



TAIWAN COMMUNIQUÉ

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Independence leader sentenced

On 8 June 1992, the High Court in Taiwan sentenced Dr. George Chang, chairman of the World United Formosans for Independence (WUFI), to ten years imprisonment. The sentence was reduced to five years under a 1988 Presidential amnesty.

Dr. Chang is the most prominent leader of the overseas Taiwanese community. During the past two decades, he has been the driving force behind the movement for a free, democratic, and independent Taiwan, and gained respect among U.S. and international government leaders and in Congress as a moderate leader.

The authorities arrested Dr. Chang in December 1991, when he flew in from Tokyo. They first charged him with "sedition", but later attempted to link him to the case of Mr. Wang Hsing-nan (50), a Taiwanese-American businessman who was arrested in 1977, and charged with sending a letter-bomb to then Vice-President Hsieh Tung-min (see *Taiwan Communiqué* no. 54, pp. 17-19).



Dr. George Chang

Taiwan Communiqué comment: *the allegations against Dr. Chang should be dismissed out of hand. The real reason for his arrest is his advocacy of Taiwan independence. This is an integral part of freedom of political expression, as guaranteed by the Universal Declaration of Human Rights. We urge the authorities to release him immediately.*

“Abolish the National Assembly”

Constitutional reform paralyzed

The refusal by the Kuomintang authorities to discuss serious constitutional reforms during the 70-day special session of the National Assembly ending on 30 May 1992, and the attempts by a number of KMT Assembly-members to use the session to enhance their own powers, have led to a paralysis in the Constitutional reform process and calls for the abolishment of the National Assembly.



Female DPP National Assembly-members demonstrating in Taipei:
"One person, one vote: direct presidential elections."

The refusal by the Kuomintang to even allow discussion of proposals such as the direct election of the President, led the 74 opposition DPP-members of the Assembly to boycott the proceedings and eventually withdraw from the session. Six unaffiliated members subsequently also withdrew. The situation prompted the democratic opposition and prominent members of the academia to call for abolishment of the National Assembly. This was also the theme of a major demonstration held on 24 May 1992 in Taipei.

The 403-seat National Assembly functions as an electoral college: it has two main functions: the election of the President and amending the Constitution. The regular

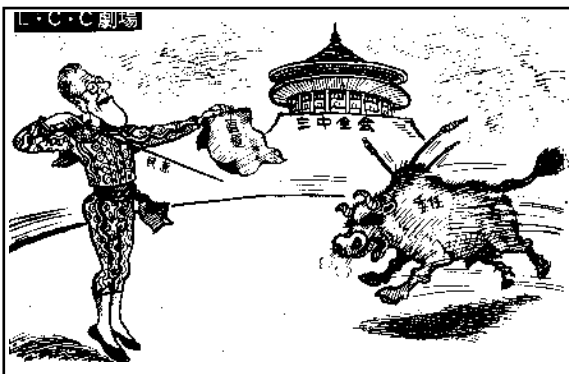
legislative functions are the responsibility of another body: the 160-seat Legislative Yuan. Over the years, both bodies have been strongly dominated by the ruling Kuomintang, because the large majority was made up of old mainlanders, elected on the mainland in 1947. These “*old thieves*” — as they were referred to in Taiwan — were sent into retirement in December 1991.

Decision Postponed Until 1995

When the special National Assembly session started on 20 March 1992, there were still high hopes that a coalition of the democratic opposition of the DPP and the progressive wing of the Kuomintang would be able to jointly push through significant reforms, such as the direct election of the President. This issue had led to an extensive internal debate within the ruling Kuomintang, with the progressives headed by President Lee Teng-hui pushing for direct elections, and the conservatives under Prime Minister Hau Pei-tsun clinging to the present system of indirect elections through the Assembly (see *Taiwan Communiqué* no. 54, pp. 1-3).

However, on 29 March 1992, the Central Standing Committee of the KMT decided that a final decision on the method of electing the president would be postponed until 1995, one year before the next presidential elections are to take place.

The March 29th decision also reaffirmed the earlier decision in the third plenum of the KMT in mid-March, that “... *the next president will be elected by voters in the free areas of the Republic of China*”. This opened the possibility that all overseas Chinese (some 30 million of them, mainly in Indonesia, Malaysia, Singapore, Thailand, the Philippines, but also in the US and Europe) could participate in the presidential elections. Since the Kuomintang has over the years bought itself a strong following among these groups, this would seriously bias the results of the elections.



**"Direct election" toreador Lee Teng-hui,
fighting "indirect election" bull Hau Pei-tsun**

Five Days in April

The issue of direct presidential elections continued to dominate the headlines in Taiwan during the first half of April, culminating in a sit-down protest by some 70 Assembly-members of the opposition DPP in front of the Presidential Palace on 17 April, and a five-day protest in downtown Taipei from 19 - 24 April. The protest was organized by the DPP, and initially drew some 10,000 people in spite of pouring rains.

More than 30 civil groups took part in the five day protest, including university professors, students, veterans, taxi-drivers, women's groups, and Buddhist monks. Newcomers were members from the newly formed Union of Medical Professionals, and a group called "second generation mainlanders for Taiwan Independence."

On the first day, the protest went peacefully. They started from the Taipei City Stadium near Tunghua North Road, wound their way through downtown Taipei, and returned to the Stadium to spend the night in preparation for next day's demonstration.

On 20 April, the demonstration began at 3 p.m. in the afternoon. When the protesters reached the intersection of Chung Hsiao West Road and Chungking South Road near the Taipei Railway Station, the police blocked the route of the march. The DPP leadership then decided to hold a sit-down protest there in the heart of downtown Taipei.

About 2,000 demonstrators, including DPP leaders and members of the National Assembly, spent the night there in the middle of the intersection. The protesters



Banner reading: "For direct Presidential elections."

had to wear rain coats to protect themselves from frequent rain showers. When no police showed up to disperse them on the morning of April 21, the protesters were relieved and prepared to continue the sit-down protest until they were dispersed by police. A DPP flag was raised on a makeshift flagpole on an overpass nearby and a huge orange banner with “direct presidential election” written on it also hung from the overpass.

To keep the spirits of protesters high, DPP leaders including legislators Hong Chi-chang, Hsieh Chang-ting, Chiu Yi-zen, took turns delivering speeches, and Mr. Chiu Chui-chen, a well-known folk singer, led the singing of Taiwanese folk songs. In the evening, when the temperature dropped and the air was cold, Mr. Chiu played disco music and turned the gathering into a festival of song and dance. DPP protesters received food, drinks and sleeping bags from supporters and collected a contribution of NT\$4.7 million (US\$ 188,000).

"Social Costs"

To shift public attention from the issue of direct president elections, KMT authorities began a mud-slinging campaign by blaming the DPP for imposing “social costs” on the people. They pointed out that the sit-down protest blocked the traffic and caused not only traffic congestion, but also loss of business to shops and hotels in the neighborhood.

The government-controlled television stations began broadcasting scenes of traffic congestion and stranded commuters and interviews with shopkeepers about the reduction of business as a result of the protest.

DPP chairman Mr. Hsu Hsin-liang in an interview with **The Journalist**, a Taipei-based news magazine, pointed out that the KMT authorities bore the main responsibility for the “social costs.” The protesters only occupied a small area of the intersection, Mr. Hsu indicated. The traffic congestion was a result of police cordoning off a much larger area of the intersection by blocking all the roads leading to the train station with barbed-wire barricade, fire engines and rows of riot police.

“This is not Tienanmen Square”

In the early hours of the morning of 24 April 1992, five days after the beginning of the protest, the police decided to disperse the crowd, which had dwindled to some 1,000 people. At around 5.00 a.m., police vehicles and fire engines with blinking amber lights moved in from all directions. The fire engines began to spray water on the crowd. Some 5,000 riot police in full battle gear moved in .

The people sat down on the ground and locked arms in an attempt to prevent the police from carrying them away. For some three hours, unyielding protesters and police with shields and clubs waged fierce tug-of-war battles.

The protesters had put up a large banner, reading *“This is not Tienanmen Square”*, in reference to the violent crushing of the Peking student demonstrations in June 1989. The banner was one of the first ones to be torn down by police.

The police also displayed an interesting “dual strategy” in dispersing the crowd: on the surface they exercised constraint by picking off the demonstrators one by one, and carrying them away. On the other hand, a number of plainclothes police were observed going around, savagely beating up demonstrators when they were outside the reach of television camera’s.



Riot police and water cannon in action

In an interpellation on 27 April 1992, opposition legislators questioned National Police Administration chief Chuang Heng-tai about the matter, and displayed pictures supporting their charges.

The *Independence Evening Post* and *The Journalist* both reported that the plainclothes police had used excessive violence and carried pictures of plainclothes policemen wearing bullet proof vests beating demonstrators near the bus depot. A photographer from the *Independence Morning Post* was harassed by a plainclothes policeman, because she was trying to take pictures of him.

The National Taiwan University Hospital reported treating 28 people for injury. Seventeen required hospitalization. Many suffered from head wounds because they were hit with police clubs. Mr. Kuo Chun, a body guard for DPP chairman Hsu Hsin-liang, was in critical condition, when he was taken to the hospital. A witness reported that a plainclothes policeman pulled Mr. Kuo's hair and banged his head against the wall. Ms. Liao Feng-chin, secretary of Mr. Hsu Hsin-liang suffered from brain concussion and was hospitalized. DPP National Assembly-woman Wu Ching-kuei was beaten and kicked in the abdomen by police when she tried to resist being dragged away.

Mr. Li Chi-shui, an assistant to DPP National Assembly-woman Ms. Ong Chin-chu, was dragged into the men's room of the bus depot, where he was beaten on the head by five policemen using batons. Mr. Li managed to crawl out of the men's room. Pictures of Mr. Li in a blood-drenched shirt and with blood gushing from his head wound were carried on pages of the international news media.



Dual police strategy: "Friendly" arrest on the one side, and brutal beatings on the other.

Kuomintang Pushes only Token Reforms

When the National Assembly session got under way in the last week of March 1992, the Kuomintang — eager to tightly control the process of amending the Constitution — put together a set of 21 mainly minor amendments, which they intended to push through as a package.

The 21-point package had been formulated by a task force of the Central Standing Committee of the KMT, and KMT Assembly-members were told to support the package as a whole. The KMT whip in the Assembly, Mr. Hsieh Lung-sheng, admitted: *"Our Assembly caucus is only an executive unit. Policy decisions are made by the Party's Central Committee. We have no power to make any changes unless instructed by the Central Committee."*

The National Assembly was thus intended to act as a rubber stamp for the decisions of the KMT's Central Standing Committee. This earned them the nickname "lambs", leading to frequent references to the title of a recent American movie, "The Silence of the Lambs", in cartoons in Taiwan.

However, in the beginning of May 1992, the Central Standing Committee of the KMT scaled the 21-point plan to a nine-point plan. KMT-members in the Assembly were told in no uncertain terms to support the package or else they would not be re-nominated by the ruling party in the next elections.



"Silence of the Lambs", starring shepherd Lee Teng-hui.

Rebellion within the KMT ranks

However, two groups of KMT-members didn't want to toe the party line: on the one hand, there were the more progressive members, who felt that the Assembly should implement significant reforms, and not just a package of token changes. In particular they still favored deciding on direct presidential elections now, instead of waiting with a decision on the election method until 1995. In the end, this group didn't prevail, and the Assembly adopted the KMT's proposal (see below).

Another group of KMT-members of the Assembly had something else in mind: they weren't satisfied with the temporary and limited nature of the tasks of the Assembly (electing the President and amending the Constitution), and set out to significantly broaden their own powers: at the end of April, they proposed that the Assembly hold annual meetings (instead of once every six years), receive a "State of the Nation" report from the President, install an official Speaker and Vice-Speaker, receive a regular salary (instead of the present *per diem* allowance), and review government budgets.

The proposals were strongly criticized by the press, people in academia, and by the democratic opposition. The move was referred to as a “power-grab by the new thieves” — an obvious reference to the “*old thieves*”, the old mainland-elected Assembly-members who had just retired at the end of 1991.

The proposals also led to a row over control of turf between the Assembly and the Legislative Yuan: several of the proposals — such as reviewing government budgets — are the responsibility of the Legislative Yuan.

The DPP and Independents walk out

During the period of the five-day demonstration mentioned earlier, DPP members joined the opposition gatherings in downtown Taipei, and were thus not present when KMT members eager to increase their own power took advantage of this situation by passing several amendments expanding the powers of the Assembly. On April 29, DPP members returned to the National Assembly in an attempt to prevent the KMT members from further power-grabbing.

However, on 4 May 1992, they decided to withdraw from this session of the Assembly altogether, when the Kuomintang deputies voted down a package of nine amendments proposed by DPP. The nine proposals by DPP included a “territory amendment” that specifies that the national territory cannot be changed unless it is approved in a plebiscite. The others focused on environment protection, nuclear arms and nuclear power plants, national defense, laws governing political parties and implementation of plebiscite on the future of the island.

Leading DPP Assembly-members Messrs. Huang Hsin-chieh, Chen Yung-hsin and Lin Chun-yi — professor of biology of Tung-hai university and an environmentalist — strongly criticized the Assembly before they walked out. In their farewell speeches, they lambasted the Assembly for violating the procedures specified by the Constitution and for not adhering to democratic principles by blocking the proposals of DPP.

On 18 May 1992, the six independent deputies also withdrew from the National Assembly, criticizing the KMT-members for railroading their own proposals through and failing to allow any room for the opposition.

A mixed bag of amendments

Finally, on 27 May 1992, the National Assembly approved a package of eight amendments. They were a mixed bag of the nine amendments proposed by the KMT in the beginning of May 1992, and the proposals of the KMT-rebels eager to expand their own powers. Here we present a short overview of the most important new provisions in the Constitution:

- * The **National Assembly** will meet annually. At this meeting the President will give a “State of the Nation” report. The Assembly shall discuss national affairs, and make recommendations to the President.

The term of office of the National Assembly will be reduced from six to four years.

- * The **President and Vice-President** will be elected by “all people from the free areas of the Republic of China” beginning in 1996. The National Assembly will be convened before 20 May 1995, to work out the election method (direct, or indirect — with the National Assembly functioning as electoral college).

The terms of office of the President and Vice-President will be reduced from the present six to four years, beginning in 1996. They can be reelected only once.

A KMT proposal to increase the term of office of the Legislative Yuan from the present three years to four years was voted down by the National Assembly. In the tug-of-war with the Legislative Yuan, some Assembly-members even suggested to reduce the Yuan’s term to two years. This proposal was shelved for the time being.

- * The members of the **Council of Grand Justices** (a kind of administrative and constitutional Supreme Court) will be nominated by the President and approved by the National Assembly.

The Council of Grand Justices may set up a “constitution court” to handle or disband political parties which violate the Constitution. The text defines this as those parties “.... of which the aims or behavior jeopardize the existence of the ROC or the democratic order.” This clause is specifically aimed at the

DPP-party, which supports Taiwan Independence, and thus questions the KMT's claim of sovereignty over the Chinese mainland, which is still enshrined in their "Republic of China" Constitution.

- * The Members of the **Examination Yuan**, including its president and vice-president, are to be nominated by the President and approved by the National Assembly. The Examination Yuan — another institution brought over by the KMT from the mainland — regulates and administers civil service examinations.
- * The **Control Yuan**, a supervisory body with powers to recall and impeach public functionaries, will have 29 members, who will be nominated by the President and approved by the National Assembly.

This clause means a downgrading for the Control Yuan: until now, the members of the Control Yuan were "elected" by the Provincial Assembly and the City Councils of Taipei and Kaohsiung — a process which led to large-scale vote buying (see *Taiwan Communiqué* no. 28 p. 9 and no. 29. p. 6-8).

- * **Local governments** are granted political autonomy. This clause may in time lead to direct election of the head of "local governments", i.e. the governor of Taiwan Province and the mayors of Taipei and Kaohsiung. These positions have until now been appointed positions.
- * Protection of the participation of **overseas Chinese** in the political system in Taiwan. At present six seats in the Legislative Yuan and 20 positions in the National Assembly are reserved for overseas Chinese.

This provision is expected to become highly controversial in the future, because the KMT is also proposing that overseas Chinese (some 30 million !!) can vote in the elections for President in Taiwan (population 20 million).

- * A very broad and general article, covering everything from promotion of science and technology, agriculture, health insurance, equal rights for women and handicapped, to the rights of "mountain compatriots."

The last term generated protests from the aborigines, who prefer to be referred to as "aborigines" and strongly reject the term "mountain compatriots" (see **Notes** on page 22).

“Abolish the National Assembly”

The passage of the amendments prompted strong protests and criticism, even from the usually complacent pro-Kuomintang press. The amendments were supposed to open a new page of political reform as President Lee Teng-hui promised during his inauguration two years ago. But there were no cheers.

Even before the end of the Assembly session, a campaign to abolish the National Assembly was started by the Taiwan Association of University Professors, which staged a large demonstration in downtown Taipei on 24 May 1992. Another campaign to abolish the National Assembly was led by Mr. Chu Hai-yuan of the **Academia Sinica** and president of **Cheng She**, an intellectual group of political observers. Some 1,000 intellectuals including professors, lawyers, physicians, journalists, writers and 51 civil groups have endorsed the campaign, which planned to gather one million signatures.

On 30 May 1992, during the closing ceremony of the National Assembly, thousands of demonstrators held a mock funeral service outside the Chung-shan Hall in Taipei calling for the abolition of the National Assembly.

The opposition DPP challenged the legitimacy of the amendments because the process was undemocratic. All the amendment proposals were initiated by KMT authorities, and proposals by DPP, which wanted more sweeping reforms such as direct president election, were not even discussed.

The National Assembly thus achieved a Pyrrhus victory: in the short run it gained considerable power, but it lost all its credibility in the process.

The prospect of the National Assembly becoming a parliament has caused alarms among scholars and politicians. The Constitution gives Legislative Yuan the power to supervise the operation of the government, to control the government's budget and to make legislations. If the National Assembly wants to compete with the Legislative Yuan to exercise legislative power, critics predict, it will create chaos and political instability, not to mention the cost to taxpayers. The recent session of the National Assembly cost more than NT\$400 million.

Control Yuan downgraded

The Control Yuan is a big loser in the reform package. Its 29 members will no longer be elected by the members of the Provincial Assembly and Taipei and Kaohsiung Councils, but will be appointed by the president subject to the approval of the National Assembly. Its power to approve appointments of the heads of the Examination and Judicial Yuan by the president has been taken over by the National Assembly.

These changes have ended Control Yuan's parliamentary status, reducing the five branches of the government to four.

The reasons behind the restructure of the Control Yuan was to stem the practice of rampant vote buying during previous elections of its members. The members of the Control Yuan, who are dubbed the golden oxen, were reported to have spent tens of millions of Taiwan dollars in buying votes from its constituents.

Some critics pointed out that the medicine might have killed the patient, because the Control Yuan without the mandate of the people that came indirectly from the local councils, it will be ineffective for its members to serve as watch dogs and to exercise its power to impeach the president and to recall high officials of the government.

A New Constitutional Court to Disband Political Parties

The amendment that empowers the Council of Grand Justices to form a constitution court to determine whether a political party should be disbanded because it violates the Constitution is considered a step backward for the process of political reform.

The amendment also defines violation of the Constitution as "The aims or behavior of a political party jeopardize the existence of the Republic of China or the democratic constitutional order."

This new constitution court is obviously an attempt by KMT authorities to try to prosecute the opposition DPP for adopting an independence clause in its party platform in September 1991.

In February 1992, the KMT authorities suffered a setback after the political party screening committee of the Ministry of Interior was forced to withdraw an order to disband DPP for advocating Taiwan independence, after strong protests from professors, students, religious and human rights groups and the DPP, which organized a large demonstration in Taichung on 23 February 1992.

Scholars questioned whether it was necessary to go to such extraordinary lengths to define “violation of constitution” in a constitutional amendment that is too vague and could cause problems in interpretation.

Professor Hsu Ching-hsiung of Tamkang University asked whether DPP’s pro-independence stance will “jeopardize the existence of Republic of China”, because DPP never advocated the violent overthrow of the government.

Prof. Hsu pointed out that the Chinese Communists have succeeded in overthrowing the government of the Republic of China and forced the Nationalist government to flee to Taiwan. But the KMT authorities could not prosecute the Communists in court.

If DPP is able to achieve the goal of independence by legal and peaceful means such as winning elections or gaining support in a plebiscite, is this to be considered violating the Constitution ?

No Direct President Elections

Although opinion polls showed that the majority of the people favor direct president election, it will not be decided until 1995, a year before the next presidential election. The decision was a compromise to preserve harmony within the party. During a recent KMT plenary meeting, the issue whether the president should be elected by direct popular vote or by proxy has split the reformers and the conservatives including Premier Hau Pei-tsun.

The failure to settle this issue in the extraordinary session of the National Assembly indicates that the conservatives in the KMT still have an upper hand, and that does not augur well for future political reforms.

The present structure of the government with the president as head of the state and the premier as head of the government has resulted in rivalry between President Lee and Premier Hau. There have been persistent reports of power struggle be-

tween President Lee and Premier Hau. The press in Taiwan watches closely every move of the president and the premier in order to decipher any signs of power struggle.

Direct president election would strengthen the power of the president. With the mandate of the people he could speed up the pace of political reform. But conservatives do not want to see the pace of reform go too quickly, they fear that it might pave the way for Taiwan independence.

Critics also pointed out that the members of the National Assembly with new-found power are unlikely to vote for direct president election and see their privilege disappear.

“Article 100” Revised

On 16 May 1992, President Lee Teng-hui promulgated a revision of Article 100 of the Criminal Code, after it had been approved in the Legislative Yuan on the previous day. During the past two years, the Kuomintang authorities had increasingly used this article to arrest and charge proponents of Taiwan Independence, leading to strong protests from the opposition DPP and from the “**Action 100 Alliance**” of university professors.

The revision changes the Article from a vaguely-worded catch-all under which people could be arrested for having “*intentions ... to divide the national territory or illegally change the Constitution*” to a more specific description which punishes only those who resort to “*the use of violence or threat*” to divide the national territory or illegally change the Constitution with a prison sentence of between six months and five years.

Taiwan Independence not “seditious” anymore

While the democratic opposition had favored rescinding the Article altogether, the revision is still a major victory for those who pushed for greater freedom of politi-

cal expression in Taiwan, since the new phrasing allows the peaceful advocacy of Taiwan Independence.

The fact that the people on the island can now express themselves in favor of an independent Taiwan without fear of being jailed for “sedition” makes a free and open discussion about the future of the island possible.

Political Prisoners Released

The revision of Criminal Code 100 also meant that all political prisoners charged under its provisions were to be released.

Immediately after the revision went into effect on 19 May 1992, seven people were released. The most prominent of these was **Mr. Huang Hua**, an opposition writer and editor, who spent a total of 23 years in jail for his advocacy of democracy and Taiwan independence (see *Taiwan Communiqué* no. 48).



Mr. Huang Hua

Five others, who were released in Taichung, were the Independence activists associated with the **Organization for Taiwan Nation Building** (OTNB). They are: **Ms. Chen Wan-chen**, the OTNB-founder, **Mr. Lin Yung-sheng**, the OTNB secretary-general, **Mr. Chiang Kai-shi**, an editor and writer who is often referred to as “*Taiwan’s Gandhi*” because of his advocacy of peaceful resistance against the KMT’s repressive measures, **Dr. Hsu Long-chun**, an American-trained dentist, and **Mr. Chou Wu-chien**, who also went to graduate school in the United States (see *Taiwan Communiqué* no. 54, pp. 21-23).

The seventh person to be released on 19 May 1992 was Mr. Zhou Chao-lung from Kwantung, who had been arrested after he entered Taiwan from the Dominican Republic for allegedly trying to form an underground group in support of the Chinese Communists.

A second group of three persons was released on Saturday, 23 May 1992. They were three prominent US-based leaders of the **World United Formosans for Independence** (WUFI), who were arrested in September-October 1991, after they entered Taiwan to set up the Taiwan headquarters for the organization. They are Dr. **Wang Kang-lu**, the Secretary-General of WUFI, Mr. **Kuo Pei-hung**, the President of the United States chapter of WUFI, and professor **Lee Ying-yuan**, the Vice-President of the United States chapter.

Overseas Blacklist Disappears ... more or less

The revision of the Criminal Code also prompted the Taipei authorities to significantly shorten the “blacklist” of overseas Taiwanese, who have been refused permission to return to the island if they had participated in pro-democracy or pro-independence activities overseas. During the past few months it has also been easier for Americans and Europeans, who were previously refused entry because of their support of democracy and human rights on the island, to return to Taiwan.

The relaxation is in part also due to the pressure from the US Congress when prominent senators, such as Messrs. Claiborne Pell (D-Rhode Island, chairman of the Senate Foreign Relations Committee) and Edward Kennedy (D-Mass), and Congressmen Stephen Solarz (D-NY) and Jim Leach (R-Iowa) have spoken out against the blacklisting by the Taiwan authorities (see *Taiwan Communiqué* nos. 52, pp. 12-13, and 54, pp. 16-17).

On 14 May 1992, just a few days before the Taiwan authorities revised Article 100 of the Criminal Code, the Subcommittee on Asian Affairs in the US House of Representatives unanimously passed **Congressional Resolution 248**, which called for an end to the blacklisting of overseas Taiwanese by the Taipei authorities. Congressman Leach remarked: *“In many cases those blacklisted are Taiwanese citizens resident in the U.S., and who have been denied permission to re-enter their homeland only because they have exercised the rights of free speech and association guaranteed to all persons by the First Amendment to the U.S. Constitution.”*

However, the blacklist didn’t disappear completely: on May 29th the wife of Taiwan Independence leader Kuo Pei-hung arrived at Taoyuan International Airport from the United States to join her husband, who had just been released from prison (see above). Initially she was refused entry, and only after three hours of negotiations by leading opposition members she was allowed to enter the country.

How the Revision of “Criminal Code 100” came about

It took persistence and joint efforts of DPP legislators and the **Action 100 Alliance**, an organization whose members came mainly from academia, that succeeded in forcing the KMT authorities to revise the Criminal Code 100.

In five legislative sessions beginning in December 1990, DPP legislators stepped up the campaign to revise Criminal Code 100 after Huang Hua, who advocated the use of peaceful means to establish an independent Taiwan state, was arrested and imprisoned.

The turning point came in May 1991, when the KMT authorities was forced to abolish the “Statute for the Punishment of Rebellion” after thousands of students took to the streets of Taipei to protest political persecution of four young people, including two students, who were arrested for allegedly belonging to the **Association for an Independent Taiwan**.

The repeal of the Statute for the Punishment of Rebellion abolished the death sentence, but the Criminal Code 100, which is the legal basis for lesser sedition charges, remained intact.

After the August 1991 indictment of Ms. Chen Wan-chen and the September 1991 arrests of several activists of the independence movement, several liberal KMT legislators headed by Huang Chu-wen joined DPP legislators in calling for the revision of “Criminal Code 100.” But Premier Hau refused to budge. In mid-September 1991, the DPP legislators staged a demonstration during the opening session of the Legislative Yuan, which forced Premier Hau to deliver his “state of the union” speech behind the protection of shields held by policemen.

On 21 September 1991, the **Action 100 Alliance** was formed by a group of professors from National Taiwan University under the leadership of Professor Chen Shih-meng of the economics department (see *Taiwan Communiqué* No. 52). The Alliance was able to mobilize students to join the demonstration and vowed to continue the protests until the Criminal Code was abolished. With several prominent legal scholars in the leadership, the Alliance proved to be an articulate and well organized group.

After the Alliance staged a demonstration on 10 October 1991, the Executive Yuan formed a committee to study the possibilities of revising the Criminal Code 100. Several liberal KMT legislators, such as Mr. Huang Chu-wen, played a crucial role in the final drafting of the revised Code by specifying that only the use of violence and threat will be prosecuted, which the DPP legislators found acceptable.

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Economic / Environmental Report

April 26: Remembering Chernobyl

On 26 April 1986, a major accident happened at a nuclear power station in Chernobyl, in the then-Soviet Union. The event jolted the world into an increased awareness of the dangers of nuclear power. At least 31 people died in the immediate aftermath of the accident, while another 6,000 to 8,000 have died since then, according to Ukrainian authorities. The name Chernobyl became the symbol of the anti nuclear-power movement.

Thus, on 26 April 1992, six years after Chernobyl, a coalition of some 40 civic organizations in Taiwan sponsored a march to commemorate Chernobyl.

Protests against 4th Nuclear Power Plant

The main purpose of the 26 April rally was to express opposition against the renewed plans of the Taiwan authorities to build the island's Fourth Nuclear Power Plant complex at Kungliao, a small coastal town only 36 kilometers from the Taipei metropolitan area, in a region that is prone to earthquakes. In mid-February 1992, the Cabinet approved plans to restart the project, which had been shelved in 1987 (see *Taiwan Communiqué* no. 54, p. 23).

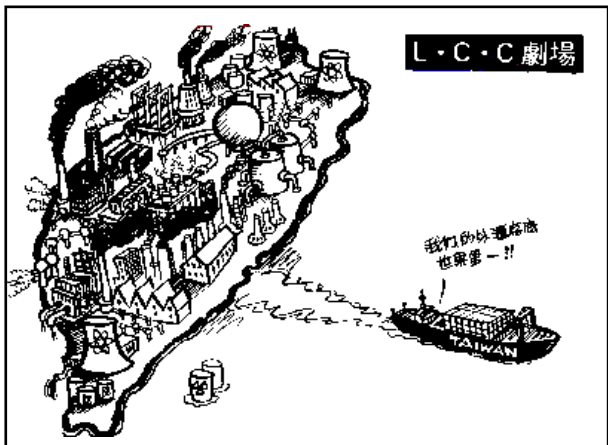
The rally was organized by the **Taiwan Environmental Protection Union**, and started at 1:00 p.m. in front of the Legislative Yuan. It drew some 3,500 people, including mothers with their babies in strollers, church groups, and student and professors associations. Many carried signs protesting the plans for the nuclear power plant so close to the Taipei metropolitan area. Others displayed pictures of the horrors which could happen in case of an accident: pictures of deformed children.

After winding its way through Taipei for four hours, the procession ended peacefully back at the Legislative Yuan.

Legislative Yuan to consider Nuclear Plant budget

The Legislative Yuan was again the scene of controversy over the issue, when on 12 May 1992 the authorities pushed the Yuan into taking up the Plant's budget on the agenda of the budgetary committee, a first step in the approval process. A considerable number of Kuomintang legislators who originally opposed the construction of the plant, were forced back into the party line after the KMT reportedly threatened not to nominate them at the year-end elections.

Inside the Yuan building, opposition legislators headed by Dr. Lu Hsiu-yi led the fight against the budget, but to no avail. Dr. Lu then took pictures of his Kuomintang colleagues voting in favor of the project, leading to renewed scuffles. A number



"At least our foreign exchange reserve is still the highest in the world !!"

of protesters led by the soft-spoken professor Chen Shih-meng, who presently serves as acting secretary-general of the DPP-party, were removed from the public gallery of the Yuan when they expressed their disapproval of the vote.

Meanwhile, outside the Legislative Yuan building, two groups of anti-nuclear protesters rallied against the government's plans: four professors began a relay 24-hour hunger strike to press the government to stop the plans. The Taiwan Environmental Protection Union had arranged for four scholars to take turns fasting for 24 hours every day until the end of the month.

At the same time, a group of some 40 students started a sit-down strike, saying they were prepared to hold a long-term protest.

Protest Against Kaohsiung Refinery Broken Up

On 26 May 1992, a protest by residents of the Talin area in Kaohsiung was forcefully broken up by police and riot troops, resulting in dozens of injuries. The residents of Talin had been protesting the environmental pollution caused in their area by the Talin oil refinery, which is run by the state-owned Chinese Petroleum Company. The refinery is one of the worst polluters in Taiwan, and has been fined many times for violating the government's own — rather lax — pollution control standards.

Since the government was not enforcing its own pollution control standards, the residents of Talin on 2 May 1992 set up a tented camp near the entrance of the refinery, and held daily demonstrations, on occasion blocking the access roads. In this way they attempted to force the plant to clean up.

However, on 23 May 1992, Prime Minister Hau Pei-tsun paid a surprise visit to the plant, during which he even talked to the protesters. But he seemed more concerned about “Law and order” than about the environment, and told the Talin residents that they should disperse: “what you are doing is illegal.” He didn't mention the fact that the plant had itself violated pollution control standards.

A few days later, local officials — apparently prompted to take a tough stand by the Prime Minister's remarks — decided to take action: in total some 900 club-wielding riot police descended on the some 300 demonstrators at 2:00 a.m. in the morning and started to demolish the tents. The situation erupted into a large-scale battle, which left dozens of people injured.

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Notes

Aborigines Protest new Name

During the second half of May 1992, aboriginal groups protested several times in Taipei against the fact that the National Assembly decided to start referring to aborigines as “mountain compatriots” or “early inhabitants” in the proposed revisions for the Constitution (see “*A mixed bag of Amendments*”, on page 10).

On 21 May 1992, some 700 aborigines held a protest in front of the Chungshan Hall in Yangmingshan, where the National Assembly was meeting. The crowd waved banners such as “We are aborigines” and “Protest racism”, and attempted to get closer to the building. This led to several scuffles with police, during which a number of protesters were slightly injured.



Taiwan aborigines: "We are aborigines, not mountain compatriots."

The reason given by the authorities for the use of the terms “mountain compatriots” or “early inhabitants” is that the name “aborigines” might encourage the aborigines to claim sovereignty over the island (!!). Representatives of the aborigines have called this reason absurd. They emphasize that they simply wish better protection of aboriginal rights. They urged that the nine aboriginal members of the National Assembly resign, because they are “yes-men” for the Kuomintang.

For more information about the aboriginal movement, contact: **Alliance of Taiwan Aborigines, attn. Mr. Lava Kau, address: 5th Floor, Cheng-kuong Road Section 2, YUNG HO, Taiwan. Tel. / fax: +886-2-928-6120.**

From the editors,

Starting with this issue, there are two important changes in Taiwan Communiqué:

- * *There will not be a “Seattle” edition anymore: we are streamlining our operations, and responsibility for printing and distribution in all of the United States from now on rests with our Washington D.C. office.*

We express our deep appreciation to the team in Seattle, which supported us from the very beginning, when we started our Communiqué there in 1980. They took excellent care of the Seattle edition for so many years. Thanks so much !

- * *Since almost all political prisoners in Taiwan have now been released, one of the original purposes of our publication has — fortunately — nearly disappeared. Of course we will keep a watchful eye on the developments on the island, and spring into action again if new arrests are made.*

This situation makes it possible for us to shift our focus even more directly to two areas of concern:

- *the international political status of Taiwan: we will renew our efforts to help make a democratic Taiwan a full and equal member of the international community, including membership of the United Nations.*
- *the environment and socio-economic issues in Taiwan: in particular we will focus on the nuclear power issue, and on the situation of under-privileged groups on the island, such as aborigines and fishermen.*

Of course we will continue our reporting and analysis of the political developments on the island as the prime focus.

Gerrit van der Wees

Mei-chin Chen