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# 99

## Crucial Legislative Elections

### *DPP to become the largest party*

On 1 December 2001 crucial elections will be held in Taiwan for the 225 seats of the Legislative Yuan, the national legislature, and for 23 county chief and mayoral offices. This will be the first election for the legislature since March 2000, when the DPP's Chen Shui-bian was elected President.

The previous elections for the legislative body were held in December 1998, when Lee Teng-hui was still President, and – riding on his “Taiwan First” coattails — the Kuomintang received a majority. However, after the DPP's victory in the Presidential elections in the Spring of 2000, the KMT backtracked towards a much more China-oriented policy under Mr. Lien Chan, which led to an uneasy *cohabitation* between the DPP presidency and a KMT-dominated legislature, resulting in much wrangling and a hostile stalemate.

This is likely to change on 1 December 2001: the DPP is expected to become the largest party, and – in combination with the newly established Taiwan Solidarity Union (strongly supported by former President Lee) – might be able to set up a coalition. Supplemented with possible “Taiwan First” defectors from the KMT and PFP this could lead to a working majority in the Legislative Yuan. This coalition is generally referred to as the “Green Camp” – after the primary color in the DPP's flag.

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**President Chen (L) teaming up with Lee Teng-hui: “Green coalition.”**

The question is “what kind of majority?” Much will depend on the fate of the three opposition parties, the old Kuomintang (now led by Lee Teng-hui’s erstwhile anointed successor Lien Chan), the People’s First Party (led by yet another degenerate Lee confidante, James Soong) and the ultra right-wing New Party.

According to recent opinion polls and analyses, the DPP can expect some 38-40% of the vote and win approximately 85 seats. The KMT will be the major loser in this campaign, dropping to around half of its present level both in terms of percentage of the votes and seats, down to a bit over 20% of the vote and between 65 and 70 seats. The Peoples First Party of James Soong is expected to significantly increase its representation, but will not receive more than 30% of the vote or at most some 40-50 seats.

While on the basis of these numbers, the KMT and PFP together could still deny the “Green Camp” a majority, there are reportedly some two dozen KMT and PFP members who presently still stick with these two parties to get elected, but who plan to jump ship right after the elections to join the ruling coalition. These are primarily Taiwanese supporters of President Lee, who stayed in the KMT or PFP in an unsuccessful attempt to try to provide a balance against the pro-unificationist swing in those parties.

According to most predictions, the Taiwan Solidarity Union will receive only some 8 or 10 seats – in spite of the strong support by former President Lee Teng-hui, while the right-wing extremist New Party will nosedive from its present level of eleven seats down to less than half, or 4 or 5 seats. The remaining half a dozen seats will go to non-affiliated candidates. On the following pages we present our pré-election analysis.

## *Taiwan Solidarity Union makes its entry*

As we reported in *Communiqué* no. 98, the Taiwan Solidarity Union was established in August 2001, when a number of supporters of former president Lee Teng-hui split off from the Kuomintang, because of their disagreement with the tactics and pro-unificationist policies of Lee’s successor, Mr. Lien Chan.

The TSU, led by former interior minister Huang Chu-wen, has nominated 39 candidates, and hopes to get some 35 members elected in the 225-seat Legislative Yuan. It is drawing its support primarily from pro “Taiwan First” supporters of the Kuomintang, but may also whittle away some DPP support, because it has openly expressed itself in favor of Taiwan independence, while the DPP – in trying to gain more support from the center-right – has recently watered down its position on independence.

Still, it might be difficult for the TSU to win the 35 seats it is aiming for, since Taiwan's multi-seat district electoral system is in practice biased towards larger parties at the expense of smaller parties. On the other hand, former president Lee Teng-hui's enthusiastic stumping for the TSU is giving it a much higher public exposure than it would otherwise get.

## ***FPF to go up, KMT and New Party to go down***

The other three parties are generally referred to as the "Blue Camp" (after the primary color in the KMT's flag). Though they are united in the opposition to the DPP, there are significant underlying differences, both in terms of personal rivalries as well as interests. In some case, this may result in joint support for a particular candidate, while in others case the candidates of these opposition groups may go head-to-head and split the vote.

The Peoples First Party (FPF) is centered around former "Provincial Governor" James Soong, who split away from the KMT a couple of years ago, when then-President Lee Teng-hui threw his support behind termination of the outdated "Taiwan Province" structure, and annointed Lien Chan as his successor instead of James Soong.

Mr. Soong is a slick and cunning politician, who made extensive use of Taiwan provincial funds to increase his own popularity. He had a major falling out with president Lee Teng-hui in December 1999-January 2000, when it became known that Mr. Soong had siphoned off some US\$ 36 million in campaign funds, and that his family had transferred some US\$ 6 million of this to San Francisco to purchase real estate ( see "*James Soong's financial scandal*" in *Taiwan Communiqué* no. 89, <http://www.taiwandc.org/twcom/89-no1.htm>).

In spite of the financial scandal, Mr. Soong received some 36.8% of the vote in the March 2000 presidential elections, a close runner-up to the victorious DPP candidate, Chen Shui-bian. In the upcoming elections, Mr. Soong will be the major drawing card for his PFP, but until now he has been able to pull only some 18 members away from the cash-rich KMT and from the non-affiliated group of members. The general expectation is that the PFP might get up to 30% of the vote, but that this will not translate into more than 40-50 seats, since Soong's coattails are not what they used to be, and he has not been able to draw very many heavyweight politicians away from the cash-rich KMT.

The KMT itself at present holds 113 seats – of the 123 it won in 1998, with some 10 defections to the PFP. With Mr. Lien Chan at the helm, it will be the major loser in this election and drop down to almost half, or somewhere around 65 to 70 seats.

The right-wing extremist New Party, which has profiled itself as the most pro-unificationist of the three “Blue Camp” parties, won only 11 seats in 1998, and is expected to drop to less than half, probably down to only some 4 or 5 seats.

## *Waiting for the KMT implosion*

*This editorial appeared in the Taipei Times on 17 November 2001.*

*Reprinted with permission.*

On Thursday (15 November 2001), KMT Secretary-General Lin Fong-cheng listed three preconditions for a KMT-DPP post-election alliance: President Chen Shui-bian must respect what the KMT claims is a “co-habitation” system of government, he must let the majority party or majority alliance head the Cabinet and he must give the KMT a chance to salvage Taiwan’s economy. DPP Secretary-General Wu Nai-jen was quick to rebuke Lin by asking what right would the KMT have to bargain if it makes a poor showing in the December elections?

The hubris of the KMT’s suggestion shows the party not only can’t spell the word “humility,” but is also clueless about the weight it carries -- and the political baggage.

Rumor has it that several KMT lawmakers and high-ranking party officials will defect after the elections. The People First Party estimates the KMT will lose about 20

lawmakers. Talk of the party imploding can be heard everywhere -- except perhaps within KMT Chairman Lien Chan’s hearing.

At a time like this, if Lin’s statement was intended to secure party harmony for the sake of the elections by easing external pressure for an alliance, it is understandable-- even though it appears likely to fail. However, if the KMT truly thinks it has leverage to carry through on such an alliance, the century-old party is not only old, it’s senile. If it continues act in such a ridiculous manner, its disintegration is truly inevitable.



**KMT pirates: "Shiver me timbers, someone is trying to get us to surrender."**

Fifty years ago, the KMT parachuted into Taiwan. The fact that this alien regime managed to maintain its rule for so long is more miraculous than Taiwan's oft-touted economic miracle. Its regime was a prime example of rule by force. Virtually all political observers who visited Taiwan during that time were amazed at the people's obedience to their foreign masters.

The fact that the KMT did not hand over its power until last year shows the forgiving and tolerant nature of the Taiwanese. The KMT also has its former chairman Lee Teng-hui's "localization" path to thank for the fact that it survived 11 years longer than the communist regimes of Eastern Europe.

Nevertheless, many KMT politicians remain bitter about their loss of power and prestige and daydream about a return to glory. Many of those who opposed Lee's efforts to turn the KMT into a "localized" party were quick to jump aboard the Beijing express in the wake of last year's presidential election defeat. The KMT was just as quick to jettison the "localization" path and internal democratization implemented during Lee's 12-year term.

The identity crisis that has plagued the KMT for the last year appears to have been resolved in favor of its Chinese identity, rather than its roots in Taiwan. It is enough to make one wonder why the KMT ever came to Taiwan in the first place if the Beijing regime is so good -- until, of course, one remembers that Beijing doesn't believe in the existence of any political organization except the Chinese Communist Party. Amazing how all the pro-China mouthpieces who fill the media seem to forget that little fact.

In the end, it doesn't matter whether KMT party members turned to China because they opposed Lee or his localization movement. They have lost any claim to political power in Taiwan. The party has betrayed the popular will in Taiwan in pursuit of a mirage of political Never-never Land where it could continue to rule.

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## **Lee Teng-hui makes his mark**

### ***Standing up for his principles***

Back in the Spring of 2000, when he was leaving a presidency he had held for over 12 years, 78-years old Mr. Lee Teng-hui was expected to gradually fade away. He talked

about writing his memoirs and about entering the ministry as a missionary for the Taiwan Presbyterian Church, where he had been a lifelong member.

However, after a relative smooth transfer to the new DPP administration of Chen Shui-bian, Lee's successor in the Kuomintang, Mr. Lien Chan, started to whittle away at his legacy. In fact, the tension erupted already right after the March 2000 elections. The right-wing extremist elements in the Kuomintang blamed Lee for the election loss, while it was clearly due to Lien Chan's lackluster performance and the fact that the pro-unificationist vote was split between the KMT and James Soong's People's First Party.

Lien Chan subsequently forced Mr. Lee out of his position as KMT Party chairman, and started to break down the "Taiwan First" party line Lee had so carefully nurtured and build up during his presidency. Mr. Lien Chan also surrounded himself with mainlander pro-unificationists, and shunted aside the balanced mix of Taiwanese and mainlanders which Mr. Lee had brought to the upper echelons of the KMT.

Mr. Lien Chan abused his KMT majority in the Legislative Yuan to block the cancellation of the Fourth Nuclear Power Plant in the Fall of 2000, and subsequently started an ill-fated recall campaign against President Chen, while all the time sending signals to China that he would be more amenable to China than the DPP government.

The cumulative effect of all this was that Lee Teng-hui urged a number of his former lieutenants, led by former Interior Minister Huang Chu-wen, to bolt the KMT and start the Taiwan Solidarity Union. In July 2001, Mr. Lee openly appeared at a gathering with President Chen, spoke at the founding ceremony of the TSU, and increasingly criticized Mr. Lien Chan.

***Taiwan Communiqué comment:*** *We commend former president Lee for his courage and dedication to the wellbeing of Taiwan, and for standing up for his principles. He spent many years leading the Kuomintang out of the dark and repressive days of one-party dictatorship and martial law, and it must have hurt him to see the party degenerate into its old bad self so soon after his departure.*

*Part of the blame for the situation must rest on Mr. Lee's own shoulders: he was the one who selected Lien Chan and James Soong as his lieutenants, and cultivated them through many years at various important positions. Didn't he see their true character sooner?*

*Still, it speaks of courage – certainly at his advanced age – to stand up and call a spade a spade, and distance himself from the party he tried to shape in its recent past. He will be remembered as one of Taiwan's true democrats.*

## *The KMT turns its back on Lee – and Taiwan*

*This editorial appeared in the Taipei Times on 22 September 2001.*

*Reprinted with permission.*

General Douglas McArthur once said “old soldiers never die, they just fade away.” In Taiwan, however, an old soldier who refuses to fade away — even if it is because his country needs him — faces humiliation, injustice and betrayal. This has been proven by a series of appalling insults against former president and KMT chairman Lee Teng-hui that culminated by the KMT deciding to oust Lee yesterday.

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The campaign of attrition and humiliation against Lee started the day the KMT lost the 2000 presidential election. Many of those who enjoyed a privileged life as cronies of the Chiang Kai-shek regime blamed Lee and couldn't wait to retaliate to avenge their loss of power. It began with the siege of the Presidential Office and the KMT's headquarters by angry mobs after the election results were announced. Lee was compelled to step down



**Lee Teng-hui to KMT: "Brutus, I've been waiting so long for you to arrive."**

early from the post of KMT chairman under pressure from the very man he had picked as his successor. Then there were vicious allegations by New Party lawmakers that Lee and his wife had left the country with suitcases stuffed with cash. The benefits Lee enjoys as a former head of state have been whittled down at the behest of a KMT-dominated Legislative Yuan.

How sad to see the way Lee is thanked for leading this country and his party through countless political battles and victories — battles that helped Taiwan achieve its miraculous democratic reforms.

The KMT has said that Lee's party membership was suspended because of his criticisms of the party and his endorsement of the Taiwan Solidarity Union (TSU). The problem is the KMT deserves all of Lee's criticisms and then some.

After the hard work Lee put in to give the party a “Taiwanese” identity and soul, the KMT has now reverted back into the “Chinese KMT.” Party members and officials have been stampeding across the Taiwan Strait to pay homage to China’s leadership. According to a report issued by the US think-tank Center for Strategic and International Studies, KMT members have been busy persuading Beijing’s government to shut the door on dialogue with the Chen Shui-bian administration.

How ironic that the KMT now willingly kisses the feet of its old archenemy. But the irony does not end there, as the party has also rediscovered a brotherhood with James Soong and his People First Party, as well as the New Party.

The tolerance and generosity of the KMT and its chairman Lien Chan toward these new friends are frightening. Lien turns a blind eye to all of Soong’s backstabbing, including a secret meeting with Chen.

Why couldn’t Lien have been this loving toward little brother Soong before? Had Lien been willing to step aside and let Soong stand for the KMT in the 2000 presidential election, the KMT would still be the ruling party.

The KMT has reversed its position so many times since Lien became chairman that it is impossible to keep count. How can Lee not get upset seeing the destruction of his life’s work? Why wouldn’t he have endorsed the TSU, a party that promises to uphold a “Taiwan first” ideology?

Lee represents many things in which this country takes pride — democracy and the “Taiwan first” ideology top that long list. By severing its ties with Lee, the KMT has turned its back on everything Lee stands for — and so many people in Taiwan have fought and died for.

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## **APEC and WTO**

During October and November 2001, two significant economic conferences took place: the APEC meeting in Shanghai and the WTO meeting in Doha, Qatar. Both meetings had an impact on Taiwan. A brief report.



## *The Shanghai APEC farce*

In the third week of October 2001, the annual APEC summit was held in Shanghai. In past meetings in other countries, the host country would send an invitation to Taiwan's president, who would then politely decline and send someone as his personal representative.

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This year, in an intended affront to Taiwan, China did not send the invitation, and when President Chen Shui-bian announced his intended representative, former vice-President Li Yuan-zu, it rejected this choice.

Then, at a Shanghai press conference in the run-up to the summit, Chinese Foreign Minister Tang Jiaxuan rudely prevented Taiwan's Minister of Economic Affairs Lin Hsin-yi from speaking.



**Chinese Foreign Minister muzzling Taiwan:  
"Are there any more questions?"**

President Chen then decided not to send a representative at all and withdrew the Taiwan delegation, expressing his regret and dismay over China's departure from established APEC practices. He stated: "While recognizing the importance of taking part in such activities, we should not allow our national dignity to be disparaged."

On 20 October 2001, President Chen sent a letter to Pacific Rim leaders urging them to condemn China's moves. He wrote: "It is with deepest regret that Taiwan is not able to join you to participate in this year's APEC informal economic leaders' meeting. I ... call on the other members of APEC to jointly condemn China's behavior and prevent such an occurrence from happening again."

The United States called Taiwan's absence a loss for all participants, and in the US Congress, more than 60 members signed a letter to President George W. Bush criticizing China for rejecting Taiwan's representative to the APEC leaders' summit and urging Bush to speak up for Taiwan in the future.

## *Into the WTO at last*

On 11 November 2001, the WTO voted to allow Taiwan to become of member of the international trading body at the WTO's meeting in Doha, Qatar. The decision marks the end of a 12-year quest for entry.

The approval ceremony came a day after China's entry and only an hour before China was to sign its WTO protocol of accession. This procedure was followed since there were concerns that China would try to block Taiwan's accession right after it got into the WTO itself. By not permitting China to sign its accession documents until Taiwan's bid had been approved by the ministerial conference, the WTO circumvented this problem.

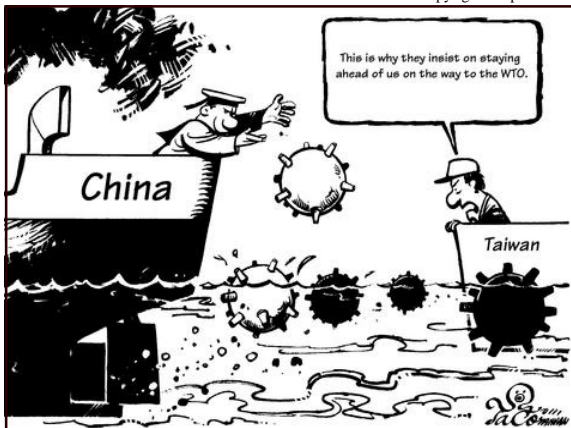
Taiwan's Economic Affairs

Minister Lin Hsin-yi – who had been humiliated by China at the APEC meeting in Shanghai a few weeks earlier — was congratulated by Taiwan's diplomatic allies and by both the US and Europe.

Robert Zoellick, the US trade representative said he was pleased at seeing Taiwan finally get a fair place on the world trade stage: "The US is delighted by this historic achievement. Taiwan has a major contribution to make to this organ as its delegation takes its place on an equal footing with others in the WTO." He added: "Over the last two decades the people of Taiwan have transformed their market from a developing economy to a trade and economic powerhouse ... Taiwan is a striking model for others to follow."

Also praising Taiwan's approval, EU Trade Commissioner Pascal Lamy said, "Taiwan's administration deserves credit for a solid package of commitments that reflects its status as a mature market economy."

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**Taiwan's WTO minefield: "This is why they insist on staying ahead of us on the way to the WTO."**

## The Forthcoming Chinese Invasion of Taiwan

*By Li Thian-hok. Mr. Li is a prominent member of the Taiwanese-American community living in Pennsylvania. This article first appeared in the **Taipei Times** on 4 November 2001. Reprinted with permission.*

Kurt Campbell, Senior Vice President at the Center for Strategic and International Studies (CSIS) recently co-authored an article recently with Derek Mitchell, Senior Fellow for Asia at CSIS (“*Crisis in the Taiwan Strait?*,” **Foreign Affairs**, July/August 2001). The authors argue that unless the U.S. takes concrete steps to “dissuade the PRC from continuing its coercive course toward Taiwan,” a conflict in the Taiwan Strait is close at hand. They recommend that “the U.S. maintain an active military presence in the region to sustain deterrence.”

Richard L. Russell, a professor at the U.S. National Defense University, published an intriguing thesis titled “*What if ... China Attacks Taiwan*” (**Parameters**, Autumn 2001). This paper was introduced to the readers of the Taipei Times by Washington staff reporter Charles Snyder (“*U.S. expert warns of early Taiwan Strait war,*” September 1, 2001). Subsequently, columnist George Will also wrote a summary of Russell’s ideas in the **Washington Post** (“*Another Unthinkable Scenario,*” October 7, 2001). Russell describes a blitzkrieg in which the People’s Liberation Army (PLA) will use deception (smiling face diplomacy and large scale joint-force exercise to cover up mobilization) and brutal tactics (missiles armed with nuclear warheads and chemical agents followed by airborne assault) to consolidate control of the island before the U.S. can even react. Russell concludes that “war over the Taiwan Strait could come sooner rather than later.” Since most academic studies of a Taiwan war have used 2005 as a benchmark ever since the February 1999 U.S. Department of Defense report on the security situation in the Taiwan Strait, Russell presumably means that the PLA will invade Taiwan before 2005.

### *Effect of the 2008 Olympic games*

Some observers, in Taiwan and abroad, believe that China will not launch an assault on Taiwan until after the Olympic games are concluded in 2008, in order to avoid a boycott of the Beijing games. However, the Olympics may actually prompt China to invade Taiwan well before 2005 so it can have a sufficient cooling period for international denunciation to subside. Despite its atrocious behavior at Tiananmen Square, China was able to win the honor to run the 2008 Olympic games. China can count on commercial interests of the major powers to eventually prevail over the disapproval of its military aggression.

Even if adverse global reaction were to result in a massive boycott of the Beijing games, China will still come out ahead. While the Olympics may generate at most a few billion dollars of financial profit for Beijing, the acquisition of Taiwan will be worth well over several trillion dollars. With the control of the sea lanes and airspace around Taiwan, China can also compel Japan and South Korea to sever their defense ties to the U.S. China will be well on its way to becoming the hegemon of Asia.

### *The Quadrennial Defense Review*

The U.S. is worried about the looming conflict in the Taiwan Strait. That is why the EP-3 planes are regularly flying surveillance duty near China's coast. That is also why in the **Quadrennial Defense Review** (QDR) issued on 30 September 2001, Secretary Rumsfeld recommends specific measures to enhance U.S. military presence in the region. For the Navy, he wants to increase aircraft carrier battlegroup presence in the Western Pacific; will homeport an additional 3 to 4 surface combatants and guided missile submarines; and try to conduct training for littoral warfare for the Marine Corps. For the Air Force, Rumsfeld plans to increase contingency basing in the Pacific and Indian Oceans, and ensure infrastructure for refueling and logistics to support operations in the Western Pacific area.

However, after the hideous attacks of September 11, 2001 the U.S. government must concentrate its energy on the war on terrorism. Implementation of the QDR recommendations may be delayed. In its preoccupation with the campaign in Afghanistan, the U.S. could leave Taiwan and the U.S. forces deployed in East Asia vulnerable to Chinese attack. This is the time for Taipei to urge greater U.S. military presence in the Western Pacific, as well as closer cooperation between the militaries of the U.S. and Taiwan in the areas of joint defense planning, training, bolstering of Taiwan's air defenses and information warfare capabilities.

### *What the DPP government must do*

The DPP government also needs to educate the populace about the growing prospect of military conflict, install civil defense systems, mobilize the citizenry to identify and incarcerate Chinese's fifth column agents, take precautionary measures against terrorist attacks, and lift the morale of both the military and civilians to defend Taiwan's hard-won freedom. All these tasks must be initiated without delay. If the Taiwanese people are properly prepared psychologically for the coming war, they can successfully repel a PLA invasion. Without such preparation, Taiwan's democracy will be in mortal danger.

One thing favors Taiwan, namely Beijing's fear of a failed attempt to subdue Taiwan. Such a debacle could well lead to the downfall of the Chinese Communist Party, especially if there are heavy casualties and the U.S. and other nations close their markets to Chinese exports.

If the Taipei government can inspire a great majority of its people to unify and fight for the island's survival as a democracy and as a de facto independent nation and quietly builds up Taiwan's state of readiness, Taiwan could deter a Chinese invasion long enough for the U.S. to build up its air and naval power in the vicinity of Taiwan, after America's war on terrorism becomes an integral part of its national defense framework.

For Taiwan, the best way to avoid war is to get ready for one.

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## Independence must be asserted

**By Prof. Chen Lung-chu et al.** *This article is an open letter from Chen Lung-chu, president and CEO of the Taiwan New Century Foundation, Huang Chao-tang, a presidential advisor and chairman of World United Formosans for Independence, Yao Chia-wen, former chairman of the DPP and currently a senior adviser to the president, Chen Li-tung; Hung Mao-hsiung, an international relations graduate research fellow at National Chengchi University, Yang Chi-chuan, Hsu Shih-kai, an author, and Liao Fu-te, an assistant research fellow of the Institute of European and American Studies at Academia Sinica.*

The Taiwan New Century Foundation, the Taiwan National Security Institute, the Taiwan Care Foundation and the International Cultural Foundation held a joint seminar on 23 September 2001 to mark the 50th anniversary of the San Francisco Peace Treaty. After vigorous and comprehensive discussion, the scholars and experts arrived at a number of conclusions.

We are of the unequivocal opinion that Taiwan is an independent sovereign state, and hereby publicly demand that the people and the government of Taiwan adopt the necessary measures to guarantee Taiwan's international status.

**A. *The claim***

1. Taiwan is a sovereign state and a member of the international community. It does not belong to any country. Much less is it a part of the People's Republic of China (PRC).
2. The name, "Republic of China" (ROC), currently used by Taiwan's government, has caused many problems and much inconvenience in the international arena, and even impaired Taiwan's status and interests. It should therefore be changed.

**B. *The demand***

1. The government and people of Taiwan should value the historical fact that Taiwan secured its sovereignty from the San Francisco Treaty.
2. We demand that the government incorporate the historical facts regarding the San Francisco Treaty in the teaching materials of the national curriculum. It should in particular strengthen the education of Ministry of Foreign Affairs staff members and other personnel involved in foreign affairs on the facts and significance of the treaty.
3. The president and government officials at all levels should take advantage of domestic and international occasions to assert that Taiwan is a sovereign state.

**C. *Explanation***

1. According to the San Francisco Treaty, Taiwan's sovereignty has belonged to neither Japan nor China since the accord took effect in April 1952. It belongs to the people of Taiwan.

The San Francisco Treaty, signed in September 1951, is the most important legal document determining where Taiwan's sovereignty belongs. Its force and importance completely override those of the Cairo and Potsdam declarations.

Both of the latter merely served as political declarations expressing the Allies' future policy goals and intentions, and are not legally binding. That they are not legally binding is not only the common view of a vast majority of experts in international law, but also the official position of the US and UK governments.

In accordance with the practice and theory of international law, post-war territorial alterations are to be decided by formal treaties. The changes regarding Taiwan's sovereignty after World War II should therefore rest on the legal basis of the authoritative San Francisco Treaty, signed in September 1951 and coming into effect in April 1952. According to the accord, Japan did not formally renounce its claim to Taiwan and the Pescadores until April 1952. Before that, no other country, not even China, could have legally acquired sovereignty over these areas.

Since Japan, in signing the San Francisco Treaty, renounced sovereignty over the two areas, it naturally had no right to handle the areas afterward. Even though Japan signed the Treaty of Peace with the Taiwan government in 1952, a joint communiqué with the PRC in 1972, and the Treaty of Peace and Friendship with the PRC in 1978, these international agreements could never cause any legal changes to the sovereignty and status of Taiwan and the Pescadores because they were signed after the San Francisco Treaty.

From the point of view of both the law and the facts, anyone who cites the Cairo and Potsdam declarations to explain Taiwan's sovereignty is actually echoing the PRC's hegemonic claim to Taiwan. In its white paper on the Taiwan question issued in February last year, the PRC only cited the two declarations as the basis for its claim to Taiwan. If Taiwan's foreign affairs departments cling to this erroneous stance by embracing the two declarations and rejecting the San Francisco Treaty, the outcome will be tantamount to legal suicide.

Given the current situation, Taiwan's government should, on the basis of the San Francisco Treaty, resist the PRC's hegemonic claim to Taiwan and establish the fundamental position that Taiwan is not a part of the PRC. In reality, it is only when Taiwan views the San Francisco Treaty as the legal basis of its sovereignty that it can effectively counteract the "one China" principle advocated by the PRC.

2. With democratization and Taiwanization over the past 10-plus years, Taiwan's status has become clearer. It has long been a sovereign state.

Although ROC troops were ordered to take over Taiwan in October 1945, this was merely a military occupation executed on behalf of the Allies at the orders of the commander of the Allied forces. Taiwan's sovereignty was not necessarily transferred to the ROC as a result of the military takeover. Nor did the ROC government necessarily acquire sovereignty over Taiwan by continuing to occupy Taiwan with the acquiescence of the Allies after the San Francisco Treaty took effect in 1952.

In light of the principles of contemporary international law, the people of Taiwan, who were freed from Japanese colonial rule after World War II, certainly enjoy the right to self-determination over their political status. This includes the right to actively choose any changes to Taiwan's sovereignty.

Prior to the 1980s, the people of Taiwan were oppressed by high-handed authoritarian rule and were denied any opportunity to exert the right to self-determination — but they did not lose this right.

Since the late 1980s, Taiwan has undergone a whole string of reforms — liberalization, democratization and Taiwanization. Notable reforms include: the establishment of the DPP in September 1986; the lifting of martial law in July 1987; the termination of the Period of National Mobilization for Suppression of the Communist Rebellion in April 1991; a full-scale National Assembly election at the end of 1991; a full-scale legislative election at the end of 1992; popular elections for the Taiwan provincial governor and city mayors; the first direct presidential election in March 1996; and the transfer of political power in May last year. Constitutional reforms were also carried out during that period, completely “Taiwanizing” the power base of the central government.

Furthermore, the government abandoned its claim to represent China, and instead, strove for and upheld its claim to represent Taiwan, thus gradually creating Taiwan's unique international status, which is different from that of China. This process has transformed Taiwan's government from an exiled, alien regime into a local democratic one. Furthermore, it is a legal government capable of representing Taiwan and its people in the international arena. Moreover, it substantively demonstrates that the people of Taiwan are collectively exercising their right to self-determination according to international law.

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## **Freedom award for President Chen**

### ***First Lady Wu Shu-chen goes to Strasbourg***

On 14 November 2001, Taiwan's First Lady Wu Shu-chen visited the European Parliament in Strasbourg to accept the 2001 Prize for Freedom from Liberal International. The prize was awarded to the Taiwanese president in recognition for his role in bringing human rights and democracy to Taiwan.



Past recipients of the prize include former president of the Philippines Corazon Aquino (1987), Czech President Vaclav Havel (1990), and Burma's democracy leader Aung San Suu Kyi (1995).

Copyright: Taipei Times

Wheelchair-bound Wu was presented the price in the Winston Churchill room by Lord Russell-Johnston, president of the Parliamentary Assembly of the Council of Europe and vice president of Liberal International, a London-based association of liberal parties from more than 60 countries.



### **Wheel-chair bound Wu Shu-chen off to Strasbourg**

At the ceremony, a video message was played in which President Chen stated that the prize was not awarded to him alone, but also to the people of Taiwan, “who love freedom, uphold peace and respect human rights.” He added: “Despite the PRC’s threats of military action, the 23 million great people of Taiwan acted to heal the wounds of the past with love, to conquer fear with determined confidence. By casting their sacred ballots, they brought about the historic first alternation of political power in Taiwan’s history. This proud democratic achievement is the best testament to Taiwan’s democratic values.”

Chen also emphasized the efforts he has made in the area of human rights protection, such as the establishment of a Human Rights Advisory Group, and in cross-strait reconciliation since his inauguration in May 2000. He said: “Under the preconditions of maintaining democracy, equality and peace, I will continue to safeguard the peace of the Taiwan Strait and to pursue a new framework for permanent peace and political integration.”

Chen expressed his regret at the fact that he was not able to travel to Strasbourg to receive the prize in person. Mr. Hans Van Baalen, a member of the Dutch Parliament who serves as vice-chairman of Liberal International, stated that his organization had put significant effort in organizing the event, and was deeply disappointed at the fact that the countries of the European Union at present still don't understand the political changes that have taken place in Taiwan, and don't adjust their policies accordingly.

After the ceremony, the Taiwanese First Lady left for Prague in the Czech Republic, where she was to be received by President Vaclav Havel, one of the few leaders in Europe who has not let himself be intimidated by China's bullying.

## ***France, land of the free not so free***

*This editorial appeared in the Taipei Times on 23 October 2001.*

*Reprinted with permission.*

Freedom is viewed as a basic human right in today's modern society. But it is by no means a right that falls from the sky: humanity has to struggle constantly for it. From that perspective, Liberal International's decision to award the 2001 Prize for Freedom to Taiwan President Chen Shui-bian was a decision of great merit.

On its Web site, Liberal International says it has given the award to Chen "in recognition of the Taiwanese struggle for Freedom and Democracy and their free choice concerning Taiwan's institutional future." Formerly a lawyer representing Kaohsiung Incident activists, Chen was in the vanguard of Taiwan's democracy movement for over two decades. After winning last year's presidential election, he also presided over Taiwan's first peaceful transition of political power, which finally brought real freedom and democracy to the country.

Past recipients of the Prize for Freedom include Burmese opposition leader Aung San Suu Kyi, UN High Commissioner for Human Rights Mary Robinson, and Czech president Vaclav Havel. Chen's receipt of the prestigious award at a ceremony in Europe would have been a proud moment for all Taiwanese.

Unfortunately, China continues to spare no effort trying to block Chen's appearance at any venue — as evident during last week's APEC meetings and now again with the French visa issue.

Initially, Liberal International planned to present the award to Chen in Copenhagen, but the Danish government caved in under pressure from Beijing and refused to issue a visa to the legitimate, democratically elected president of Taiwan.

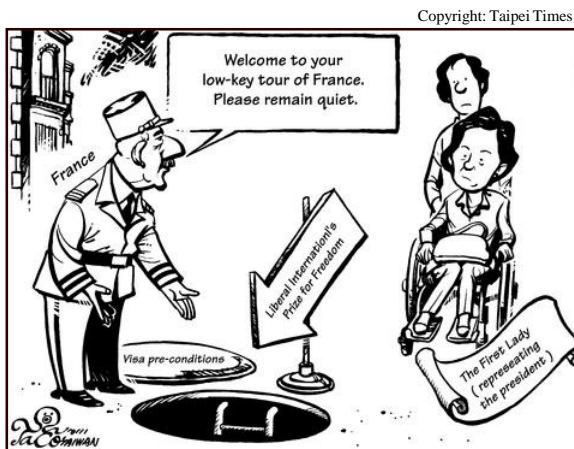
Liberal International then considered holding the award ceremony at a European Parliament meeting in Strasbourg in eastern France. But the French government was similarly reluctant to issue a visa to Chen, for fear of rubbing Beijing the wrong way.

After much bickering, the French government agreed to let first lady Wu Shu-chen receive the award on Chen's behalf — if she agrees to a long list of conditions: She should not pass through Paris; she must leave from the Charles de Gaulle airport immediately after the ceremony; she must not speak to reporters before the event and must keep a low profile throughout — or risk having her visa canceled.

As the French newspaper *Le Monde* said on Saturday, it

is difficult to understand the French government's refusal, given that it has been willing to set aside political issues and allow Tibet's spiritual leader, the Dalai Lama, and Palestinian leader Yasser Arafat to travel in the country. Taiwan is a country with a clearly defined territory and a democratically elected government. On what basis can Paris refuse Chen a visa?

The pusillanimity of the French government should be a cause of shame for a country known as the birthplace of the ideas of freedom and human rights. Faced with immense military and economic pressure from China, the people of Taiwan have time and again demonstrated their bravery by choosing freedom and self-determination instead of capitulation. Taiwan's government also continues to work hard to safeguard that freedom. This is exactly the reason why Chen won the Liberal International award.



**France "welcoming" First Lady Wu Shu-chen to receive the Liberal International Prize for Freedom. Liberté ?**

The people of France should step out and protest their government's timorous policy as well as Beijing's thuggish behavior. The French failure to approve the president's visa brings shame on a nation which purports to be dedicated to freedom, fraternity and equality. Let the president of Taiwan, the leader of a people struggling for freedom, go where it all began and share that freedom.

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## Washington report

### *Senator Biden is wide off the mark*

US Senator Joseph Biden has a habit of putting his foot in his mouth. Back in the beginning of May 2001 – in an article in the **Washington Post** (“*Not so deft on Taiwan*”, WP, 2 May 2001) he seemed to backtrack on US commitments to help defend Taiwan, just after Mr. Bush had made it clear that the US would do “whatever it took” to help defend the island in case of a Chinese attack.

Then in the beginning of August 2001, just after he had become chairman of the Foreign Affairs Committee in the Senate, Mr. Biden visited Taiwan and tried to lecture President Chen Shui-bian on his China policy, prompting a scathing editorial in the **Taipei Times**, titled “*Mr. Biden's ‘constructive engagement’ myth.*”

However, Mr. Biden went from bad to worse on the ill-fated day of 11 September 2001: speaking at the National Press Club in Washington, Mr. Biden argued for the retention of what he called the “studied ambiguity” of the 1979 Taiwan Relations Act, whereby – according to Mr. Biden — the US would remain ambiguous on whether it would help Taiwan repel a Chinese attack.

Then, in an incredible lapse of understanding of US policy and of basic facts, Mr. Biden said he told Taiwan (during his August trip) that the Taiwan Relations Act meant:

“... that we support a one- China policy, but it rests upon a cross-strait dialogue where the countries, where the parties, mutually arrive at how *unification* (emphasis added – Ed.) will take place peacefully; that if the mainland attempts to do this by force and not dialogue, then the United States will provide the military means in terms of materiel to prevent that from happening....”

Later he added that he also told Taiwan:

“You are no longer an independent country. You are no longer an independent nation-state. We’ve agreed that you are going to be part of China and that you will work it out under what conditions. So don’t go declaring independence .... “

***Taiwan Communiqué comment:*** *Mr. Biden comments are totally out of line, and out of touch with the reality of US policy. First, the Taiwan Relations Act is as clear as it can be on US commitment to help defend Taiwan against any Chinese attack – and against “...any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes” for that matter.*

*Secondly, as has been stated time and again by the State Department, the White House and prominent members of Congress, US policy emphasizes a **peaceful resolution** of the conflict between Taiwan and China. **Nowhere** in the Taiwan Relations Act or anywhere else in US policy documents does it speak of “unification.” It is time Mr. Biden, as a US politician with a heavy responsibility for US foreign policy, engraves this in his head. Words matter, Mr. Biden.*

*Mr. Biden’s “independence” statement bespeaks an incredible arrogance on his part. Who is he, or the US for that matter, to tell another country it is not an independent country. Taiwan is by all accounts a free, democratic and independent nation, with diplomatic ties to some 28 other nations. That the US and many other nations at present don’t have diplomatic ties with Taiwan is due to the unhappy legacy of the Kuomintang regime, which maintained for all too long its ludicrous claim to be the government of China.*

*The new DPP government of President Chen Shui-bian is working hard to end the decades of animosity created by the Kuomintang, and is at the same time working to end the isolation which were the result of the Kuomintang’s dim-witted policies. Mr. Biden should applaud and assist those efforts, instead of creating new roadblocks for the young democracy on the island.*

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# Notes

## *In memoriam Prof. Lee Chen-yuan*

On Thursday, 2 November 2001, Professor Lee Chen-yuan passed away in Taipei at the age of 86. In his medical profession he was known as an internationally recognized expert on snake venom research. In his earlier life, he was not involved in political activities, but in 1990 – in spite of his advanced age — he became an important actor in the political arena.

In 1991, he was a leading figure in the “Action 100 Alliance”, a group of academics and opposition figures working for democracy in Taiwan, and for the abolition of Article 100 of the criminal code, a remnant of the earlier martial law, which was still severely restricting freedom of political expression on the island (see *"Academia in Action"* in *Taiwan Communiqué* no. 52, December 1991).

Professor Lee’s appeal and tireless campaigning led to a groundswell of public support, which smoothed the way for full freedom of speech and association on the island, and led to the final steps in the transition towards democracy.

In 1992, Lee founded the FTMPA to unite the medical community to play a more active role in politics. He also led the medical group to push for Taiwan’s entry into the UN and the World Health Organization (WHO) under the name of “Taiwan.”



**Prof. Lee at an "Article 100"  
demonstration in 1991**

He helped set up the Taiwan Independence Party (TAIP), serving as its chairman for several years. The TAIP broke away from the DPP in 1995, when then DPP-chairman

Hsu Hsin-liang became too conciliatory towards China, and started his ill-fated “march westward boldly” policy, which led to Hsu’s downfall and replacement by the highly respected Mr. Lin Yi-hsiung.

We will dearly miss professor Lee. His vision, dedication, and kindhearted spirit were an inspiration to us all. May he rest in peace.

## ***US reaffirms support for Taiwan***

The 11 September 2001 terrorist attacks on the World Trade Center in New York and the Pentagon in Washington shocked the world. In its aftermath, a US-led coalition was established to fight terrorism around the world on many fronts: military, political, economic, financial.

In its first reactions to the US request to join the coalition, China sought a deal in which China would support the coalition if the US would reduce its commitment to Taiwan. In a Beijing press briefing on 18 September 2001, foreign ministry spokesman Zhu Bangzao tried to get US support for China’s attempts to label Taiwan, Tibet and East-Turkestan as “separatists.”

In several statements by high-level US officials, the United States stated explicitly that there was ***no quid pro quo***, and that the US reaffirmed its support for Taiwan. After a 22 September 2001 meeting with Chinese Foreign Minister Tang Jiaxuan, US Secretary of State Colin Powell denied any such deal, saying “There was no suggestion of a quid pro quo, period.”

The Bush Administration reinforced its firmness on this issue in September, when it announced a US\$ 18 million sale of AGM-65G Maverick missiles for use with US-supplied F-16 aircraft, and again in October, when it announced the sale of 360 Javelin anti-tank missiles and aircraft spare parts, amounting to US\$ 340.— million.

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