



# Taiwan Communiqué

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# 143

## Taiwan's "Watergate" *Ma moves to oust Legislative Speaker*

A major political crisis erupted within the ruling Kuomintang (KMT) Party in Taiwan on 6 September 2013, when the head of the infamous Special Investigation Division (SID) — Prosecutor-General Huang Shih-ming — accused Minister of Justice Tseng Yung-fu and Taiwan High Prosecutors' Office Head Prosecutor Chen Shou-huang of "influence peddling" in the case of a lawsuit involving DPP Party Whip, Legislator Ker Chien-ming. Tseng denied any wrongdoing, but resigned as he did not want to damage his office.

However, a short time afterwards it turned out that the real target was Legislative Speaker Wang Jin-pyng, who had allegedly called Tseng and Chen, asking them to convince a prosecutor not to appeal a case against opposition legislator Ker, who had been declared not-guilty by the High Court in June 2013 in an old case against him.

Photo: Taipei Times



At the time when the matter erupted, Legislative Speaker Wang had just flown off to Malaysia to host the wedding of his second daughter on a resort island off the coast, and wasn't scheduled to

Legislative Speaker Wang Jin-pyng enjoying a short-lived welcome on arrival at Taoyuan Airport. The next day President Ma had him dismissed

return until Tuesday, 10 September. Still, President Ma said on 7 September 2013 that Wang should return to Taiwan immediately “to explain himself.”

On the next day, Sunday 8 September, President Ma Ying-jeou appeared in a hastily-arranged press conference, strongly lambasting Speaker Wang, calling the incident “*the most shameful day in the development of Taiwan’s democracy.*” Wang had reportedly telephoned him from Malaysia, denying the charges, but Ma disputed Mr. Wang’s position, saying: “*If this was not influence peddling, then what is?*”

The matter went quickly downhill from there: Speaker Wang returned to Taiwan on Tuesday evening, 10 September 2013, and was actually warmly welcomed by a large crowd of supporters at Taiwan’s international airport at Taoyuan. In a brief statement at the airport he again denied any wrongdoing, saying that he had called the Justice Minister and Head Prosecutor Chen about his concerns that the SID was overstepping its boundaries.

Copyright: Taipei Times

However, on Wednesday 11 September 2013 the KMT’s Central Evaluation and Discipline Committee – at the behest of President Ma – revoked Wang’s membership in the KMT Party. As he was serving in the legislature as an at-large legislator, and not as a legislator from a district, this would also mean that he would lose his position as a legislator, and as the powerful Speaker of the Legislative Yuan.



### Ma Ying-jeou's approval rating going downhill

Wang decided to fight back and immediately filed an injunction with the Taipei District Court, requesting the Court to stay his expulsion from the KMT party. On Friday, 13 September 2013, the District Court ruled in favor of Wang’s provisional injunction seeking to retain his Chinese Nationalist Party (KMT) membership and position as head of the legislature. However, the KMT party announced almost immediately that it would appeal the ruling to the High Court.

The whole episode did not do President Ma very much good in the opinion polls: his approval rating had already been at extremely low levels (13-17%) for some time, but a few days after the fracas broke, the deep-blue TVBS poll reported that Ma's approval rating had gone down to 11%. And on 15 September 2013, the ERA Survey Research Center announced that Ma's approval rating had dropped further down to 9.2%, the first time the rating had dipped to the single-digits.

That's where the situation stood as this issue of *Taiwan Communiqué* was going to press.

## ***“Influence peddling” and phone tapping***

The case of alleged “influence peddling” reportedly came to light when the Special Investigation Division was wiretapping DPP Caucus Whip Ker Chien-ming's cell phone, and recorded a call he made on 28 June 2013 to Speaker Wang, inquiring whether Wang had talked to Justice Minister Tseng or Head Prosecutor Chen Shou-huang, and whether they had convinced the prosecutor in the case, a Ms. Lin Siu-tao, not to appeal a not-guilty verdict against Ker, which had been handed down in June 2013 in an old case against Ker.

Prosecutor Lin subsequently stated that she had independently come to the conclusion that there was no ground for a further appeal from the prosecution side. The case opposition legislator Ker was supposedly being wiretapped for dated back to 1997, which gives one an idea of the “efficiency” of the legal system in Taiwan, where the prosecutors keep appealing cases *ad infinitum*, so the legal proceedings drag on for years and years. This of course puts a heavy burden on the defendants, and does clog the court system.

The fact that a prominent opposition leader such as Mr. Ker was being wiretapped also raised deep concerns in Taiwan, with many calling the use of the phone tap illegal. Presumably, a Court can authorize a wiretap in a particular criminal investigation, but according to legal sources in Taiwan, the wiretap has to be stopped as soon as the case has been closed, which was the case for Mr. Ker.

However, during the past few years the use of wire and phone tapping increased rampantly in Taiwan: it has become a frequent tool of the infamous Special Investigation Division (SID), headed by Prosecutor-General Huang Shih-ming. The SID has been particularly active in bringing cases against members of the former DPP government of President Chen Shui-bian, and even against current DPP politicians, such as County Magistrates Su Chih-fen from Yunlin and Helen Chang from Changhua.

The current episode, as well as the many previous cases of politically-motivated prosecutions by the SID, prompted the highly regarded **Judicial Reform Foundation** in Taiwan on 16 September 2013 to call for abolishing the SID altogether, and for investigation of Prosecutor-General Huang Shih-ming on charges of abuse of power and authorization of illegal wiretapping.

Also, on 17 September 2013, a group of 36 prominent legal specialists and scholars in Taiwan, including National Taiwan University law professors Yen Chueh-an and Chang Wen-chen, issued a joint statement titled *President Ma overstepping the constitutional red line*. In the statement the group said that Ma's dealings with the incident "...have blatantly violated the doctrine of separation of powers, and jeopardized the constitutional order of this free and democratic country."

## *Why now? A long rivalry between Ma and Wang*

Many observers are wondering why the crisis erupted at this time: there had been a long rivalry between Ma and Speaker Wang, dating back to 2005 when Wang challenged Ma for the chairmanship position in the KMT. Also, in 2008, Wang had toyed with the idea of running to be KMT's candidate in the presidential election, but in the end decided to support Ma, who subsequently won that election race against the DPP's "Frank" Hsieh Ch'ang-t'ing.

Copyright: Taipei Times



**Ma Ying-jeou-style fencing: with a machine gun**

Ma and Wang also come from different sides of the spectrum within the Kuomintang Party: Wang is a native Taiwanese, hailing from Kaohsiung County in the South, where his parents were farmers. Ma, on the contrary, belongs to the Kuomintang's Chinese-born elite: his family came over with Chiang Kai-shek after World War II, and after completing his studies in the US in the early 1980s, Ma immediately got a high-level position as interpreter for then-President Chiang Ching-kuo.

But in spite of the different backgrounds, the two had been able to coexist: Ma needed Wang to retain support in Southern Taiwan, while Wang needed Ma to retain his position as Speaker of the Legislative Yuan. Reportedly, what snapped the symbiosis between the two was Ma's increasingly strident push to get the legislature to pass two pieces of legislation.

Ma had wanted to pass the Service Trade Agreement with China and the Nuclear Four referendum in the previous legislative session in July 2013 already, but Wang was more sensitive to the concerns expressed about the trade agreement, both by the DPP and by a wide variety of people in the service sector (see our article *Another flawed pact with the PRC* on pp. 9-11).

During the past few months, there had also been major opposition against the deceptive Nuclear Four referendum proposed by the KMT government, which — due to the wording proposed and the skewed rules for referendums in Taiwan — would certainly have meant completion and start of operations of the Nuclear Four reactor, even if 95% of the respondents expressed themselves against that (see *Nuclear power debate continues*, on pp. 11-13).

So, in July 2013 the legislature was not able to move forward on these two pieces of legislation, which were carried over the summer to the beginning of the new legislative session starting on 17 September 2013. During August, Ma became increasingly anxious to push his agenda, in particularly the Service Trade Agreement, which he sees as the next step in his “rapprochement” with the PRC. The agreement would significantly increase Chinese influence in Taiwan's economy, and make it much easier for Ma to move to the following step, to start the so-called “political talks”, which he sees as the final stage of the process leading towards “unification.”

However, during the past few years, Ma's vision and practices have put him increasingly at odds with Taiwan's rambunctious political system, which does value stable relations with China, but not at the expense of Taiwan's democracy and freedoms. If anything, during the Ma years the *Taiwanese* identity became stronger, and the support for Taiwan's independence did actually increase.

The lack of transparency with the PRC agreements, the erosion of the judicial system, and Ma's attempts to circumvent the checks and balances provided for in the legislative system, eventually culminated into a situation where his attempt to remove Wang became the straw that broke the camel's back.

Taiwan will have “seven-in-one” elections at the end of 2014, and many foresee that under the present circumstances Ma’s KMT will do badly. There are even reports that prominent KMT figures are calling on him to promise to step down as KMT Chairman, making him a very lame duck in the last two years of his presidency.

But Ma sees his rapprochement with China as his major legacy, and wants to push his agenda, come hell or high water. This all promises interesting times in Taiwan’s politics in the months and even years ahead.

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## Taiwan’s long hot Summer

The Summer of 2013 has been especially hot in Taiwan, not only because of the record temperatures measured in Taipei , but also because of a confluence of issues leading to several mass protests against the policies and practices of the ruling government of President Ma Ying-jeou. The main issues prompting the protests in Taiwan were:

Photo: Taipei Times

1. ***The death of conscript Hung Chung-chiu*** on 4 July 2013 while undergoing excessive disciplinary measures in military detention. Anger about the handling of the case by the Kuomintang and military authorities brought out some 30,000 people on 20 July and some 250,000 people on 3 August 2013.



**Protest gathering on the death of army conscript Huang Chung-chiu in Taipei on 3 August 2013**

2. The signing of the ***Services Trade Agreement with China*** on 21 June 2013. The lack of transparency and the pressure by the Kuomintang government on the Legislative Yuan to pass the agreement without much discussion led to a series of protests in Taipei. This eventually prompted the legislature to suspend its review of the agreement on 1 August 2013 (see further on pp. 9-11).

3. The plans by the Kuomintang government to push through completion of the *Fourth Nuclear Power Plant at Kungliao*. This is a long-simmering issue that already prompted major demonstrations in March 2013. Recently, the Ma administration had proposed a “referendum”, which – because of the tricky nature of Taiwan’s referendum Law – would have signaled “approval” of completion of the plant. These referendum proposals also became the topic of large-scale demonstrations (see further on pp. 11-13).
4. *Forced demolition of homes in Taipei and Miaoli*. During the spring and summer of 2013, a number of confrontations took place between police and owners of the homes and their supporters in the Wenlin Yuan urban renewal project in Taipei’s Shilin District. Also in Taipei, a series of confrontations took place over the demolition of the Huaguang Community. And in the Dapu Borough of Miaoli four homes were demolished on 18 July 2013 to make way for a controversial extension of a science park. The heavy-handed measures by police and authorities in all these cases culminated in anger by the general public.

On the following pages we present a brief overview of the events, and discuss the underlying reasons.

## *Mass demonstration on death of conscript*

The largest protest event in the Summer took place in the afternoon and evening of 3 August 2013, when some 250,000 people gathered on Ketagalan Boulevard in front of the Presidential Office in Taipei to protest the military’s mishandling of the death in custody of army conscript Hung Chung-chiu, who had died on 4 July 2013 while undergoing punishment in military detention.

The gathering was organized by a new and relatively unknown activist group called **Citizen 1985**. The name of the group is both a reference to the number of the abuse hotline in Taiwan’s Army (“1985”), and to George Orwell’s **1984**: In Orwell’s famous work, the government (“Big Brother”) was watching each and every move of the citizens. In **1985**, the tables are turned and Big Citizen is watching each and every move of the government.

The organization designed cardboards to be carried by the participants showing a big (citizens’) eye, and a red tear for the deceased conscript. The organizers also adapted the song “*Do You Hear the People Sing?*” From *Les Misérables* as their theme song, which became an overnight hit on Youtube.

It is noteworthy that the number of people at the 3 August 2013 rally in Taipei equaled that of Martin Luther King's famous **March on Washington** in 1963, which was just commemorated in DC at the end of August 2013.

## *Two defense ministers resign*

The death of conscript Hung Chung-chiu also brought about the successive resignation of two defense ministers: first, on 29 July 2013, then Minister of National Defense Kao Hua-chu resigned, taking political responsibility for the snowballing controversy of the Ministry's mishandling of the case.

Copyright: Taipei Times

According to press reports in Taiwan, the military judicial authorities were slow in investigating the case, while a key 80-minute portion of footage from cameras monitoring an area of a military detention barracks where the 23-year-old Hung was forced to perform strenuous exercises as part of his punishment, was blank because all 16 cameras had stopped working. The matter prompted the Legislative Yuan to pass legislation transferring authority over such cases from the military judicial system to the civilian court and prosecutors.



### **Defense Minister Andrew Yang loses his job over plagiarism allegations**

But that was not the end of the matter: President Ma had appointed Deputy Minister of National Defense Andrew Yang as Defense Minister. Yang is a former academic who had become Deputy Defense Minister in 2009. He was generally well-regarded in US circles, but apparently had enemies in Taiwan's defense system: a few days after he became Taiwan's first civilian Minister of National Defense, reports started to circulate that in a book published in 2007 – while he was still an academic – he had published an article that plagiarized an earlier article by US defense scholar Rick Fisher.

Although it turns out that Yang had been unaware of the fact that part of the text of the article had come from Fisher's work (an aide had translated it), the matter led to his



resignation on 6 August 2013. The following day, the Ma administration appointed Chief of General Staff General Yen Ming as minister of defense. The general is an old-timer from whom little can be expected in terms of much-needed reform of the military system.

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## Another flawed pact with the PRC

### *KMT government signs Service Trade Agreement*

On 21 June 2013, Taiwan's Straits Exchange Foundation (SEF) and China's Association for Relations Across the Taiwan Straits (ARATS) signed a Service Trade Agreement in Shanghai.

Photo: Taipei Times

Under the agreement, some 64 Taiwan service sectors would be opened up to Chinese investment, while China reportedly opened some 80 sectors to Taiwan. The sectors in Taiwan opened up to Chinese investments include transportation, tourism, publishing, financial services, medical care, and banking.



**Protest against the Service Trade Agreement in Pingtung in Southern Taiwan on 28 July 2013, with the help of local folk deity Nezha**

However, the agreement still needed to be ratified by the Legislative Yuan: this proved to be a difficult process. Below

we are summarizing the developments from early July through mid-September 2013.

## *Widespread protests against PRC accord*

Almost immediately the accord prompted widespread protests in Taiwan, not only from people and businesses directly affected by the move, but also from people concerned about the lack of transparency in the negotiations leading up to the signing of the agreement.

According to press reports in Taiwan, the negotiations had been conducted by a small group of negotiators, who only consulted with President Ma and his immediate circle: there had been no efforts whatsoever to communicate with the sectors involved, or to assess the possible impact of the agreement on the economy.

One of the strongest reactions came from Mr. Rex How, a publisher who serves as chairman of Locus Publishing Co. in Taipei, who said that Mr. Ma was “either an autocrat or impossibly stupid” for pushing the agreement. Mr. How’s reaction was particularly significant, because he also served as an (honorary) advisor to President Ma. On 31 July 2013 Mr. How resigned from his position.

Copyright: Taipei Times

In his departing remarks, Mr. How emphasized that the service sector contributes about 70% to the nation’s GDP and provides employment to some four to five million people. He said that the way the government signed the agreement without discussing it first with the legislature has “...*seriously undermined the convictions and values in a democracy, and violated the due process that an elected government should observe.*”



**President Ma in the Cross-Strait Service Trade Agreement slowboat: "Faster, faster!"**

At the end of July, Mr. Shih Chun-chi, a former Chairman of the Financial Supervisory Commission (FSC) – a government regulatory agency, also strongly criticized the agreement, saying that if it is passed, then Chinese shareholders could become majority owners of up to half of Taiwan’s 16 financial holding companies, and almost 40 percent of Taiwan’s 38 banks. Mr. Shih called it a national security issue.

A third reaction came from Prof. Jang Show-ling, chairwoman of the Economics Department at National Taiwan University, who argued that the Ma administration had violated three basic principles when signing the agreement:

1. The government had not provided any transparency throughout the process, even keeping key services affected by the agreement in the dark, and had also not given the Legislative Yuan the information needed for a thorough evaluation;

2. The government had put commercial interests ahead of national interests by opening up the air, sea and land transportation as well as the communications sector to Chinese interests; and
3. The agreement would only benefit big business and damage small and medium-size enterprises and their workers in the service sector.

## *Legislative Yuan deliberations postponed*

Almost immediately after the announcement of the pact, legislators from the opposition Taiwan Solidarity Union and the Democratic Progressive Party occupied the rostrum of the legislative chamber in the Legislative Yuan, protesting the secretive way in which the agreement had come about, and the way President Ma intended to push the accord through the Legislative Yuan – without much discussion and just with an up-or-down vote.

The paralysis continued all the way through the end of the regular legislative session at the end of July 2013, and negotiators could not come to an agreement either in an extraordinary session called in early August 2013. In the end, a deal was reached, brokered by Legislative Speaker Wang Jin-pyng to push the debate over the summer recess, and have an article-by-article debate of the agreement starting in mid-September 2013. As was seen earlier in this *Taiwan Communiqué*, this move may have cost Mr. Wang his political career.

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## **The nuclear power debate continues**

In a previous issue (*Taiwan Communiqué* no. 141, pp. 10-14) we discussed the nuclear power debate in Taiwan, which is focused on whether the Nuclear Four plant in Kungliao, just 40 km to the northeast of Taipei, should be completed and start operations. The longer-term issue is whether Taiwan could also phase out its three existing plants, and move towards a nuclear-free Taiwan by the mid-2020s.

We described the large-scale rally on 9 March 2013, and discussed the flawed referendum proposed by the KMT government. Below you find a summary of the developments since mid-April 2013.

## *Rallies against nuclear power plant*

On 19 May 2013, the eve of the anniversary of President Ma's second inauguration, several thousand people joined in a rally organized by the Taiwan Environmental Protection Union. Members of the two main opposition parties, the Democratic Progressive Party and the Taiwan Solidarity Union, also took part in the protest.

Copyright: Taipei Times

The marchers converged at Ketagalan Boulevard in front of the Presidential Office at about 5:00 pm, to hear a series of speeches. This was followed by musical performances by several popular musicians and bands later in the evening.

One of the speakers was former DPP Prime Minister Chang Chun-hsiung, who in 2000 decided to halt construction of the Fourth Nuclear Plant. However, Taipower and special interest groups subsequently prevailed upon the Legislative Yuan to continue the construction, pouring billions more dollars into the project.



**President Ma Ying-jeou to KMT legislative caucus:**  
*"Do it the way you do it at the circus: Stick your head in its mouth ..."*

Premier Chang argued that the Fukushima disaster in Japan two years ago proved him right, and that a significant majority of the population has now turned against nuclear power. He asked: *"Is it right to establish a plant that provides only 20 or 30 years of electricity for our generation, but leaves behind harmful radioactive waste that will affect our offspring and the environment for 240,000 years?"*

## *Ma government proposes deceptive referendum*

Many of the demonstrators on 19 May 2013 also protested the deceptive referendum proposed by the KMT government. The referendum, slated for the end of the year, is phrased as follows: *"Do you agree that the construction of the Fourth Nuclear Power Plant should be halted, and that it not become operational?"*

Under normal circumstances this referendum would overwhelmingly pass, but under Taiwan’s archaic referendum law it is bound to fail, as the law requires that at least 50% of *registered voters* express themselves in favor. This is sheer impossible even if the referendum coincides with a presidential election, let alone if it is held in an off-year between elections.

The flawed referendum was also the object of a protest organized on 26 May 2013 by the National Nuclear Abolition Action Platform, an alliance of several civic groups dedicated to opposing nuclear power in Taiwan.

The group protested in front of the Legislative Yuan with yellow signs forming the word “STOP”. The action was specifically aimed at the referendum, which was being voted on by the legislature in that week.

The group also encircled the Legislative Yuan with a long yellow banner that read “refuse nuclear power, terminate the Fourth Nuclear Power Plant”, and sang songs expressing their opposition to nuclear power in Taiwan.

The event was concluded by a series of speeches from a number of public figures from various sectors of society on the nuclear power issue, and singing by various musicians and bands.

Interestingly, in the furor surrounding the dismissal of Legislative Speaker Wang Jin-pyng by President Ma Ying-jeou, the nuclear power referendum also became a victim: on 10 September 2013, the legislator who had proposed the measure, KMT legislator Lee Ching-hua, withdrew his proposal, saying that the upheaval in the legislature made it “inappropriate” to move forward with the proposal at this time.

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## **International space for Taiwan**

During the past few years there has been an on-and-off-again debate about Taiwan’s participation/membership in international organizations. Some observers felt that the previous DPP administration of President Chen Shui-bian had been too aggressive, and that a more incremental approach was warranted. However, as we reported in *Taiwan Communiqué* no. 142 (*Is President Ma’s “diplomatic truce” failing?*) during the past five years there has been no substantive progress whatsoever on international space for Taiwan.

Against this background we take a look at the recent initiative in the US Congress to get observer status for Taiwan in the ICAO.

## ***Congress passes ICAO bill: President Obama signs***

On 18 and 19 June 2013, the US House of Representatives and the US Senate passed similarly-worded bills (H.R. 1151 and S.579 respectively), directing US Secretary of State John Kerry to develop a strategy to obtain observer status for Taiwan at the International Civil Aviation Organization Assembly, a meeting held every three years, and which is scheduled for September 2013.

The bill was introduced in March 2013 by Senate Taiwan Caucus co-chairman Robert Menendez (D-NJ) who in the beginning of this year also became chairman of the Senate Foreign Relations Committee after his predecessors John Kerry was appointed Secretary of State.

On 12 July 2013, President Obama signed the bill, so it received the force of law. The legislation directs the Secretary of State *to develop a strategy to obtain observer status for Taiwan, at the triennial ICAO Assembly next held in September 2013 in Montreal, Canada, and other related meetings, activities, and mechanisms thereafter; and*

1. instruct the United States Mission to the ICAO to officially request observer status for Taiwan at the triennial ICAO Assembly and other related meetings, activities, and mechanisms thereafter and to actively urge ICAO member states to support such observer status and participation for Taiwan.

The legislation also mandates a report, not later than 30 days after the date of enactment of the legislation, on the description of the efforts made by the US to encourage ICAO member states to promote Taiwan's bid to obtain observer status, and the steps the US is taking in ICAO and at the triennial Assembly itself.

As expected, the next day, the Chinese Ministry of Foreign Affairs castigated the signing of the bill, saying that the legislation "seriously violated the "one China" policy. The spokesperson, Hua Chungying, said that Beijing was urging Washington to "stop interfering in China's internal affairs."

## *ICAO allows Taiwan to attend “as a guest”*

On 13 September 2013 it was announced in Taipei that Taiwan had received an invitation from ICAO Council President Kobeh Gonzalez to attend the triennial ICAO Assembly, which takes place in Montreal from 24 September through 4 October 2013, “as a guest.”

The “as a guest” designation reportedly came after much wrangling: the US legislation mentioned earlier did speak of “observer status.” When asked about the matter at a 13 September press conference, Taiwan’s Civil Aviation Administration’s Director-General Jean Shen responded that ICAO member states had not reached a consensus yet on the issue of Taiwan’s status, but “deemed it crucial and necessary that Taiwan attend the assembly for the sake of aviation safety.”

Not unexpectedly, Beijing also weighed in on the issue: a spokesman for China’s Taiwan Affairs Office, Mr. Yang Yi, stated on the same day that Taiwan’s participation in the ICAO assembly was a show of Beijing’s goodwill: “*The arrangement illustrates the mainland’s concern for our Taiwanese compatriots, and displays our sincerity and efforts in maintaining the peaceful development of cross-Strait relations.*”

**Taiwan Communiqué comment:** *As an organization that has worked long and hard for Taiwan’s full membership in international organizations, we applaud this small step forward. We do hope that it will eventually lead to full and equal membership for Taiwan in all international organizations.*

*That is why we regret that the Obama administration saw fit to issue the following statement on the occasion of passage of the bill:*

*The United States fully supports Taiwan’s membership in international organizations **where statehood is not a requirement for membership** and encourages Taiwan’s meaningful participation, as appropriate, in **organizations where its membership is not possible** (Emphasis added).*

*This statement is still based on the anachronistic idea developed by some stuffy State Department lawyers that the US can decide whether Taiwan is a state or not. This is simply false: According to the definition of the 1933 Montevideo Convention, Taiwan is a state. The US can decide to establish diplomatic relations – or not – with such a state. But those are two different issues.*

*So we would strongly urge the US government to move away from language denying that Taiwan is a state, and adopt a more rational and reasonable formulation, acknowledging that it is a nation-state but that for reasons X, Y, and Z the US doesn't maintain diplomatic relations with the (democratically-elected!) government of Taiwan.*

*But to get back to the desired approach to get Taiwan into international organizations: the present "incremental approach" has hardly produced any results. On the contrary, it appears that this approach is cementing Taiwan into a permanent position of second class / backseat participation in international organizations.*

*The international community needs to reassess whether peace and stability are best served by leaving Taiwan dangling in international isolation. We believe that a much better approach would be to proactively move to engage Taiwan directly in international organizations.*

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## Update on former President Chen

In *Taiwan Communiqué* issue no. 142 (May-June 2013) we reported on the severe flaws in the judicial proceedings against former President Chen, and on the reasons for his suicide attempt in early June 2013: the lack of adequate psychiatric treatment after he was moved from the Taipei Veterans General Hospital (TVGH) to the Pei-teh Prison in Taichung.

In this issue we touch on three new developments: the attention the case received in the **New York Times**, which published a major article about the medical parole campaign for the former president, the introduction by US Congressman Robert Andrews (D-NJ) of a resolution in support of Chen's medical parole, and his reinstatement as a member of the Democratic Progressive Party.

### *New York Times highlights quest for medical parole*

On 22 July 2013, the New York Times published a quarter-page article by its reporter Austin Ramzy, titled: "***Taiwan Debates Medical Parole for Ex-Leader.***" The article started by contrasting Mr. Chen "as a speaker impossible to ignore" during his presidency (2000-2008), and his physical and mental condition now: *He stutters, pauses and has a hard time coming up with the names of simple things like fruits and body parts. "He knows it's for eating, but it took him 25 seconds to say 'banana,' " said Chen*



*Shun-sheng, a neurologist and supporter, as he reviewed video of a speech test that called on the former president to identify images on flashcards. “He couldn’t name the nose.”*

The article said that Chen, *the 62-year-old former lawyer, the first and only opposition figure to ever win the presidency here, . . . .* is now a center of controversy in prison, as an emotional debate unfolds on this self-governing island over whether he

should be granted medical parole. The **New York Times** article continues: *It is a question that provokes sharp reactions, reflecting lingering divisions over Mr. Chen’s tarnished legacy as the activist lawyer who was jailed by Taiwan’s old authoritarian government — and then went on in 2000 to unseat the Nationalist Party that had governed the island since the end of World War II.*



Photo: Reuters

#### **Former President Chen Shui-bian**

The article also stated that *Mr. Chen’s defenders presented him as a victim of his political enemies, raising questions about the fairness of the trial and criticizing conditions in prison, where at first he was held in a small cell without a bed and permitted only an hour of exercise per day. . . . Mr. Chen’s family and supporters say his incarceration has led to a marked physical decline. On June 2, he attempted to hang himself with a towel in a shower in prison, according to Ministry of Justice officials. A guard intervened before he suffered any serious injury.*

The article also quoted Dr. Chen Chiao-chicy, a psychiatrist who met regularly with the former president during a hospital stay this year, who said Mr. Chen was suffering from severe depression and had spoken previously of suicide. “He feels hopeless,” said Dr. Chen, who is not related to the former president.

The **New York Times** article stated that *Mr. Chen’s request for medical parole has put both the government and the opposition in an awkward position. If Mr. Ma shows any leniency, he would anger Mr. Chen’s old opponents in the governing party. But doing nothing has left him looking heartless and vulnerable to continuing criticism.*

The article also mentioned that *Mr. Chen was hospitalized last fall and received a*

*diagnosis of mild brain atrophy, severe depression and Parkinsonism, a condition similar to Parkinson's disease, according to doctors at the Taipei Veterans General Hospital. His symptoms included stuttering, trembling hands and an unsteady gait, but the Ministry of Justice decided the conditions were not severe enough to warrant medical parole and sent him in April (2013) to a prison in Taichung.*

The article concludes with quoting the KMT mayor of Taipei, Mr. Hau Lung-bin, who supports granting Mr. Chen medical parole. He said improved treatment for Mr. Chen might help repair the deep rift between Taiwan's political camps.

## ***Congressman Andrews introduces resolution***

On 30 July 2013, Rep. Robert Andrews (D-NJ) introduced legislation concluding that “Congress urges the Government of Taiwan to grant former President Chen Shui-bian medical parole to ensure that he receives the highest level of medical attention, effective immediately.”

The bill, HCR-46, states: “Whereas since the administration of the Kuomintang Nationalists came to office in 2008, a large number of investigations and prosecutions have been brought against officials from the previous administration, led by the Democratic Progressive Party (DPP), including former President Chen Shui-bian;”

It continues: “Whereas most of these prosecutions were politically motivated, in an apparent pattern of political score-settling.” The bill concludes: “Whereas former President Chen has not been able to receive adequate medical treatment in accordance with his wishes, such as selecting either doctors or hospitals, and has not been able to have complete access to his medical records.”



**Congressman Robert  
Andrews**

The bill also invokes a clause from the 1979 Taiwan Relations Act (TRA), which is the cornerstone of U.S.-Taiwan relations: “The preservation and enhancement of the human rights of all the people of Taiwan are hereby reaffirmed as objectives of the United States.”

**Taiwan Communiqué comment:** *The resolution introduced by Congressman Andrews*

*is highly timely and appropriate. For more than a year now, a wide array of human rights activists, US present and former legislators, and prominent politicians such as former Alaska governor Frank Murkowski and European Parliament member Hans van Baalen, have urged the Taiwan authorities to move towards a medical parole for the former president, but to no avail.*

*For Taiwanese Americans and for members of the U.S. Congress, Chen's suicide attempt in early June 2013 was more than a desperate act by a severely depressed victim of humanitarian injustice, it was the proverbial straw that broke the camel's back. As the chairman of the House Asian Subcommittee Steve Chabot has said on multiple occasions: "Enough is Enough!"*

*Taiwan's judicial system does stipulate medical parole when the prison system cannot provide adequate medical care for a prisoner. It is clear that the prison system in Taiwan has fallen far short of providing appropriate care. The main reason former President Chen is still in jail is political retribution by the Ma government authorities.*

*They need to understand that Chen's imprisonment is damaging the international image of Taiwan as a free and democratic nation. His continued incarceration is also preventing a much-needed reconciliation from taking place within the country.*

## ***Chen rejoins the Democratic Progressive Party***

Another related development was the decision on 14 August 2013 by a five-member DPP panel chaired by legislator Kuan Bi-ling to readmit Chen Shui-bian to the Party. He had resigned in August of 2008 when corruption charges were leveled against him by the then newly-elected Kuomintang government.

During the subsequent years the DPP had distanced itself to some extent from him, but when during the past year he expressed an interest in rejoining the party, a debate was started in the party. Some argued for maintaining a distance, but others felt that the party needed to express support for a former president, who had not received a fair trial by the KMT-controlled judiciary, and who had received inhumane treatment in the prison system, leading to severe physical and mental ailments.

The supporters of his reinstatement as party member also argued that he would not be able to hold any office or participate in any elections for public office, and saw it as a measure of redemption of Chen and a signal in protest against the erosion of the judicial system under the KMT government of President Ma Ying-jeou.

# Report from Washington

## *TPA passes House Foreign Affairs Committee*

On 1 August 2013 – just before the Summer recess — the Foreign Affairs Committee of the United States House of Representatives unanimously passed HR419 aka the Taiwan Policy Act (TPA).

The TPA was introduced on 25 January 2013 by Rep. Ileana Ros-Lehtinen (R-FL) and co-chairs of the Congressional Taiwan Caucus Reps. Mario Diaz-Balart (R-FL), Gerald Connolly (D-VA), John Carter (R-TX) and Albio Sires (D-NJ) “*to strengthen and clarify the commercial, cultural, and other relations between the people of the United States and the people of Taiwan.*”

The TPA was then passed unanimously on 25 April 2013 by the House Subcommittee on Asia and the Pacific.

It is a comprehensive bill that addresses over a dozen different aspects of the U.S.-Taiwan relationship, and updates the 1979 Taiwan Relations Act (TRA) to reflect the new realities in the U.S.-Taiwan relationship. The TPA builds on the TRA (which has functioned effectively as the cornerstone of US-Taiwan relations over the past three decades). It does not amend or supersede the TRA.



**House Foreign Affairs Committee  
Chairman Ed Royce: TPA to go to the House  
floor in the Fall of 2013**

The TPA had been introduced during the previous 112th Congress, and was subsequently passed by the House Foreign Affairs Committee, but had not made it to the floor by the time Congress adjourned for the year in the fall of 2012.

At the hearing, Committee Chairman Ed Royce (R-CA) lauded the close U.S.-Taiwan relationship and emphasized the Free Trade Agreement provision in the bill. He said he hoped to move the bill to the House floor in the early Fall of 2013.

## *DOD urged to proceed with the sale of submarines*

In a letter to U.S. Secretary of Defense Chuck Hagel dated 4 June 2013, U.S. Representative Robert Andrews (D-NJ) called for the sale of submarines to Taiwan. Congressman Andrews wrote: *“I would like to know how the U.S. can support Taiwan’s acquisition of diesel electric submarines, including export control considerations for technical assistance and other export licensing in a support of a Taiwan submarine program.”*

The Congressman concluded: *“I also urge the Department of Defense (DOD) to permit and encourage American companies with expertise in areas related to the development of submarines to support Taiwan’s establishment of an indigenous submarine program. To this end, the DOD should convene such integrated product teams as may be necessary to determine the technologies that Taiwan will require, and which are releasable, to facilitate a successful program.”*

In April 2001, then-President George W Bush approved the sale of eight conventional submarines as part of Washington’s most comprehensive arms package for the country since 1992. Since then, however, there has been little progress in filling the order.

Over the years, many members of the U.S. Congress have on multiple occasions called for the sale of submarines to Taiwan. Most recently, in January 2013, a US congressional delegation led by current chair of the House Foreign Affairs Committee Ed Royce, paid a visit to a Taiwan naval base adding momentum to the Congressional push for the sale of submarines.

Taiwan’s navy currently has four submarines, but only two of them – “Swordfish class” diesel submarines built in the Netherlands in the early 80’s — could be deployed in the event of war. The other two are World War II vintage “Guppy Class” submarines that were built by the United States in the 1940s.

**Taiwan Communiqué comment:** *The sale of the submarines has languished in uncertainty for too long. During the past decade the People’s Republic of China has built up its submarine fleet at a high rate, while Taiwan and the United States have dilly-dallied on and on.*

*It is clear that in a case of a conflict with China, Taiwanese submarines are needed to help defend the waters around Taiwan against intrusions by the Chinese Navy. This would help deter the PLA Navy, and be very helpful to the US forces in maintaining peace and security in the region. The submarines are thus not only in Taiwan’s interest, but also very much in the interest of the United States.*

## *UN-for-Taiwan legislation introduced in Congress*

On 17 September 2013, the very day that the United Nations opened its annual General Assembly session in New York, Representatives Scott Garrett (R-NJ), Joe Barton (R-TX) and Eddie Bernice Johnson (D-TX) introduced a resolution (HCR55) concluding “*That it is the sense of Congress that Taiwan and its 23,000,000 people deserve membership in the United Nations.*”

The resolution quotes from the 1979 Taiwan Relations Act stating: “*Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.*”

It also lauds the “*close relationship that has existed for the past 50 years between the United States and Taiwan, which has been of major economic, cultural, and strategic advantage to both countries*” and emphasizes Taiwan’s long time desire to join the United Nations.

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## **Book Review**

### **“Out of Taiwan” exhibit in Long Beach**

*Shared Connections with the Pacific, Exhibit Preview*

*by Gerrit van der Wees*

For a change we are not doing a regular “book review” this time, but review of an upcoming exhibit in Long Beach California. The exhibit is titled ***Out of Taiwan: Shared Connections in the Pacific***, and will run from 26 October 2013 through April 20<sup>th</sup> 2014 at the Pacific Island Ethnic Art Museum (PIEAM) in Long Beach California. Address: 695 Alamitos Avenue. Long Beach, CA 90802.

During the past three decades, there has been increasing scientific evidence, through both linguistic and DNA studies, that the large majority of the native population of the Pacific islands, stretching from the Philippines in the Western Pacific, to New Zealand in the South, and Hawaii and Easter Island in the East, originated in Taiwan.

Starting some 5,500 years ago, around 3,500 AD, indigenous groups from Taiwan started their great migration, fanning out over the South Pacific. The seafaring skills

of these tribes evolved as they moved along, and developed from the relatively smaller canoes now still seen on Lanyu (“Orchid”) Island off the Southeast Coast of Taiwan to the large double-hulled Polynesian seafaring outrigger canoes.

The scientific work that has contributed greatly to the understanding and timing of this migration include the writings by linguists Robert Blust (*The Austronesian Homeland; Linguistic perspective*, 1985) and Peter Bellwood (*The Austronesian dispersal and the origin of languages*, 1991), genetic scientist T. Melton (*Genetic evidence for the proto-Austronesian homeland in Asia*, 1998), and anthropologist Jared Diamond (*Taiwan’s gift to the World*, 2000).

Copyright: Danee Hazama, 2013

Now, there is another field which does provide ample evidence of the close ties between the Pacific islanders and Taiwan’s aborigines: modern photography. Through the artistic lens of photographer Danee Hazama of Tahiti, French Polynesia, the shared cultural heritage between the peoples of the Pacific Islands and the indigenous people of Taiwan becomes quite apparent.



**Picture of fisherman on Lanyu Island, off the Southeast Coast of Taiwan**

Hazama travelled far and wide through the region and with his lens captured images of everyday life, travel, festivals and artistic expression, such as tattooing symbols, clothe and basket weaving. He participated several times in the *Heiva I Tahiti* cultural dance competition, and sailed in 12 different Polynesian Voyaging Canoes as a crewmember and photographer. The historic voyages he took (from 2010 to 2013) across the region were guided by nature and with non-instrumental celestial navigation.

The exhibit will combine Hamaza’s photographic images with artifacts brought in from across the Pacific and artifacts from Taiwan’s aborigines. Highly recommended for those living in the Los Angeles area or visiting there. **The exhibit opens on 26 October 2013 and runs through 20 April 2014. Address: 695 Alamitos Avenue, Long Beach, CA 90802.** For museum information, go to [www.pieam.org](http://www.pieam.org)

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Internet homepages: [www.fapa.org](http://www.fapa.org) and [www.taiwandc.org](http://www.taiwandc.org)

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