



# Taiwan Communiqué

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# 149

## The aftermath of the November elections

The municipal “nine-in-one” elections that were held on 29 November 2014 have certainly altered the political landscape in Taiwan. They were for positions at nine different levels, ranging from the mayors and country magistrates of 22 cities, special municipalities, and counties, down to village wardens and indigenous district councils.

As we elaborated in our previous issue, *Taiwan Communiqué* no. 148 (which was published right after the elections), the results represented a crushing defeat for the ruling Kuomintang, the Chinese Nationalist Party which has dominated Taiwan’s political landscape since the late 1940s, when Chiang Kai-shek and his defeated government came over from China, imposed his regime on the island and its people, and ruled with an iron fist for more than four decades.

Photo: AFP

While the Kuomintang still remains a powerful presence, there is now a much more level playing field than ever before, and it seems unlikely that the party will be able to retain the presidency and the parliamentary majority in the combined legislative and presidential elections in January 2016.

On the following pages we first present an analysis on how the landscape



**Supporters of newly-elected Taipei mayor Dr. Ko Wen-je celebrating victory on 29 November 2014**

has changed, particularly in the capital city of Taipei. We then present a commentary on how the election results are bringing hope for a better Taiwan, followed by more info on the first few weeks in office for Taipei Mayor Ko Wen-je, and also details on still significant amount of KMT vote buying. This is followed by two analyses of the implications for cross-Strait relations, and in particular how the China-factor played a role in the elections.

## *More on the new political landscape*

As we elaborated in the previous issue of *Taiwan Communiqué* (no. 148 pp. 5-8) the election results represented a major political breakthrough for the democratic opposition of the DPP, in particular in view of the fact that it won in five cities and counties in Northern Taiwan, a traditional stronghold for the ruling Kuomintang.

If one includes the victory of independent-but-DPP-leaning Dr. Ko Wen-je in Taipei, then all of the country's major population centers went overwhelmingly for the DPP democratic opposition, while the KMT only won – and barely so – in one major population area: Sinbei City (formerly Taipei County, the area surrounding Taipei City). All other areas where the KMT won were smaller or outlying counties with relatively small populations.

The second major change in the political landscape is the fact that the KMT was defeated in the capital city Taipei itself, which has traditionally been its major stronghold because of the fact that a large proportion of the people living there are mainlanders. In the past this population group has always voted *en bloc* for the KMT candidate, and it was considered virtually impossible for an opposition candidate to win there. The only exception was in 1994 when then-legislator Chen Shui-bian of the DPP won due to a split within the KMT.

In his election campaign, Dr. Ko Wen-je was able to attract a significant amount of support among these mainlanders in Taipei because he presented himself as an independent, transcending the blue-green political divide.

In addition, he gained quite a following because of his “can-do” pragmatic approach, and eschewing political diatribes. His opponent, KMT candidate Sean Lien – the son of KMT old guard Lien Chan – did himself in by running a very traditional “big-money” campaign, and by engaging in mud-slinging against Ko.

The third factor representing a ground shift in Taiwan was the fact that young voters came out *en masse*. Inspired by the **Sunflower Movement** of the Spring and Summer of 2014,

they mobilized and by using social media such as Facebook became a major force, not only as campaign workers for those candidates seeking change, but also as voters themselves: according to several polls, the turnout among the 20-29 age group was reportedly well beyond 70%, against a turnout for the population as a whole of 67.6%.

## *The DPP gains in legislative by-elections*

On 07 February 2015, the DPP further strengthened its position when it won three out of five races in legislative by-elections for seats that were vacated when their previous holders were elected as county magistrates or city mayors in the 29 November 2014 local elections. The victory is a further indication that Taiwan's political landscape has changed fundamentally.

The five seats up for grabs were from Pingtung, Miaoli, Nantou and Changhua counties, as well as from Greater Taichung, a traditionally KMT-dominated county where the DPP's Lin Chia-lung was able win overwhelmingly in the November race for mayor (see *Taiwan Communiqué* no. 148, p. 5).

The DPP won in Pingtung, Changhua and Greater Taichung, while the KMT held on to its legislative seats in Miaoli and Nantou. In Pingtung, the DPP's Chuang Ruei-hsiung defeated the KMT's Liao Wan-ju with 42,988 votes against 20,627 votes, a major landslide.

In Changhua, the DPP's Chen Su-yueh defeated the KMT's Cho Po-yuan with 51,907 against 34,707 votes, a margin of more than 17,000 votes, while the margin in Greater Taichung was also more than 10,000 votes: the DPP's Huang Kuo-shu had 45,143 votes against the KMT's Hsiao Chia-chi 32,916. Mr. Hsiao gained fame in Taiwan in March 2014 when he was serving as deputy prime minister, and – after the occupation of the Executive Yuan – complained that the demonstrators had eaten *Taiyang bing* cookies from his refrigerator.



**Pingtung county winner  
Chuang Ruei-hsiung**



**Changhua county winner  
Chen Su-yueh**



**Greater Taichung winner  
Huang Kuo-shu**

In Nantou and Miaoli, which are traditionally considered KMT strongholds, the KMT did win, but in Nantou the margin was very small: KMT candidate Hsu Shu-hua just barely edged out the DPP's Tang Huo-sheng with 38,694 against 34,938 votes. In Miaoli, the KMT's Hsu Chih-rong still won comfortably against the DPP's Wu Yi-chen, by 47,105 votes against 32,966, but it is interesting to note that the margin was much smaller than in any previous election.

The elected legislators will serve less than a year — until January 2016, when the next general election for all legislative seats will be held. The election doesn't change the balance between the KMT and DPP in the Legislative Yuan at this time, but the underlying shifts that are visible do forebode a significant change in January 2016 in favor of the DPP. The big question is of course whether the DPP will be able to gain a majority in the Legislative Yuan.

## *A new beginning for Taipei*

The place that experienced the most striking changes was the capital city of Taipei. Right after his inauguration on 25 December 2014, the newly-elected mayor, Dr. Ko Wen-je — a former head of the National Taiwan University Hospital Trauma Unit — started sweeping the city with a new broom.

Photo: Taipei Times

One of his first acts was to fulfill a campaign promise to remove a bus lane in front of Taipei Central Station. The bus lane had been initiated and built when president Ma Ying-jeou was still mayor of the city in 2006, but had never been used. The structure was an obstruction to the traffic, causing major delays, but had remained in place due to bureaucratic and political inertia.

A prime example of Dr. Ko's new bipartisan approach was that he selected three deputy mayors from different colors of the political spectrum in Taiwan. During his campaign he had already emphasized that he wanted to get away from the "blue-green" divide that dominates Taiwan's political landscape.



**Mayor Ko Wen-je at work**

He did this by appointing Mr. Teng Chia-chi, an environmental specialist affiliated with the conservative New Party, Mr. Charles Lin a professor in Urban Planning at National Chiao Tung University who previous headed major urban development projects in Tainan and Kaohsiung, and Ms. Chou Li-fang, a professor at National Chenchi Univer-

sity, who will oversee education, labor, sports and cultural affairs, and also be responsible for two major upcoming international events in Taipei, the 2016 World Design Capital and the 2017 Universiade.

Another example of his fresh approach was the open and transparent way he went about the appointment of key aides and directors of the various departments. He set up a number of search committees to come up with qualified candidates and also gave the public a voice in the choice of directors. E.g. as head of the Department of Urban Development he chose Mr. Lin You-min, a US-trained architect who received a graduate degree from Columbia University and worked in New York for 12 years.

Photo: Taipei Times



### **The unfinished Taipei Dome**

In the first weeks after he took office, mayor Ko Wen-je initi-

ated a large number of measures, ranging from a plan to remove illegal rooftop structures (often added on later, and then subdivided for rental, making them firetraps in case of fires), to streamlining scooter traffic on Chongyang Bridge across the Tamsui River, where many accidents had happened due to a confusing traffic pattern. He also allowed the local population in the Gongguan business district to decide by an online vote whether they wanted to retain a car-free pedestrian area.

But he reserved his major fire and ammunition for some big corporations; in mid-January 2015 he took on FarGlory Land Development (builder of the unfinished Taipei Dome), MeHAS City developer Radium Life (developer of a major project in the Hsintien District near the Xiaobitan MRT station), Hon Hai Group's Syntrend Creative Park, and the Taipei Twin Towers project initiated by Taipei Gateway International Development Co.

Ko charged that in all of these multi-billion dollar development projects, the developers had engaged in corrupt practices and corner-cutting, and that the city had not been able to respond adequately because of the big industrialists' chummy relations with the KMT government, and with the previous administration of KMT mayor Hau Lung-bin. Hon Hai's President Terry Gou (a major subcontractor for Apple) and FarGlory's Chairman Chao Teng-hsiung responded by placing large-scale advertisements in newspapers demanding that Ko retract the accusations. As we went to press, the battle was still ongoing.

In the first few weeks after his election, mayor Ko also inserted himself in the discussion on cross-Strait relations with China. In mid-December 2014 in an interview with the Central News Agency, he suggested that Taiwan ditch the so-called “1992 Consensus” (the nebulous understanding that the two sides adhere to *One China with different interpretations*) and move towards a much firmer and well-defined “2015 Consensus.”

Copyright: Taipei Times

And then in late January 2015, in a wide-ranging interview with **Foreign Policy Magazine**, he also suggested that the “One country, two systems” concept propagated by the PRC was outdated as it perpetuated a cultural gap between the two sides, and that one should talk about “Two countries, one system” instead, implying that China should adopt universal values such as freedom, democracy, human rights and rule of law. In early February 2015,



**"David" Ko Wen-je against "Goliath" Terry Gou**

DPP Chairwoman Tsai Ing-wen echoed Dr. Ko's words, saying that “Two countries, one system” would be a much better concept, reflecting that “*Taiwan is a sovereign nation and that we cherish our democracy.*”

## ***KMT vote buying in Tainan City Council elections***

While the elections were generally considered to have been conducted fairly, still quite a number of instances of corruption and vote buying came to light. According to press reports in Taiwan, judicial agencies filed charges against a total of 167 representatives nationwide, who were elected in the 29 November 2014 elections. This included 29 city and county councilors, eight township mayors, and 130 borough and village wardens and township councilors (data as of 6 January 2015).

The case that attracted most attention was that of KMT city council member Lee Chuan-chiao in Tainan, who was formally indicted on vote buying charges in the election itself, but also accused of vote buying in the 25 December 2014 election for speaker of the Tainan City Council. Mr. Lee also serves as a Central Standing Committee member of the Kuomintang Party.

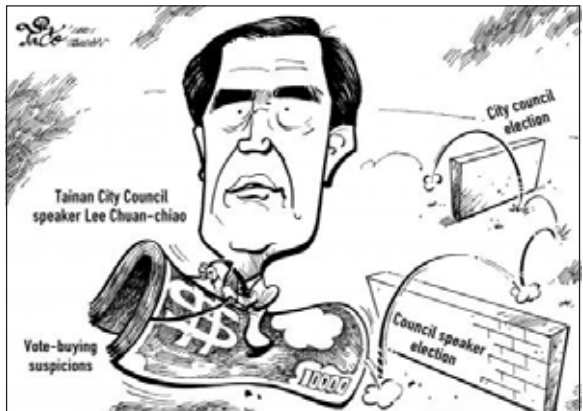
In the indictment of vote buying in the election, prosecutors charged that Speaker Lee had commissioned his chief campaign aide, Mr. Huang Cheng-ching, to distribute funds to various underlings with the purpose of offering NT\$ 5,000 per household in return for votes for the candidate. One borough warden, a Ms. Lee Li-hua, reportedly received some NT\$ 300,000 for disbursement in her borough. A total of five people were reportedly involved in the scheme.

But Mr. Lee Chuan-chiao became embroiled in an even more serious case of corruption related to his 25 December 2014 election as Speaker of the Tainan City Council. In the Council, the DPP had 29 elected members, the Kuomintang 19, while independents constituted 9 of the seats. The expectation was that the DPP candidate for Speaker, with the support of two TSU members, would coast to an easy victory.

However, when after the secret ballot the votes were counted, the KMT's Lee Chuan-chiao had won with 29 over 26 votes against his DPP opponent Ms. Lai Mei-hui. This meant that five of the DPP members had not voted for their candidate, and prompted an immediate uproar and charges of vote buying. Press reports indicated that Mr. Lee had promised these DPP members anywhere from NT\$10 million (US\$316,000) to NT\$20 million if they voted for him.

Copyright: Taipei Times

In the subsequent weeks, Tainan's DPP mayor William Lai Chin-te refused to attend any city council meetings convened by Mr. Lee, saying he can only conduct business with the Council after the corruption charges against Lee have been resolved. If the case against Mr. Lee results in convictions then his election will be annulled.



**KMT Tainan City Council Speaker Lee Chuan-chiao on a vote-buying spree**

Prosecutors started to investigate these charges and on 11 February 2015 Mr. Lee and three others involved in the case were formally detained for questioning. Interestingly, a couple days earlier, Lee had been intercepted by prosecutors at Tainan Airport, where he was about to board a plane to China.

# Implications for cross-Strait relations

In this section we present two articles on the implications of these elections for cross-Strait relations, one by ourselves and the second by Michael Turton, an American observer who has lived in Taiwan for many years, and who publishes the excellent blog *The View from Taiwan*.

## *Bringing about true cross-Strait stability*

*By Gerrit van der Wees. An earlier version of this article appeared in the Taipei Times on 23 January 2015 under the title “Time to normalize Taiwan relations.” Reprinted with permission.*

Following the landslide victory by the Democratic Progressive Party (DPP) in last year’s nine-in-one elections, there has been ample commentary and analysis of the outcome’s impact on cross-strait relations. Some analysts have argued that — as these were local elections — they were *not* a reflection on President Ma Ying-jeou’s cross-strait policies.

We disagree: These were indeed local elections, but the results reflected a widespread discontent with the lack of good governance at both the local and national level, anger at the lack of transparency and the chumminess with big business and a rejection of the president’s accommodating policies toward China.

At the same time, one must also state that it was *not* a vote against good relations with China. Obviously, the DPP also favors good relations with China, but not at the expense of Taiwan’s economic and political independence.

So, the vote was a rejection of *the way in which the Ma administration has approached relations with Beijing*: going too far, too fast and undermining Taiwan’s sovereignty, freedom and democracy.

Mr. Ma’s approach is often wrongly portrayed as contributing to stability and cordial relations across the Strait. This is a indeed misconception: optically, Ma’s approach may give short-term stability, but this approach is bound to lead to instability in the longer term, as it was done under the false premise that it would in due time lead to Taiwan’s incorporation into the bosom of the motherland. These faulty PRC designs are now colliding with the aspirations of the people of Taiwan to defend their hard-won democracy, and be a more equal member in the international community.



## *Changing the cross-Strait paradigm*

So, what is the best way forward? Some pessimists are now predicting that the Chinese Nationalist Party's (KMT) loss, and a possible victory for the DPP in the presidential and legislative elections in January 2016, would put cross-Strait relations "on hold," that Beijing will "over-react", and that it will lead to a souring of relations with the People's Republic of China, leading to additional tensions in the area.

There we would strongly disagree too: We believe that this change of political landscape in Taiwan actually opens the possibility for a new beginning, as it brings to the fore a party that is more truly representative of Taiwanese.

The main problem with Taiwan's history is that since 1945 it has been governed by the Chinese Nationalists (except for the period 2000 to 2008, when the DPP was in power), who came from China with Chiang Kai-shek in 1945-1949 and were often too steeped in its Chinese Civil War heritage. The DPP does not carry this baggage, can be trusted to defend the interests of Taiwanese as a whole, and is more likely to look out-of-the-box for new solutions.

However, a solution to cross-strait issues does require *more* than just a new, and truly democratic and representative ruling party in Taipei. As argued in two excellent articles ("*Washington's obsolete Taiwan policy*," by Michael Turton in **The Diplomat** on 18 January 2015, and "*Debunking the myth of inevitability in the Taiwan Strait*" by J. Michael Cole in **Thinking Taiwan** on 20 January 2015), it requires a new paradigm, a new way of addressing the Taiwan Strait issue.

In particular it requires a new way of thinking in Beijing, where the authorities should cease to perceive Taiwan as part of the old Chinese Civil War against the KMT, but start to think of it as a new and friendly neighbor, with which it can build a constructive relationship.

In this context, the relation between the UK and the US comes to mind. More than 200 years ago, Britain still claimed sovereignty over the US and fought the War of 1812, destroying the US Capitol Building, but now they are the best of friends and have a "special relationship."

It also requires a new mindset and new policies in Washington and European capitals, where the current thinking is still too steeped in the old and anachronistic "one China" concept, which was imposed by the fact that in the 1970s there were two competing regimes vying to represent China.

Neither the Chinese Communist Party nor the KMT represented the Taiwanese at the time. The Taiwanese did not get full and fair representation until the transition to democracy in the early 1990s. But in spite of that momentous transition to democracy, one too often still hears a thoughtless recitation of the “one China” mantra, relegating Taiwan to political isolation in no-mans land.

The fact that there is now a fully free and democratic Taiwan should be ample reason for the international community, including China, to move toward normalization of relations with the nation, so it can be a full and equal member of the international family of nations. That would indeed lead to true and lasting stability across the Taiwan Strait.

## ***Washington’s Obsolete Taiwan Policy*** ***The approach to Taiwan is strangely at odds with its policy elsewhere in the region***

*By Michael A. Turton, this article was first published in **The Diplomat** on 18 January 2015. Reprinted with permission.*

The ballots were barely stored for the 2014 local election in Taiwan when a raft of articles appeared in the U.S. media arguing that the shattering victory of the opposition pro-independence Democratic Progressive Party (DPP) over the pro-China Kuomintang (KMT) presaged another round of “tensions” across the Taiwan Strait.

Rising zombie-like from its grave, this line revived an old criticism of the administration of DPP President Chen Shui-bian. From 2000 to 2008, when he was in power, Chen was accused of “provoking” China and causing “tension” in the Taiwan Strait. Indeed, in many media presentations, China was often depicted as the helpless victim of DPP provocations, without any agency of its own. Poor China!

Since the military, bureaucracy, police, and legislature remained under KMT control, there was never any possibility that Chen could roll out of bed one morning and declare independence, as all knew. Instead, these unreal but constant accusations of “tension” served Beijing’s desire to suppress and discredit Chen and the DPP, both on its own behalf and to help its ally, the KMT.

For a variety of reasons, commentators began repeating the KMT and Beijing line that Chen Shui-bian was “provocative,” especially after Chen won a second term. The U.S. government also eventually followed suit. Since one of Beijing’s major strategic goals

is to transfer tension from the Washington-Beijing relationship to the Washington-Taipei relationship, every official U.S. hack on Chen Shui-bian and subsequent DPP leaders since has been a strategic victory for Beijing.

The simple reality is that the DPP does not increase tensions nor does the KMT soothe them. Instead, Beijing chooses the level of tensions it feels it needs to manage its relations with Washington, Taipei, and the two major Taiwan parties, while blaming others for its actions. For Beijing, “tension” is a foreign policy choice used to manipulate its interlocutors.

The claim that Taiwan “causes tension” has a striking uniqueness: In all other instances of tension along the Chinese frontier, U.S. officials and commentators routinely and assumptively treat China as the source of tension. It is only Taiwan that is different. For example, in the late 1960s Beijing suddenly manufactured a historically absurd and legally indefensible claim to the Senkaku Islands of Japan. The U.S. has asserted that it will defend the islands under the U.S.-Japan mutual defense treaty and criticized China’s illegal air-defense identification zone and other aggressive acts.

Nor has the U.S. been shy in criticizing China’s claim to most of the South China Sea, recently offering a highly publicized legal document refuting the Chinese claims. The U.S. also conducts diplomacy with regional powers obviously aimed at countering China. Washington and the U.S. media seldom publicly criticize Japanese, Vietnamese, Malaysian, or Indonesian leaders for resisting Chinese expansion (“causing tension”). Only Taiwan receives that treatment.

Washington’s strange Taiwan policy, criticizing the pro-Taiwan side for resisting Chinese expansion (“causing tension”) while supporting the pro-China party in Taiwan (and indirectly, China itself), is deeply at odds with U.S. policy elsewhere in Asia. Because it is a policy predicated on the dominance of the KMT, given the changes sweeping Taiwan, it is rapidly becoming a policy in search of a future. The recent local election loss, which left the KMT in disarray, is merely the distant glow of the forest fire on the horizon that incoming KMT Chairman Eric Chu may find it difficult to hold at bay, even with the KMT’s huge resource advantages.

First, the KMT is run by a ruling caste of insiders who hand down the KMT from generation to generation. The next generation is thin indeed. The children of many powerful KMT leaders have foreign citizenship – the president’s own children are Americans – and little interest in Taiwanese politics. The losses of two of the three “princelings” (children of powerful leaders) in the 2014 elections shows that KMT’s privileged scions, even where they might exist, will find it difficult to win.

KMT elites have ruled Taiwan by showering local factions with patronage cash to gain their support. In return, local factions do not operate at the national level or form cross-regional networks. This center-local disconnect means that unlike political parties in modern democracies, the KMT lacks reliable mechanisms for bringing promising local politicians to the national level.

Moreover, since local politics in Taiwan are notoriously dirty, successful local politicians are often seen as deeply corrupt and poor candidates for national office. Thus, at the moment, the KMT is a party with no obvious next generation of leaders and no clear program for cultivating them. Since long-term DPP success in the south has confined the KMT to a few northern districts and sparsely populated mountain areas, it also has no obvious place to foster future politicians with solid regional bases.

Ironically, the KMT's close engagement with China engenders internal conflict. Chinese investments in local areas impact the local KMT faction networks on which KMT rule depends, fracturing links to the party center and souring its local support. Take the recent failure of the much ballyhooed services trade pact with China. In the international media, the student occupation of the legislature is often presented as a simpleminded ideological narrative of brave but short-sighted students opposing "free trade."

The reality is more complicated. The agreement permitted Chinese to operate service businesses in Taiwan, businesses that directly competed with those of local KMT legislative factions and their supporters and constituents. Hence, the KMT's own local legislators wouldn't vote for the deeply unpopular pact. The students moved on the legislature only when the KMT undemocratically attempted to circumvent the legislature by declaring the bill a law without a legislative vote.

The most serious problem facing the KMT, and thus, U.S. Taiwan policy, is the rapid demographic and economic change in Taiwan. Poll after poll shows that locals do not want to be part of China and think of themselves as Taiwanese, especially among the under-30 generation. The KMT has lost the young. The party's claim to a superior economic record has been devastated by the performance of the Ma Administration.

The KMT is widely seen as the party of big business, with wages returning to 1999 levels amid stagnant incomes. The Taipei housing bubble has forced young couples into neighboring counties to find housing, changing the solidly pro-KMT demographics of those regions. Though the rising generation is sick of the incompetence and venality of both major parties, the DPP does not share the KMT's pro-China baggage. Further, emergent non-party political activism is also pro-Taiwan and hostile to KMT economic and political policies.

Finally, there is the ever-rising risk of conflict in Asia. Beijing's zero-sum territorial demands are paired with provocative policies for maritime and other resources. The U.S. could be supporting a party and a people in Taiwan who have a deep, urgent interest in resistance to Chinese expansion, a natural asset for both Washington and Tokyo. Instead, U.S. support of the KMT means that Washington may find itself opposing Beijing across Asia with a government in Taipei that is more or less informally allied to Beijing and identifies with its expansionist goals.

Is that really where Washington wants to be?

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## **Towards the first Sunflower anniversary**

On 18 March 2015 it will be one year since the students in Taiwan started their 23-day occupation of the main chamber of the Legislative Yuan in Taiwan in protest against the non-transparent and heavy-handed way the Ma administration was pushing the proposed Service Trade Agreement with China through the legislature. As described above, the move changed the political landscape of Taiwan.

Photo: Taipei Times



**Sunflower leaders Lin Fei-fan (C) and Chen Wei-ting (L) at the Legislative Yuan in March 2014**

The students intend to commemorate the anniversary on 18 March 2015 with a rally around the Legislative Yuan compound, and on 10 April 2015 (the day they departed from the legislature) with a large-scale rally in downtown Taipei.

A third major event intended to both look back and forward will be held at the University of Washington in Seattle in early April 2015. The organizers, the **Overseas Taiwanese for Democracy**, are generally students and young professionals from across North America who have organized themselves in support of the Sunflower Movement. They intend to contribute to the discussions in Taiwan and overseas on Taiwan's future, and be a voice for Taiwan abroad.

On the following pages we present insights and information on developments in the aftermath of what came to be referred to as the Sunflower Movement.

## *Prosecutors go after Sunflower leaders*

In a previous issue of *Taiwan Communiqué* (No. 147, pp. 7-8) we reported on the attempts by police and prosecutors to go after leading members of the Sunflower movement, which might eventually lead to charges, indictments, and prison terms.

The prosecutors eventually made their move on Tuesday 10 February 2015, when it was announced in Taipei that 119 people, including all major student leaders such as Lin Fei-fan, Chen Wei-ting, Wei Yang, Ms. “Meredith” Huang Yu-fen, as well as Academia Sinica scholar Huang Kuo-chang were indicted for their role in the occupation of the Legislative Yuan and related activities.

Photo: Taipei Times

Twenty-two persons were charged specifically with illegal entry in relation to the “318” occupation of the legislative chamber on 18 March 2014, while 93 persons were charged for their role in the short-lived “323” occupation of the Executive Yuan building in the night of 23 March 2014, which led to a violent encounter when police used nightsticks, batons and water cannons to clear the peaceful protesters from the premises (see *Account of Executive Yuan occupation*, *Taiwan Communiqué* no. 147 pp. 8-10).



**Peaceful demonstrators occupying the Executive Yuan on 23 March 2014**

Ironically, the students were also charged with “obstruction of justice” and “damaging public property”, while many observers at the scene have emphasized that the students behaved peacefully, and that the damage to property – in particular in the case of the Executive Yuan occupation on 23 March 2014 – was almost exclusively due to the actions by the riot police. Critics thus wondered why no police were indicted for their role in the violence and destruction of property, and charged the prosecutors of political bias and of condoning police brutality.

In fact, this point was raised by the London-based human rights organization **Amnesty International**, which said in a statement dated 10 February 2015: “*While the government has been keen to press charges against the student leaders and citizen activists who took part in the Sunflower Movement, it seems content to let the police and politicians who may have carried out human rights abuses at the Executive Yuan get away without any independent investigation.*”

Amnesty added: “*In contrast to the criminal investigations against the protesters, to date there has been no thorough, independent and impartial investigation into the police conduct during the removal of protesters from the Executive Yuan and surrounding areas on 23/24 March. While there were injuries on both sides, Amnesty International believes that at least some of the police use of force on that night was excessive.*”

A smaller group of four people, headed by Appendectomy leader Hung Chung-yen (see below), were indicted in their role in a 11 April 2014 rally (therefore dubbed “411”) outside the Chung Cheng police station in Taipei when some 2,000 people protested the forceful removal of **Alliance of a Referendum for Taiwan** supporters from the outside of the Legislative Yuan that morning.

## *Prosecution in related cases*

During the past two months, the police and prosecutors also took steps in a number of related cases: on 26 January 2015, prosecutors in Taipei charged Sunflower student leader Chen Wei-ting in the case of the very first protest against the Cross-Strait Service Trade Agreement on 31 July 2013, when a group of the Black Island Nation students entered the grounds of the Legislative Yuan and had a pushing and shoving match with police (see *Taiwan Communiqué* no. 143, pp.9-11).

It is peculiar that Mr. Chen was singled out, as other Sunflower leaders were also involved in the altercation. In yet another separate case against the Sunflower leaders, prosecutors in Taipei did decide *not* to prosecute Sunflower student leaders Lin Fei-fan, Chen Wei-ting, and “Dennis” Wei Yang for their role in a protest outside the Presidential Office on 10 October 2013, when the three led a protest against President Ma Ying-jeou’s attempts to oust Legislative Speaker Wang Jin-pyng.

The prosecutors said that the video supplied by the police did not support the police’s contention that the three had “attacked police officers.” The prosecutors said that the videos showed that Lin and the others had negotiated with the officers at the scene, and had calmed the crowd, so there was insufficient evidence to indict Lin and the others.

## *The Appendectomy Project moves forward*

One of the offshoots of the Sunflower movement was the Appendectomy Project: Angered by the haughty arrogance of a number of Kuomintang legislators a number of political activists initiated the project in May 2014, a few weeks after the end of the occupation of the Legislative Yuan. The group's name is a play on words: the term for *pan-blue camp (KMT) legislators* in Mandarin sounds very similar to the term “appendix,” and it thus denotes “removing the appendix.”

Photo: Taipei Times

Over the past few months, the group has become quite well-known in Taiwan, setting up petition stands in various cities to gather signatures to recall specific legislators. Its spokesperson, “Mr. Lin from Taipei”, has also become a fixture, as he always appears donned with a surgical cap and a doctor's mask, ready to perform his appendectomy on the legislature.



**Appendectomy supporters rally in Taipei**

Taiwan's laws do allow for a recall process for legislators, but it involves a complicated process: in a first round a petition for recall of a particular legislator must gain the support of at least 2% of the eligible voters in his constituency within a prescribed period. Once this petition is declared valid by the Central Election Commission, a second round is initiated in which the organizers need to get signatures from 13% of the eligible voters within a 30 day period.

If and when this second round is declared valid by the Central Election Commission, a vote is held in the electoral district of the legislator in question, and if more than 50% of the eligible voters turn out, and more than half of the ballots cast are in favor of the recall, then the legislator is removed from his position, and elections are held for a new legislator.

The main problem with this procedure is of course the high threshold: to have a 50% turnout is feasible during regular elections (in Taiwan the turnout is usually above 65%). However, to reach 50% at any other time is extremely difficult.



In spite of this hurdle, the organizers moved ahead with recall petitions against a number of KMT legislators who were generally considered hardliners, totally insensitive to the concerns expressed by civic groups on issues such as the environment, nuclear energy, and the service trade agreement with China. They were also seen as failing to provide adequate checks and balances against the unpopular policies of President Ma Ying-jeou in the Legislative Yuan.

The main ones were legislators Alex Tsai (Neihu and Nangang districts), Tsai Chin-lung from Taichung, and Wu Yu-sheng and Lin Hung-chih from Tamsui and Panchiao respectively. Recall proceedings were also initiated against Kaohsiung KMT legislators Lin Kuo-cheng and Huang Chao-shun, but they failed to reach the required threshold in the first round.

Legislator Alex Tsai also gained notoriety in the Taipei mayoral elections, as he served as KMT candidate Sean Lien's campaign manager, and was generally considered the driver behind many of the mud-slinging dirty tactic attacks against independent candidate Dr. Ko Wen-je.

The recall campaign against Tsai progressed the most: it passed the first and second rounds, and on 14 February 2015 an official vote was held in his district, in which 76,737 out of 79,303 (or 97.2%) voters supported the recall. However, the turnout "only" represented 24.98% of the eligible voters, and the vote thus formally failed to meet the high turnout requirement.



**KMT Legislator Alex Tsai**

A second recall campaign, against KMT legislator Tsai Chin-lung, representing the Nantun and Shitun districts of Greater Taichung, also moved from the first to the second round in mid-January 2015, after the Central Election Commission decided on 12 January 2015 that the results of the first round were valid.

The high threshold and the fact that the Election and Recall Law in its present form does not allow any promotional activities such as flyers and campaign trucks has prompted many scholars in Taiwan to advocate a change of the Law, lowering the 50% turnout requirement, and allowing campaign activities. They argue that viable recall legislation is essential in order to hold sitting legislators accountable in the period in between legislative elections.

## The Kuomintang tries to reinvent itself

In the immediate aftermath of the nine-in-one elections of 29 November 2014, which represented a disastrous defeat for the ruling Kuomintang, the Cabinet tendered its resignation and President Ma Ing-jeou announced that he was stepping down as chairman of the KMT party.

Prime Minister Jiang Yi-hua – who had built up a reputation as a bumbler – was succeeded by Premier Ma Chi-kuo, who served as Deputy Minister of Transportation and Communications under President Lee Teng-hui (1993-2000) and as Minister under President Ma Ying-jeou (2008-2013).

President Ma's resignation as KMT party chairman thrust the newly-elected Taipei County / Sinbei City magistrate "Eric" Chu Li-luen into the political limelight (see a brief analysis of his election in *Taiwan Communiqué* no. 148, p. 8). Below we present some info about his election and discuss some of the difficult issues he needs to confront.

### *“Eric” Chu Li-luen elected party chairman*

On 17 January 2015, Mr. Chu was elected as KMT party chairman, succeeding President Ma Ying-jeou who had held the position concurrently with his presidential position since October 2009. Chu ran unopposed and received 99.61% of the almost 200,000 votes cast. The turnout was 56.34% of the total of 349,374 party members eligible to vote. He was formally inaugurated two days later at a meeting of the KMT Central Standing Committee.

Chu is generally considered a more pragmatic and forward-looking politician than Mr. Ma, and during his campaign for the position of party chairman, he voiced support for a number of reforms, including con-

Photo: Voice of America



**Newly-elected KMT chairman Eric Chu**

stitutional reform designed to move Taiwan's system of government from the current quasi-presidential system to a parliamentary system.

He thereby implicitly agreed with the criticism that under the present system there are insufficient checks-and-balances on presidential power, and that in a more parliamentary system a Prime Minister would be directly answerable to the legislature. He also voiced support for lowering the voting age from 20 to 18, and for a proportional electoral system which would give smaller parties a better chance.

Copyright: Taipei Times

However, it remains to be seen how much leeway Mr. Chu will get from the conservative party stalwarts and ideologues in the old guard, such as former Presidential candidate Lien Chan, Vice-President Wu Den-yih and President Ma Ying-jeou himself, who still cling to their traditional ways of running the party, and will not easily give up their power and privileges.



**Eric Chu: *Anyone here? I am the new manager***

Mr. Chu also tried to break some new ground in cross-Strait relations: after receiving a congratulatory note from PRC President Xi Jinping – in his capacity as secretary-general of the Chinese Communist Party – Chu first responded with some generalities, and then stated that the two sides should “seek common ground while *respecting* differences.” Presumably this is moving a step beyond earlier formulations that stated that they should “seek common ground while *setting aside* differences.”

## ***What about the ill-gotten party assets?***

However, in their reporting about Mr. Chu, most media in Taiwan focused on the issue of the ill-gotten party assets. The issue has been around for many decades: it refers to the many assets the KMT party owns (it is reportedly the richest political party in the world), acquired in the years after World War II – when it appropriated property and land from the former Japanese colonial government.

According to press reports, the Kuomintang itself conducted an inventory in April 2000, and came to a total market value of NT 100 billion (US\$ 3.15 bln), out of which NT\$ 10 bln in current assets (savings and securities), NT 20 bln. in fixed assets (land and properties) and NT 70 bln. in investment net value.

In his election campaign in 2007-2008, President Ma promised that if he were elected president, he would resolve the issue of the assets, but after he became president, very little was done. However, in a report filed by the KMT with the Ministry of Interior's Department of Civil Affairs, the total value of the assets had shrunk to NT 26.8 bln. leading many observers to wonder how the remaining funds had vaporized.

In his brief campaign (early December 2014 – January 2015) for the chairmanship of the KMT Party, Mr. Chu did promise to resolve the issue, saying that under his leadership, the party would “return what was illegally gained and used legally gained assets to cultivate talents.”

This prompted a discussion of what part of the assets were “ill-gotten”, and which were “legitimate”, with Vice President and (then) acting party Chairman Wu Den-yih stating on 31 December 2014 that all assets were acquired through legal means. “*There is not a single piece of property the party owns that was obtained improperly*”, he said. Many critics responded that Mr. Wu was totally out of touch with reality, and that he should do an honest reappraisal of history.

On 21 January 2015, newly-elected party chairman Eric Chu did order an investigation into the party assets, to be conducted by a committee of party members who were considered to be “impartial” public figures. However, observers in Taiwan expressed doubts as to whether Mr. Chu could get to the bottom of the case, as the party assets are such an integral part of the KMT's operations and wielding of power and influence.

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## President Chen released on medical parole

On Monday, 5 January 2015, the former President of Taiwan, Chen Shui-bian, was released on medical parole enabling him to receive adequate treatment for his medical conditions in a home environment.

President Chen, who served as Taiwan's president from 2000 to 2008, was imprisoned on charges of corruption only months after leaving office. However, many international

observers, including former Harvard Law Professor Jerome Cohen, identified multiple lapses in due process and other serious procedural flaws by the prosecution, indicating that the judicial proceedings against Chen were politically motivated.

Initially, Mr. Chen was serving out his 19-year sentence in Taoyuan County prison, where he was confined virtually 24 hours a day to an undersized cell of about 50 square ft, which he shared with one other cellmate. The cell had a toilet, but no bed, desk or chair. After an international outcry in the Spring and Summer of 2012, he was eventually transferred to Taipei Veterans General Hospital in September 2012, where his health condition started to improve. However, in April 2013 he was suddenly transferred to Pei-teh Prison in Taichung in Central Taiwan, prompting several suicide attempts. Since then, Mr. Chen's physical and psychological health further declined.

Photo: Reuters



**Former President Chen leaving Taichung Prison**

Over the past years, numerous prominent international figures and organizations have appealed for the release of the former President, including Freedom House, the Presbyterian Church in Taiwan, Liberal International, former Alaska senator and governor Frank Murkowski, former AIT Chairman of the Board Nat Bellocchi, US Senator Sherrod Brown (D-OH), and a number of US Congressmen, including Rep. Robert Andrews (D-NJ), Steve Chabot (R-OH), Ed Royce (R-CA), Brad Sherman (D-CA), and others.

The appeals for his release became stronger in mid-November 2014, on the occasion of the sixth “anniversary” of his arrest, and intensified further after the political landslide victory by the democratic opposition of the DPP in the November 29<sup>th</sup> local elections.

### ***Bureaucratic delays and unreasonable conditions***

However, during the month of December 2014 Taiwan's Ministry of Justice, the Agency of Corrections, the prosecutors, and the court system threw the hot potato back and forth as to who would be responsible for his release, delaying it for several weeks.

The most flagrant excuse was that Pei-teh Prison could not process the required documents on December 31<sup>st</sup>, as the report from the government-appointed medical team “had been delayed due to a traffic jam.” As a result of this foot-dragging and these delays, former President Chen was forced to spend Christmas and the New Year in his jail cell, instead of at home with his family.

In addition, the Ministry of Justice attached a number of demeaning conditions to the parole: that it is for an initial period of one month, and can be extended only to a total of four months. The Ministry also added that none of the parole time will be counted as part of his sentence.

***Taiwan Communiqué comment:*** *While we are pleased that former President Chen has now finally been released on medical parole, we are dismayed by the delaying tactics of the Ma administration. This was a contemptible display of bureaucratic incompetence and malicious vindictiveness.*

*The conditions imposed by the Ministry of Justice are totally outrageous in view of the fact that the former President suffers from a number of severe, chronic physical and mental ailments. Attaching these conditions is akin to playing political football with the health of President Chen. It will also fail to bring about a much-needed political reconciliation in Taiwan.*

*Ultimately, Chen’s six years of incarceration has severely blemished the Ma government’s human rights record and status in the international community. It is the ultimate proof that under President Ma Ying-jeou there has been a serious erosion of justice. It is also evidence that the judicial system continues to be tainted by the political bias imposed by Mr. Ma.*

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## In Memoriam

### ***Reverend “John” Tin Jyi-giokk (1922-2014)***

On 11 December 2014, Reverend “John” Tin Jyi-giokk passed away at SinLau hospital in Kaohsiung, at the age of 92. Reverend Tin played a prominent role in the Taiwan Presbyterian Church for many decades.

He received his education during the Japanese period, and as a young adult went through World War II. After the war he experienced the transition to the repressive KMT regime, in particular the 228 Massacre of 1947, when more than 28,000 Taiwanese were murdered by Chinese Nationalist troops sent over from China by Generalissimo Chiang Kai-shek.

After graduating from Tainan Theological Seminary, he did graduate studies in Protestant theology at the University of Tübingen in Germany in the 1950s and befriended many leading members of the newly-evolving ecumenical movement in Europe and the United States.

In the subsequent decades, he became a leading pastor in the Taiwan Presbyterian Church, both serving local congregations as well as helping to guide the TPC through the rough seas imposed by the KMT's one-party regime. He helped draft the 1971 **Statement on Our National Fate**, and the 1977 **Declaration on Human Rights**, two of the three historical PCT statements in the 20<sup>th</sup> Century.

Photo: Presbyterian Church of Taiwan

In 1979-80 he was – together with Rev. Kao Chun-ming – a leading but lone voice in society in support of the defendants in the Kaohsiung Incident trials, when major leaders of the then-budding democracy movement were arrested after the December 1979 Kaohsiung Incident for “attempting to overthrow the government.” The accused leaders and their lawyers later became the core of the democratic opposition party DPP.



**Rev. "John" Tin Jyi-giokk (1922-2014)**

In 1980, after the mother and twin-daughters of then Provincial Assembly member Lin Yi-hsiung were murdered by unknown assailants, Rev. Tin was one of the first to comfort Lin and the surviving family members, and he was instrumental in turning the home where the murders took place into a church, Gi-kong Presbyterian Church.

Reverend Tin was a strong supporter of Romanized Taiwanese, bypassing the Hanji characters and using the Romanized text widely used in the Presbyterian Church. He even started writing his own biography and a book on Taiwan church history in Romanized Taiwanese.

In 1992-93 he also wrote a poem about the beauty of Taiwan, titled *Taiwan the Green / Taiwan the Formosa*, which was later put to music by well-known composer Hsiao Ty-zen. The song is widely sung among proponents of a free and democratic Taiwan, and has become the unofficial Taiwan national anthem.

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