



Japanese and Taiwanese Coast Guard vessels engaging in water-cannon fight on 24 January 2013

In the second week of December 2012, the Chinese government heightened the tension further by sending a civilian surveillance plane, a twin propeller aircraft, into the region. This time it prompted the Japanese defense forces to scramble F-15 fighter aircraft (an earlier incursion in December had gone undetected), which in turn prompted the Chinese to send in their own fighter aircraft.

And finally, on 30 January 2013, a Chinese PLA Navy vessel locked its weapons-guiding radar on an escort vessel of the Japanese Maritime Self-defense Force, a procedure referred to as “painting.” The government in Tokyo termed it a provocative act and called in the Chinese ambassador over the matter. The US State Department in Washington expressed concern that the latest episode could “escalate tensions” and lead to a potential “miscalculation”.

While these developments in the area were going on, the Chinese press published increasingly shrill diatribes against Japan. A 11 January 2013 editorial in the **Global Times** in Beijing, which does reflect the CCP’s views, stated that “*we need to prepare for the worst*”, accusing Japan of becoming a “vanguard” of an American strategy to “contain China.”

On 20 January 2013, the **People’s Liberation Army’s Daily** openly emphasized that the army needed to be ready for war, saying in a front page article that a “*long period without battle has encouraged the fixed habits of peace in some of the military, so that their preparedness for battle is dulled.*”

## ***US sends another mission to East Asia***

The developments prompted the Obama administration to send yet another mission to East Asia in its attempts to let cooler heads prevail. While in October 2012, Secretary of State Hillary Clinton sent off a mission of former government officials, this time she dispatched a heavyweight group of current officials.

In mid-January 2013, Assistant Secretary of State Kurt Campbell, accompanied by senior NSC director Danny Russel and the DOD’s Assistant Secretary for Asian and Pacific Security Affairs Mark Lippert travelled to Tokyo to reiterate its support for Japan, and impress the importance of a peaceful resolution.

This was followed on 18 January 2013 by Secretary of State Clinton, who, after a meeting in Washington with Japanese Foreign Minister Fumio Kishida, stated that the Obama administration opposed “any unilateral actions that would seek to undermine Japanese administration” of the Senkaku islands. This in turn prompted a harsh response from the foreign ministry in Beijing, which expressed “resolute opposition” to the US position.

## ***KMT government still rocking the boat***

After the 25 September 2012 water cannon encounter between Japanese and Taiwanese Coast Guard vessels (see **Taiwan Communiqué** no. 138, pp. 1-6), one would have thought that the KMT government in Taipei would refrain from allowing any further incursions into the area by Taiwan’s “fishing boats”, usually filled with activists from China and Hong Kong.

However, on 24 January 2013, a fishing boat with seven crew and activist members of the Chinese Association for Protecting the Diaoyutais was allowed to set sail to the disputed islands, accompanied by no less than four Taiwan Coast Guard vessels. On board the fishing vessel was also a crew of Phoenix Television, a pro-China news outlet from Hong Kong.

The activists carried with them a statue of Matsu, the Chinese goddess of the sea, which they intended to enshrine on one of the Senkaku islands in order to assert Taiwan’s sovereignty.

Not unexpectedly the convoy ran into a problem as eight Japanese Coast Guard vessels blocked their way to the islands. The standoff resulted in yet another water cannon fight between the Japanese and Taiwanese Coast Guard.

The next day, the Foreign Ministry in Taipei tried to defend the action by saying that it was a “voluntary action by private citizens”, and that the Taiwan Coast Guard was deployed to “protect the safety of ROC citizens.” The Foreign Ministry spokesman criticized Japan for its handling and urged Japan to adopt a “rational and peaceful” approach.

## *Congressional Research Service questions Taiwan's role*

At around the same time the US Congressional Research Service came out with a new report, titled *Maritime Territorial Disputes in East Asia* (CRS R42930 January 23<sup>rd</sup> 2013), in which it gave background and analysis about the developments in both the East China Sea and South China Sea.

Photo: Reuters

It did make a number of critical remarks about Taiwan’s role in the developments surrounding the Senkaku, stating:

*One issue for U.S. policy concerns trends across the Taiwan Strait since 2008, particularly the question of whether Taiwan’s moves to engage more closely with the PRC have created a greater willingness in Taipei to cooperate with China on issues in which it sees their interests as aligned, such as in the East China Sea.*

*Some analysts argue that there is an issue for U.S. policymakers surrounding whether Taiwan coordinated with the PRC in asserting sovereignty of the Senkaku Islands against Japan amid rising tension in September 2012. Beijing has urged cooperation over the islands to advance cross-strait ties. Taipei’s officials have denied cooperating with the PRC.*



**The water-cannon fight between the Japanese and Taiwanese Coast Guard from another angle**

*Even without explicit coordination, the parallel actions of the PRC and Taiwan in the current East China Sea flare-up have added pressure against Japan. Both the PRC and Taiwan deployed government patrol ships and military assets that raised concerns about the potential for accidental collisions and the escalation of tensions.*

*On September 25, 2012, Taiwan deployed 12 Coast Guard ships that escorted 60 fishing boats and fired water cannons toward Japan's patrol ships. Furthermore, Taiwan dispatched military systems sold by the United States during the incident.*

*CRS Report R42930 – pp. 25-26.*

## ***FAPA Board adopts Senkaku position***

In view of the rising tension, the Washington-based Formosan Association for Public Affairs decided to come out with a public statement on the issue, reflecting the views of the Taiwanese-American community in the United States. At its Annual Board meeting held on 8 December 2012 in San Jose California, the organization's Board endorsed the following text:

**FAPA Position on the Senkakus/Diaoyutai  
Adopted at the FAPA-Board meeting  
San Jose, December 2012**

*As Taiwanese-Americans we have followed the developments surrounding Taiwan closely, and are deeply concerned by the positions and actions taken by the KMT government of President Ma Ing-jeou.*

*While proposing an “East China Sea Peace Initiative”, the Ma government has by its actions and positions increased tension in the region, endangering long-term stability, and damaging Taiwan’s interests, particularly those of the fishermen from Ilan County.*

*It has time and again harshly criticized Taiwan’s most important security partner in the region, Japan, while taking positions that are very similar to that of the People’s Republic of China, which has aggressively sought to expand its territorial claims in the region, at the expense of its neighbors.*

*As Taiwanese Americans, we believe that Taiwan needs to contribute to peace and stability in the region, and refrain from positions and actions that increase tension and estrange our home country from its most important security allies in the region, Japan and the United States.*

We therefore propose that Taiwan support the following positions and actions:

- 1) That – like the United States — Taiwan does not take a position on sovereignty over the Senkakus/Diaoyutai, but acknowledges that historically they have been administered by Japan.
  - 2) That Taiwan engages in good faith negotiations with Japan on fishing rights for Taiwanese fishermen in the vicinity of the Senkakus/Diaoyutai.
  - 3) That Taiwan supports the mutual defense treaty between Japan and the U.S. as a guarantor of peace, security and stability in the Western Pacific.
  - 4) That Taiwan distances itself from the aggressive moves by the People's Republic of China; that it disassociates itself from the unfounded historic or political claims made by the PRC; and clearly states it will not facilitate any incursions by Chinese fishermen or other groups into disputed waters.
  - 5) That Taiwan support moves towards binding arbitration on the status of the Senkaku/Diaoyutai islands at the International Court of Justice in The Hague.
  - 6) That Taiwan strengthens its historic, economic and social ties with its main security allies, The United States and Japan.
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## Are human rights and freedoms in Taiwan eroding?

Over the past few years, ever since the inauguration of President Ma Ying-jeou in May 2008, there have been increasing concerns about Taiwan drifting in China's direction at the expense of human rights and democracy in Taiwan.

The issue came to the forefront again in late January 2013, when two international organizations, Freedom House and Reporters without Borders, came out with their annual reports on freedom in the world and press freedom respectively, and gave Taiwan relatively rosy marks. This prompted a series protests from organizations and persons who follow developments in Taiwan on a daily basis. A brief summary:

## ***Freedom House: human rights not in jeopardy***

On 16 January 2013, **Freedom House** published its annual Freedom in the World 2013 report. In it, the group gave Taiwan a score of one (on a scale of one to seven) for political rights, and a score of two for civil liberties. These cores are unchanged as compared to the rating Freedom House gave Taiwan in the previous year.

The organization did express concern on media diversity and press freedom in Taiwan, specifically referring to the sale of several media outlets to the China-leaning **Want Want** consortium (see discussion elsewhere in this issue of *Taiwan Communiqué*).

But it was the remarks by Freedom House director for research in the Q&A session that caught many observers wrong-footed. In response to a question he said: “*But everything I see about the functioning of Taiwanese democracy suggests to me that the freedoms in the country are not really in jeopardy right now.*”

He then pointed to the 13 January 2013 DPP-led demonstration in Taipei as an example of freedom of expression, while also saying the while there have been prosecutions of leading DPP members, they were in most cases eventually found not guilty.

He added: “*The workings of Taiwanese democracy have basically prevented democratic institutions from being seriously eroded.*”

**Taiwan Communiqué comment:** *While on the surface Taiwan’s democracy certainly still looks vibrant, the problem in the past few years has been significant erosion of the hard-won freedoms and democracy by the Ma administration.*

*Some of these developments are very subtle and perhaps hard to detect or measure by organizations such as Freedom House, as they mainly look at general trends. But to close observers it is clear that the fabric of freedom and democracy in Taiwan is deteriorating due to the increasing influence of pro-China interests across a wide range of activities, which is happening with the Ma government condoning or even actively encouraging such developments.*

*The creeping Chinese encroachment can be felt in the media, education, economy, cultural activities, Taiwan’s relations with surrounding countries, and even in the political dynamics within the island: in each of these areas the Ma government is advocating a rather unbridled expansion of connections with China at the expense of Taiwan’s own identity, its functioning as a democracy, and its good relations with other nations.*

## ***Reporters Without Borders: press freedom unchanged***

Also, on 29 January 2013, the Paris-based press freedom organization **Reporters Without Borders** (also known by its French acronym, RSF, *Reporters Sans Frontières*) released its annual Press Freedom Index, giving the state of press freedom in the world. Taiwan dropped only two notches, from 45<sup>th</sup> to 47<sup>th</sup> place, ending up behind countries Niger, Malta and Burkina Faso.

Copyright: Taipei Times

International observers are surprised that Taiwan's ranking has remained more or less the same. They point to the increasing threats to press freedoms during the past year due to the media monopoly cloud cast over the island by the purchase of a number of media outlets by the Want Want conglomerate headed by pro-China tycoon Tsai Eng-men.



**Horsing around: President Ma Ying-jeou riding his horse away from human rights**

Michael Danielsen, President of the **Taiwan Corner** – a pro-

Taiwan group in Denmark that focuses on democracy and human rights – said: “*If this proposed merger is approved, a few pro-China businessmen are going to control more than 50% of Taiwan’s press, and dominate Taiwan’s media landscape.*”

He added: “*The consequences are already felt in Taiwan: The Want Want China Times group wrongly accused a student of misleading MIT professor Noam Chomsky in a campaign against the media merger. And even worse, a TV channel CtiTV’s fabricated allegations against Academia Sinica research fellow Huang Kuo-chang saying he paid students to protest.*

*These and many other examples show that press freedom in Taiwan is being seriously eroded. In my view, the drop of only two points in the ranking by Reporters Without Borders does not truly reflect the present reality in Taiwan.”*

## DPP issues report on political persecution

In order to underline the erosion of justice in Taiwan, the Democratic Progressive Party on 14 January 2013 published a report detailing the use of the judicial system to persecute former and present government officials who are a member of the DPP party.

The report is titled “*The unfair treatment suffered by former DPP government officials in judicial investigations and trials,*” and presents details on a total of 39 cases where the judicial system was rather obviously used by the Kuomintang authorities as a tool for political retribution .

The report lauds Taiwan’s transition to democracy, but states that the lack of independence in the overall operation of the judicial system has been aggravated by the fact that after the end of 38 years of Martial Law, there has not yet been a thorough re-examination of the judicial system or a process of transitional justice. A quote:

Personnel in the judicial system have not changed their concepts or mentalities in step with changing times and the entire judicial system continues to be plagued by a worrying lack of understanding of democratic principles and values.

This shortcoming is manifested in the double standards and lack of respect of fundamental human rights commonly displayed by prosecutors, police, investigators and judges in the judicial process as well as the lack of effective external monitoring or balancing mechanisms.

The report also decries the fact that in many political cases, the prosecutors violated the confidentiality of their investigations and liberally leaked information to the pan-blue press. The report states: ...*the principle of “confidentiality of investigations“ has became a dead letter as numerous details of the investigations of cases under prosecution have been continuously leaked to the public.*

The report then presents details on a total of 39 cases, where there are strong indications that the prosecution was tainted by politics, and the defendants were subject to unfair and unjust treatment, and a lack of due process of law.

## *Anti media-monopoly campaign churns on*

A final piece of evidence that freedoms in Taiwan are eroding is the ongoing trend towards a media monopoly which is taking place. The government of President Ma does seem to condone and even encourage this trend, and has taken no steps to discourage or stop the media mergers that put an increasing portion of Taiwan's print and electronic media in the hands of a pro-China tycoon who has shown little regard for press freedom.

Photo: Taipei Times

In our previous issues of *Taiwan Communiqué*, we highlighted the developments in August-September (Communiqué no. 138, pp. 10-12) and October-November (Communiqué no. 139, pp. 16-18). As we reported, the sale of the Next Media group by its Hong Kong-based owner Jimmy Lai to a conglomerate controlled by the Want Want China Times' Tsai Eng-meng was finalized at the end of November 2012. Officially the deal still needs approval by Taiwan media regulators, the Fair Trade Commission (FTC) and the National Communications Commission (NCC).



**Students and demonstrators carry large "Fury" banner against the increasing media monopoly**

Since the end of November 2012, the student-led protests have continued, while the Kuomintang and DPP wrangled over proposals to tighten regulations on media monopolization. An overview of the developments:

On 26 November 2012, around 100 university students from the **Youth Alliance Against Media Monsters** staged an overnight, sit-in protest in front of the Executive Yuan. They hoped to prevent the signing of the sale of the Next Media group to the conglomerate headed by the Want Want China Times, but to no avail. The deal was signed in Hong Kong two days later, on 28 November 2012.

This was followed by a student protest the next day, on 29 November 2012, outside the Fair Trade Commission and Legislative Yuan, which was joined by about 500 students from more than 30 universities and colleges from around the country.

On 30 November 2012, the chairman of the Fair Trade Commission, Mr. Wu Shiom-ming said that the FTC was considering holding hearings on the takeover. However, the FTC's review of the case, as well as those of the NCC were put on hold as proposals were tabled in the Legislative Yuan to deal with the issue of a media monopoly (see below).

A controversy erupted in early December 2012, when the Ministry of Education sent an email to university administrators around the country telling them to "show concern" about the participation of students at the various anti-monopoly protests going on. The students reacted angrily, and staged more protests. At one such event, more than 300 National Tsing Hua University (NTHU) students took part in a rally on the university's campus in Hsinchu.

A number of professors subsequently launched a petition demanding that the ministry apologize for its implied threats to the student activists. At a press conference the professors compared the situation to a re-emergence of the "White Terror" of the 1950s through the 1970s, when no student activism was allowed. The 36 university professors who signed the petition expressed grave concerns at the government's attempt to restrict the students' freedom of expression.

During the month of December 2012, the Democratic Progressive Party caucus in the Legislative Yuan developed a number of proposals for amendment of the Cable Television Act, the Radio and Television Act and the Satellite Broadcasting Act.

On New Year's Eve and Day, hundreds of university students staged an overnight vigil right in front of the Presidential Office in Taipei, voicing their disappointment and anger over President Ma Ying-jeou's continued silence over their anti-media monopoly appeal. They vowed to keep on pressing the president for a response and action on an issue that risks undermining freedom of speech in the nation. Their protest did get coverage in the New York Times: <http://rendezvous.blogs.nytimes.com/2013/01/01/as-taiwans-links-with-mainland-grow-so-do-concerns/>

Photo: Taipei Times



**Student protester in front of police barricade near Presidential Office**

The DPP's legislative proposals, mentioned above, were initially supported by the Kuomintang caucus, and were actually passed by the Procedure Committee in the legislature. On 8 January 2013, KMT caucus whip Wu Yu-sheng reiterated his support for the DPP amendments, and on the next day, the amendments passed the legislature's Transportation Committee without a hitch. However, when the amendments came up for a vote on the floor of the legislature on 11 January 2013, the party made a last-minute about face, and voted them down by a vote of 59 to 44.

The U-turn apparently came after President Ma Ying-jeou and top KMT officials had a meeting a couple of days earlier, and told the party's caucus in the legislature to reconsider its support for the amendments. The KMT announced that it would subsequently come up with its own proposals, which would be submitted to the legislature at the beginning of the new session in early March 2013.

The sudden reversal prompted the Youth Alliance Against Media Monsters to stage a surprise demonstration within the Legislative Yuan on 12 January 2013. Wearing headbands that read "Keep your word" and holding banners with text against media monopoly, the students urged KMT lawmakers to meet them and explain their sudden reversal of position on the bill.

Photo: Taipei Times

In the second half of January 2013, a related controversy erupted over the well-known MIT linguistics professor Noam Chomsky, who had accepted an invitation from one of the student activists to have his picture taken with a placard opposing the media monopoly in Taiwan.



**Professor Noam Chomsky with the placard**

The Want Want China Times group and its CtiTV outlet immediately launched a vicious campaign, trying to imply that Chomsky was "misled." CtiTV even sent a reporter to all the way to Boston to interview Chomsky. The CtiTV report itself became controversial, as the "translation" of Chomsky's words severely distorted what he actually said.

In a February 6<sup>th</sup> 2013 editorial titled "*Want Want Media group is a cancer*", the Taipei Times concluded: "*The Want Want China Times does not need China's assistance to behave like an authoritarian bully. It already is one.*"

# Former President Chen's health

In the previous issues of *Taiwan Communiqué* we reported on former President Chen's health, and that even after his hospitalization on September 12<sup>th</sup> 2012, his physical and especially his mental health continued to deteriorate. Also, since early December 2012, an increasing number of appeals for his medical parole have been made, but the Ma administration seems to be oblivious to these, and prison authorities even threatened that he would be returned to prison during the Lunar New Year. An overview.

## *Prof. Jerome Cohen visits President Chen*

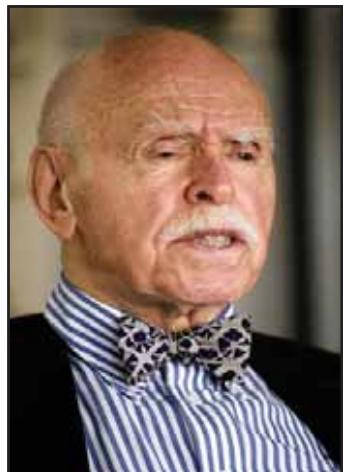
An important visit in mid December 2012 was that of Prof. Jerome Cohen, a prominent American human rights lawyer, who was President Ma Ying-jeou's advisor at Harvard in the 1970s, and who is now at the School of Law at New York University.

Cohen was in Taiwan for other matters, including an invitation of the ministry of justice to evaluate the implementation of Taiwan's new human rights legislation. But he took time out from his other responsibilities to visit former President Chen in his room at the Taipei Veterans' General Hospital, where – in the morning of 17 December 2012—he met with Chen for more than an hour.

Cohen said that Chen spoke with a weak voice, but did respond clearly to questions about his treatment in prison and the hospital, such as the size of his cell, the number of visitors allowed, correspondence, and the refusal of the prison authorities to allow him to work in the prison factory, like other prisoners.

## *US Senators express concern*

During the past few months, a number of Senators have also expressed their concern about the incarceration of former President Chen Shui-bian. We already reported on the 23 October 2012 letter by Senator Sherrod Brown (D-OH) AIT Director Chris Marut in which he urged Mr. Marut to visit former President Chen in the hospital. Since then, the



Prof. Jerome A. Cohen

following concerns have been expressed:

1. On 8 January 2013, **Senator James Inhofe (R-OK)** visited Taiwan and met with President Ma Ying-jeou. In preparation for the visit, Senator Inhofe's office contacted TECRO and expressed concern about the health condition of the former President, calling it a humanitarian issue that needed to be resolved.
2. On 14 January 2013, **Senator Lisa Murkowski (R-AK)** visited Taiwan and also met with President Ma. During her meeting she expressed concern about the way the former President has been treated. The senator told Ma that the international community is closely watching how Taiwan is treating its former president and whether Chen's case and trial has been handled fairly and transparently.

Murkowski said she has hoped to visit Chen in person during her stay, but was unable to do so because of limited time.

## ***Hospital psychiatrist: Chen Shui-bian needs home environment to heal***

In mid January 2013, psychiatrist Chen Chiao-chi, who serves on former President Chen's medical team, stated that Chen Shui-bian has lapsed into a serious mental breakdown, and needs to be removed from the current hospital environment, which lacks any support mechanisms needed for recovery.

Dr. Chen stated that "*the most ideal environment for Chen to make a full recovery would be his home, not the Taipei Veterans General Hospital, where he is currently staying to receive treatment ... and definitely not Taipei Prison*" (where he stayed until 12 September 2012 – Ed).

Dr. Chen added that "*Sending him back to prison would worsen his mental illness and eventually kill him.*" Dr. Chen recommended granting the former president medical parole, saying that Chen Shui-bian had tried to kill himself at least three times and could keep trying if his health did not improve.

In early January, Taipei Prison officials stated that the former president would probably be returned to prison before the Lunar New Year holiday. Dr. Chen commented: "*It seems to me that Taipei prison officials did not realize the dire mental condition Chen Shui-bian was in when they talked about putting him back in his cell before Lunar New Year ...*"

Observers in Taiwan also contrasted the treatment of the former president with the lenience with which high-level KMT officials are treated: former Cabinet secretary-general Lin Yi-shih, who was arrested at the end of June 2012 on corruption charges. In mid-January 2013, the judicial authorities allowed Mr. Lin to go home for the holidays.

## ***DPP urges medical parole***

At the end of January 2013, the Democratic Progressive Party reiterated its earlier appeal for medical parole for the former President. On 30 January 2013, the party's Central Standing Committee passed a resolution urging the Ma government to grant Chen medical parole.

DPP Chairman Su Tseng-chang told a press conference: "*We urge President Ma to let former President Chen go home for the Lunar New Year holidays. It is best for him to be at home with his family during the New Year holidays.*" Mr. Su also mentioned that 17 out of 24 city and county councils in Taiwan had passed resolutions in support of the move.

At the same time, eight DPP and Taiwan Solidarity Union legislators led by DPP legislator Mark Chen appeared at a press conference at the legislature, where they urged the ministry of justice to consider Chen's application for medical parole.

The appeals came after Taipei-based publication **Next Magazine** had published an article citing a 28-second video clip recording of the former president sitting in his hospital room, with his hand shaking constantly. The report said that Chen was suffering from progressive Parkinson's disease.

The episode prompted the TVGH hospital to issue a statement denying that Chen had Parkinson's disease, but the hospital stated that he may be afflicted with Parkinsonian syndromes, or Essential Tremor.

The episode also prompted the hospital to deny access to a member of Chen's voluntary civilian medical team, a small group of experts that had provided support services for the former president during his time in jail.

## ***International scholars laud Judge Hung Yin-hua***

On 8 February 2013, a group of international scholars and writers weighed in on the case against former President Chen by sending a letter to Taipei District Court Judge Hung Yin-hua, expressing their appreciation for her willingness to challenge the legality of the conviction of the former President.

Judge Hong has been one of the few in Taiwan's politically tainted judicial system who has had the courage to speak out for due process and judicial independence. After publication of an article lamenting their absence in the trial of President Chen, she was removed from her positions of Court Director and Chief Judge, in a rather obvious attempt to silence her. A few quotes from the letter:

*... We applaud your willingness to challenge the legality of the conviction of Taiwan's former President Chen Shui-bian. The fact that you did so as a member of Taiwan's judicial establishment, acting as early as 2009, called for an abiding sense of duty and exceptional fortitude. For this we salute you.*

*More recently, based on your professional expertise, you enumerated the many violations of U.N. and domestic guarantees of human rights in the substandard medical treatment given to President Chen in prison. You called upon the Ministry of Justice to grant him medical parole according to law. We share with you the concern that the health of President Chen has deteriorated dramatically since his incarceration.*

*In your November 22, 2010 article in the Liberty Times, you forcefully advocated due process and judicial independence and lamented their absence in the trial of President Chen. We have been equally troubled by these aspects of Taiwan's legal system. We note with alarm that you were removed from the positions of Court Director and Chief Judge in the Shilin District Court immediately after the publication of the above-mentioned article. We admire your perseverance and pledge our full support for your commitments past, present and future to ensure fair and impartial administration of justice in Taiwan.*

Photo: The Examiner



Taipei District Court Judge Hung Yin-hua:  
demoted for speaking out for due process

The letter was signed by 28 international scholars and writers. The full list of signatories can be found at [www.taiwandc.org](http://www.taiwandc.org)

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# Report from Washington

## *A change of the guard at the State Department*

On 8 February 2013, Assistant Secretary Kurt Campbell announced his decision to step down from his position and return to private life. A successor was not immediately known, but his deputy Joe Yun was announced as being the caretaker in the interim.

Mr. Campbell's departure early in President Obama's second term had been predicted for some time, but for East Asia specialists it was still relatively unexpected, as there had been some reports that he might stay on for a while longer. This was not the case.

Mr. Campbell will be missed: he was a key architect of the Obama Administration's much firmer policy line during the past two years, and was also seen as the guiding hand behind the "pivot" of the United States to East Asia, emphasizing its increased importance in global affairs.



**Former Assistant Secretary for East Asia & Pacific Affairs Kurt M. Campbell**

Many observers feel that in the beginning of the Administration, when Assistant Secretary Jim Steinberg and NSC Director Jeff Bader were at the steering wheel, the Obama Administration had a policy that was too soft and accommodating towards China, leading Beijing to start pushing the envelope on issues like the South China Sea.

Mr. Campbell played a key role in countering this trend and drawing clear lines in the sand. This was particularly apparent during the visit of President Hu Jintao in January 2011, when Mr. Campbell led the negotiations on the Joint Statement and reversed the damage done during Mr. Obama's visit to Beijing when the US agreed to language on Chinese "core interests" that was detrimental to Taiwan's position.

Mr. Campbell also was instrumental in getting a more unified position of nations bordering the South China Sea in their quest to counter Chinese encroachment in that

region, while very recently he was at the center of US efforts leaning on China to move away from its confrontational approach towards Japan over the Senkaku Islands.

**Taiwan Communiqué comment:** *It will be important for the Obama administration to continue the firm policies initiated by Mr. Campbell and his team. In the longer term these will produce better results for stability in East Asia than the soft accommodation approach followed by his predecessors.*

*If history teaches any lesson, it is that rapprochement can only be successful if the international community makes clear that aggression and expansive behavior do not pay off in the long term.*

## ***What a new Congress means for Taiwan***

The US Congressional elections of 6 November 2012 will have some changes in the make-up of the Congressional and Senate Taiwan Caucus membership, but is not expected to significantly affect the broad support that exists for Taiwan in the US Congress.

Congresswoman Ileana Ros-Lehtinen (R-FL), who has been very supportive of Taiwan, was reelected, but under House rules she will be stepping down as chairperson of the House Committee on Foreign Affairs. However, she has been succeeded by Congressman Ed Royce (R-CA) who has been equally supportive of Taiwan's interests.

Another strong Taiwan supporter, Congressman Michael McCaul (R-TX), will be chairing the Homeland Security Committee, while Taiwan supporter Steve Chabot (R-OH) will chair the Subcommittee on Asia Pacific in the House Committee on Foreign Affairs.

Another change on the House side will be the loss of Congressional Taiwan Caucus co-chair Shelley Berkley (D-NV), who ran but lost in her race to unseat Republican Dean Heller in her bid to represent Nevada in the Senate. The other three CTC chairs Connolly, Diaz-Balart, and Gingrey are all returning. Overall, a number of House members retired or lost their election bid, so the total membership is dropping from 154 before the elections down to 136 in the beginning of the new term.

Interestingly, there were two Taiwanese-Americans running in the election: Mr. Jay Chen in Orange County, California, who lost his race to incumbent Congressman Ed Royce, and New York lawyer Grace Meng, who won her bid to represent the Flushing District of New York in the U.S. House of Representatives.

On the Senate side, the Senate Taiwan Caucus counted 27 members, but two members — Senators Joe Lieberman (D-CT) and Jon Kyl (R-AZ) — are retiring, so the STC membership will drop from 27 to 25. Two other members — Jon Tester (D-MT) and Sherrod Brown (D-OH) – ran for reelection and won.

The retirement of Senators Lieberman, Kyl, and Jim Webb means a loss of some people who have strongly supported Taiwan over the years. Lieberman was always vocal on democracy in Taiwan and the country's membership in international organizations like the World Health Organization, while Kyl was a strong supporter on defense issues, always ready to ensure that Taiwan receive adequate means to defend itself. Webb, as Chairman of the subcommittee on Asia Pacific in the Senate Foreign Relations Committee, was very focused on stability in East Asia.

But it is expected that both on the House and Senate side new members will be found who are ready to stand by an old ally, and who will be willing to help defend democracy and freedom in Taiwan.

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## Book Review

### *Democratizing Taiwan, by Professor J. Bruce Jacobs*

*Reviewed by Gerrit van der Wees*

In this book, Bruce Jacobs gives a powerful account of how Taiwan became democratic, presenting the main actors and key developments. It is a descriptive narrative of how individuals and groups influenced the process, giving many insights along the way.

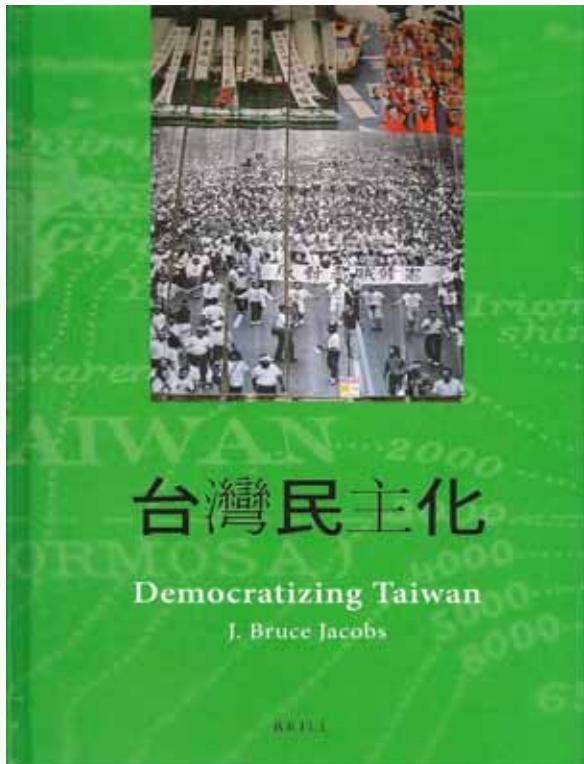
Jacobs starts by saying that many Taiwanese scholars have come to the view that the history of Taiwan is a history of colonial rule by outsiders. Prior to 1624, the island's population was overwhelmingly aboriginal: "*The only Chinese on Taiwan were temporary visitors who came as fishermen, pirates, and traders with the aborigines.*"

Jacobs goes on to describe how the Dutch imported seasonal laborers for the sugar and rice plantations, who intermarried with aboriginal women, laying the foundation for the large majority of the present-day population. He describes how this population grew during Cheng Cheng-kung (Koxinga) and the subsequent two centuries of Ch'ing Dynasty rule. However, during that time it was very much a frontier region, remaining largely outside the radar and influence of the Manchu rulers in Beijing.

He does show how the present-day desire for self-determination has its deep roots in the days of Japanese rule (1895-1945), when a variety of local groups and personalities started to advocate “home-rule”, largely in response to Woodrow Wilson’s Fourteen Points in 1918.

Jacobs also described the similarities between the Japanese colonial government and Chiang Kai-shek’s Chinese Nationalists, who came over from China in 1945-49, and ruled the island with iron fist for some 40 years, until democratization set in in the mid-1980s. Jacobs goes into more detail in describing the budding democracy movement of the 1960s and 1970s, which laid the foundation for the eventual push for democracy in the early and mid-1980s.

He gives excellent insights into the process of liberalization in the mid-1980s. He describes how the drivers were primarily the grassroots movement, and the considerable pressure from the US Congress, concluding that President Chiang Ching-kuo himself did not make a major contribution to Taiwan’s democratization. He did allow a process of liberalization to take place, but was not a driver in the democratization process itself.



Jacobs is strongest in his description of events and personalities during the presidencies of Lee Teng-hui (1988-2000) and Chen Shui-bian (2000-2008) when most of the island’s progress towards a full democracy took place. He goes into significant detail in the wrangling between old-timers in the KMT who saw Lee as a temporary straw man, and

more progressive people both within the KMT and of course in the democratic opposition of the DPP, who pushed for a transition to full democracy.

Thanks to deft maneuvering of President Lee, major steps were taken in 1991-92 with the retirement of the “old thieves” in the legislature, who were elected in China in 1947 and had remained in their positions since then, and with the decision to have direct elections of the president in 1996, instead of “election” by the National Assembly.

Jacobs discusses the 1996 elections and their aftermath in significant detail, and also describes why the Chinese military exercises and missile firings of July/August 1995 and March 1996 were so counter-productive, and actually helped President Lee Teng-hui gain a re-election victory.

The period 1996-2000 marked the consolidation of democracy under President Lee, while he also tried to expand Taiwan’s international space through “vacation” and “golf” diplomacy (not discussed in the book as it focuses on domestic political developments). Jacobs then discusses the run-up to the 2000 elections, which saw the DPP’s Chen Shui-bian gain victory, due to a split in the KMT camp between the official candidate Lien Chan, and maverick James Soong.

His chapter on the Chen Shui-bian presidency is rich in details on how the DPP president had to wage a continuous struggle for political survival. In the beginning of his term, Chen attempted to reach out to both China and to the KMT opposition, incorporating the conciliatory “Five Noes” in his inauguration speech, and appointing a KMT Prime Minister, Tang Fei.

However, the response from both sides was totally uncompromising: China rejected his overtures outright, while the Kuomintang conducted a virtual “scorched earth” approach in the Legislative Yuan, blocking any and all proposals by the DPP government. In the meantime, the KMT unceremoniously dumped former President Lee Teng-hui, revoking his KMT membership, prompting the former President to endorse the newly-formed Taiwan Solidarity Union.

Jacobs proceeds to describe the highlights of the first term, such as the “One Country on Each Side” dictum (which, in his view, was generally accepted in Taiwan and by the US side), and the increasingly contentious run-up to the 2004 elections, which Chen won with an extremely narrow margin.

The start of the second term was rocky, due to the fact that KMT candidate, Mr. Lien Chan, did not accept the results, arguing that the assassination attempt had been “staged” and the election had been “stolen.” Jacobs shows how Lien Chan himself was the one who undermined the process of democratization.

For Chen’s second term, Jacobs primarily focuses on a number of by-elections, showing the DPP was not able to consolidate its position, and gradually lost ground, eventually leading to a severe loss in the 2008 presidential elections, in which former Kaohsiung mayor Frank Hsieh was the DPP’s candidate.

In the chapter on the Ma administration, 2008-present, Jacobs delves into a number of issues: the squabbles with Taiwan (mainly over the Senkaku islands), the China roller coaster and the “diplomatic truce” (which did not lead to more international space for Taiwan), the steady drop in the popularity ratings due to dissatisfaction with his policies, and the use of the judicial system to go after present and former DPP politicians, especially the case against former president Chen Shui-bian.

Jacobs concludes that Ma Ying-jeou failed to fulfill the hopes and expectations of the beginning of his presidency. He says that he “failed to reform the worst aspects of the KMT”, and “has not built bridges with the opposition and, in fact, deepened the divisions between the ruling KMT and the opposition DPP through petty partisanship.”

In his concluding chapter Jacobs highlights some of the key characteristics of Taiwan’s democracy. He states that it still has a very deeply divided polity, which derives from the KMT’s Chinese colonial regime (1945-1988) that imposed a “Great China” identity and systematically discriminated against the native Taiwanese majority. Democratization therefore meant a major shift towards Taiwanization.

Jacobs also emphasizes that the Taiwanese voters generally attach a high importance to local issues, good governance, and clean politics. He argues that the vote to return power to the KMT in 2008 did **not** mean a vote for closer ties with China or for unification, as is often incorrectly concluded by foreign observers and news media. Conclusion: excellent account of Taiwan’s process of democratization. Highly recommended.

The full title of the book is: **Democratizing Taiwan**, by J. Bruce Jacobs, professor of Asian Languages and Studies at Monash University in Melbourne, Australia. Published by Koninklijke Brill Publishers, Leiden, the Netherlands, 2012.

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**CONTENTS**

**Taiwan Communiqué no 140  
February / March 2013**

**Massive "Fury" rally in Taipei**

<i>Twohundred thousand take to the streets .....</i>	<b>1</b>
<i>Winter of discontent .....</i>	<b>1</b>

**Senkaku conflict heating up**

<i>China ratchets up the pressure .....</i>	<b>2</b>
<i>US sends another mission to East Asia .....</i>	<b>4</b>
<i>KMT government still rocking the boat .....</i>	<b>4</b>
<i>CRS questions Taiwan's role .....</i>	<b>5</b>
<i>FAPA Board adopts Senkaku position .....</i>	<b>6</b>

**Are human rights and freedoms eroding?**

<i>Freedom House: human rights not in jeopardy .....</i>	<b>7</b>
<i>Reporters without Borders: press freedom unchanged .....</i>	<b>9</b>
<i>DPP issues report on political persecution .....</i>	<b>10</b>
<i>Anti media-monopoly campaign churns on .....</i>	<b>11</b>

**Former President Chen Shui-bian's health**

<i>Professor Jerome Cohen visits President Chen ....</i>	<b>14</b>
<i>US Senators Inhofe and Murkowski express concern .....</i>	<b>14</b>
<i>Psychiatrist: Chen needs home environment .....</i>	<b>15</b>
<i>DPP urges medical parole .....</i>	<b>16</b>
<i>International scholars laud judge Hung Yin-hua ..</i>	<b>16</b>

**Report from Washington**

<i>A change of guard at the State Department .....</i>	<b>18</b>
<i>What a new Congress means for Taiwan .....</i>	<b>19</b>

**Book Review**

<i>Democratizing Taiwan, by Prof. J. Bruce Jacobs reviewed by Gerrit van der Wees .....</i>	<b>20</b>
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