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CSD Case Study:
Taiwan: Lessons for the Consolidation of Democracy

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Transitions to Democracy – Taiwan Lessons for the Consolidation of Democracy

Foreword

Thomas S. Axworthy, Chairman, Centre for the Study of Democracy, Queen's University

Taiwan's Democratic Evolution: an Audit of Best Practices

Taiwan's transition from an authoritarian state to a consolidated democracy in less than fifteen years is one of the most heartening recent examples of democratic advance. For that reason, the Centre for the Study of Democracy at Queen's University, Kingston, Ontario, Canada, chose Taiwan as one of the first examples it would study in our mission to promote better democratic governance both at home and abroad.

The work plan of our Centre is to undertake a series of case studies on democratic transitions, thereby creating a library of best and worst practices. The three cases on Taiwan, "Outside the Party: The Tangwai Democratic Progressive Party (DPP) and the Democratization of Taiwan," "Democratization of Taiwan: Background Research Paper," by lead author Grant Holly, and "Slow and Steady: Local Elections and Taiwan's Democratic Reform 1946 to 1977" by David Donovan summarize the secondary literature and use primary materials and interviews to paint a picture of Taiwan's democratic evolution. Ms. Hales used her research time in Taiwan to write "Constitutionalism and Referenda: A Marriage Made in Heaven or Fit for Divorce?" a comparative study of the recent use of referendums in achieving constitutional change. Ms. Hales was also the lead author in writing Appendix A and B, "Interview with Taiwan Officials, Experts and Activists," an illuminating first person account, by a variety of Taiwanese notables on their perspectives of recent Taiwanese history. For an English speaking audience, this appendix gives a moving rendering of the "voice" of Taiwanese democracy. Appendix C, written by David Donovan, is an account of the roundtables held in Taiwan on October 27th, 2005 and on Oct 4th, 2005 in Ottawa, Canada, which criticized the first drafts of the above mentioned papers and added initial insights.

This, then, is a Canadian view of how democracy emerged in Taiwan, stimulated and aided by original research in Taiwan. But, the project also benefits from the perspective of Professor Mignonne Chan formerly an analyst with the Taiwan Institute of Economic Research and presently a Professor of Economics and Politics at the at National Chengchi University. .

The modus vivendi of the Centre's approach to research is to review the secondary literature, supplement it with primary materials and interviews, then to organize roundtables in Canada and the host country based on the first drafts of the work. The corrections and insights collected at the roundtables are then incorporated into the final drafts. This is how we approached the Taiwan study. The case studies, in turn, form the core of the second phase of our Centre's mission: to prepare teaching cases and training modules in democratic governance for executive development workshops. The third phase of the Centre's work is to use the insights of the case studies to partner with Departments of Education or schools, colleges or universities in the preparation of a democratic values curriculum suitable for secondary, university or public servant education. The Centre, under its founder George Perlin, has just such a project underway in the Ukraine. The primary funding of our work in Taiwan came from the Taiwanese Foundation for Democracy and we would like to thank the Foundation for its assistance in arranging interviews and organizing the Taiwanese roundtable on October 27th, 2005. Special thanks are due to Dr. Michael Kao, President of the Foundation, who has been a committed supporter of the comparative research.

Taiwan was of special interest because it is the first Chinese society in 5,000 years to establish a consolidated democracy. Taiwan is a living rebuke to all those proponents of "Asian values" who argue that Asians are not interested in freedom. Taiwan is special, too, because it is one of the few cases of "internal" authoritarian reform in

which an authoritarian regime gradually, but steadily, opens up until finally the former repressor itself introduces free elections. The KMT, itself a party similar in many ways to the ethos and organization of the Communist Party of China, presided over economic advance and education attainment (the necessary though not sufficient preconditions for democracy), when it fled to the island in 1949, gradually allowed local elections and then, under tremendous pressure in the 1980's from democratic activists at home and democratic states abroad (the United States), ended marital law and brought in democracy. In contrast, the Communist Party of China, when faced with the similar options of oppression or a democratic opening at the Tiananmen Square protest in 1989, opted for repression. The KMT was rewarded for its internal transformation by the voters as it won the 1996 Presidential election and remains one of the two major parties in Taiwan today.

The KMT offers hope and an example to other repressive regimes that political liberalization does not necessarily imply political annihilation. The hoped for application of this model to China is obvious. This story is told by David Donovan in his paper on local elections.

However, the transformation of the KMT did not just come about because its leaders suddenly saw the light. Grant Holly outlines the bravery and sustained effort of a group of activists in Taiwan who challenged the KMT, risking their lives and liberty for over a generation, finally coming together in 1986 to create the Democratic Progressive Party. Taiwan's largely peaceful evolution is due to the spread of literacy and creation of a middle class, which in turn spawned the desire for freedom amongst a cadre of activists who kept up sustained pressure on the ruling elite, aided by democratic forces abroad, creating such a groundswell for reform, that an authoritarian party chose to enter the democratic fold rather than continue its authoritarian traditions. Through this process Taiwan avoided revolution or civil war, the very processes which have so often disfigured the history of China.

What specific lessons for democracy-builders can be drawn from the three papers?

- Invest in education and economic reform
- Use foreign travel or education abroad to give an educated elite a taste of freedom
- Promote civil society groups such as the Presbyterian Church or social activists, which were initially non-political, but provided an organizational nexus around which democratic experience was built
- Encourage external actors like the United States or diaspora groups living abroad to take a sustained interest in democracy building because they do influence the ruling elite and they play a key role in encouraging local dissenters not to give up hope
- Begin with local elections as the building blocks of democracy from the ground up: from village to town to municipality to city. Local participation is a training ground for democracy. This is an old lesson that goes back to the town hall meetings of Massachusetts, but Taiwan's experience shows that this model still has relevance

The initial work of the Queen's Centre has led to a thirst for additional research. There are at least five other papers that could be written to further expand our understanding of Taiwanese democracy:

- The roles of Presidents like Lee Teng-hui and Chen Shui-bian warrant more sustained work. The motivations, style and skill of President Lee the "Father of Democracy" or the George Washington of modern Taiwan is central to the Taiwan story. How important was he personally? Was he merely swept along by the reform currents or did he consciously steer the movement?
- If President Lee is the Washington of Taiwan, President Chen is the Jefferson, i.e. the first opposition leader to succeed to power. How did he do it? How did his prior experience and career influence his democratic agenda?

- Not discussed in the three papers, but a vital tipping point is the role of the Judicial Yuan. The Judicial Yuan or Supreme Court has made several decisions critical to the ongoing political process. The role of the Judiciary in promoting democracy is potentially vital in many states in transition and Taiwan is a wonderful case example of the importance of court independence.
- Many critics of democracy disparage the role of external actors, international NGOs, etc. The role of the United States in promoting democracy in Taiwan is vital and how and why this occurred should be of sustaining interest for democracy-builders around the world.
- The expatriate Taiwanese community in the United States, Canada and Europe equally played an important role. Examining the lessons of this phenomenon would have great application for exile groups in Burma or Tibet.

The Centre for the Study of Democracy at Queen's University intends to take the three papers and appendices of the Taiwan project and make them central to our teaching, executive development and curriculum mission. Taiwan's breakthrough is not only of extreme importance to the 23 million citizens of Taiwan, but it contains lessons for democracy builders everywhere.

Democratization in Taiwan Background research paper: Lessons for the Consolidation of a Democracy

Grant Holly, Centre for the Study of Democracy, Queen's University

Preface

Most recently, Taiwan's presidential website was reconfigured, adding "Taiwan" after the island's official title of "Republic of China."[1] The president's office insists that this addition will cue readers to the difference between the Chinese mainland, the People's Republic of China (PRC), and the island, the Republic of China (ROC). Officials claim to have received several e-mails intended for PRC president Hu Jintao, causing trouble for the presidential office, but also inconveniences to the senders, as the office is unable to forward these emails to the PRC government. In a similar vein, "Taiwan" was added to ROC passports in late 2003. These moves towards Taiwanese identification on the presidential website or passports are symbolic of the island's evolving political identity. Since the 1970s, it has moved away from ethnic conceptions of the nation, such as those associated with the "one-China" policy, and towards a more secular, civic notion of what it means to be Taiwanese. The island's transformation into a democracy has been central to the reconstruction of its national identity.

Following World War II, the Kuomintang (KMT) Party imposed heavy-handed authoritarianism on Taiwan to protect it from the spread of communism and in the pursuit of Chinese reunification under ROC leadership. The KMT alleged that the powers of the president had to be enhanced to prevent the island from communist exploitation. Emergency decrees and martial law were enacted, delaying indefinitely the realization of the democratic goals espoused by the ROC constitution and inherent in the party's ideals. Over the next 40 plus years, the government used these excess powers to suspend elections, prevent the formation of opposition parties and quash dissidents' voices. However, KMT rule transitioned during this period from hard to soft authoritarianism, leading and responding to calls for greater democratization. In the last twenty years, the island has quickly and peacefully transitioned from an authoritarian regime to democratic governance.

Taiwan's political development demonstrates how democracies are built. The Taiwanese now boast a vigorous constitutional democracy, a competitive party system and an independent judiciary.[2] They also hold political rights and civil liberties similar to those enjoyed in the world's liberal democracies.[3] Of interest to students or countries transitioning to democratic rule are questions such as "How did this happen?" and "What events or public policies triggered Taiwan's democratization?" *Taiwan: Lessons for the Consolidation of a Democracy* attempts to shed light on democratic development. This background research paper will contextualize Taiwan's democratization and highlight several of its important sources, including acquired election experience, shared economic growth, evolving political opposition, and international and domestic pressures. Some of these are common to many countries – (e.g., economic development), while others are unique to Taiwan –(e.g., the island's international position). These sources will be overviewed in hopes of introducing the reader to Taiwan's recent political history and provoking further discussion and analysis. Subsequent case studies will elaborate upon several specific "tipping points" that have contributed to Taiwan's democratization.[4]

Taiwan at a Glance (2005)

Geography

Location: Eastern Asia, islands off the southeastern coast of China
Land area: 32 260 square kilometers

People

Population: 22 894 384
Life expectancy: 77.26 years
Ethnic groups: Taiwanese (84%); Mainland Chinese (14%); Aborigine (2%)
Religions: Mixture of Buddhist, Confucian, and Taoist (93%); Christian (4.5%); other (2.5%)
Languages: Mandarin (official); Taiwanese and Hakka dialects
Literacy rate: 96.1% of those over 15 years of age can read and write

Government

Country name: Republic of China (ROC); Taiwan
Government type: Multiparty democratic regime headed by popularly elected president and unicameral legislature
Capital: Taipei
Constitution: 25 December 1946; amended in 1992, 1994, 1997, 1999 and 2000
Legal system: Civil law
Suffrage: 20 years
Political parties: Democratic Progressive Party (DPP); Kuomintang (KMT); People First Party (PFP); Taiwan Solidarity Union (TSU); other minor parties
Political pressure: Relationship to the People's Republic of China (PRC)
International orgs: APEC; WTO; IOC; and other

Economy

Economy type: Capitalist
GDP: $576.2 billion (purchasing power parity)
GDP/real growth: 6%
GDP/sector: Agriculture (1.7%); Industry (30.9%); Services (67.4%)
Industries: Electronics; petroleum; armaments; chemicals; textiles; metals; machinery; cement; processed food; vehicles; consumer goods; and pharmaceuticals
Labor force: 10.22 million
Unemployment rate: 4.5%
Below poverty line: 1%

Chronology of Taiwan's Recent Political History

1945 Control of Taiwan shifts from Japan to the Republic of China (ROC).

1947 Taiwanese anger over ROC mismanagement explodes in the *2-28 Incident*.

1949 ROC president Chiang Kai-shek and his KMT party flee from the Chinese mainland to Taiwan because of the communist revolution, transferring the ROC's capital to Taipei as well as all state institutions. Martial law is imposed on Taiwan.

1950 The United States makes a strategic alliance with the ROC, guaranteeing the ROC protection from a communist invasion, at the outbreak of the Korean War.

1971 The ROC loses its seat in the United Nations.

1978 Chiang Ching-kuo becomes the ROC president, succeeding Yen Chia-kan who had served the remainder of Chiang Kai-shek's term following his death in 1975.

1979 The U.S. transfers its embassy from the ROC to the People's Republic of China (PRC), reversing the "one-China" policy in the PRC's favor.

The *Kaohsiung Incident* becomes a turning point in Taiwan's democracy movement, spurring on a unified opposition movement under the label "*Tangwai*."

1986 The first opposition party is founded, the Democratic Progressive Party (DPP).

1987 Martial law is lifted.

1988 Lee Teng-hui becomes the first ROC president of Taiwanese ethnicity.
1991 The first comprehensive elections are held for the National Assembly. The emergency decrees are withdrawn.

1994 James Soong is elected the first and only directly elected governor of Taiwan. Chen Shui-bian and Wu Dun-yi are the first directly elected mayors of Taipei and Kaohsiung cities respectively.

1996 Lee Teng-hui is re-elected president of the ROC in the first popular presidential elections in Taiwan.

2000 DPP candidate Chen Shui-bian becomes the first non-KMT president of Taiwan in a peaceful transference of power.

2004 Chen is re-elected president.

Introduction

This paper will familiarize the reader with Taiwan's democratization.[5] It provides a historical survey of the events and public policies that have contributed to Taiwan's democratic development over three time periods: the establishment (1940s to 1950s), growth (1960s to 1970s) and takeoff of the Taiwanese democracy (1980s to present).[6] Taiwan's transformation from strong state to multiparty democracy is important because it is the first "Chinese" democracy.

Establishment of Democracy

Control of Taiwan was transferred from Japan to the Republic of China (ROC) in 1945. Only four years later, ROC president Chiang Kai-shek and his Kuomintang (KMT) Party followers were forced to flee to the island because of the communist revolution, moving the ROC's capital and state institutions to Taiwan. Chiang vowed that this was a temporary relocation, promising to immediately retake the mainland and introduce gradual democratization. Emergency decrees and martial law were imposed to centralize power in the party-led state and prevent dissidence.

A communist takeover in Taiwan appeared inevitable. The United States made a strategic partnership with the ROC to protect it from falling to the communists at the outbreak of the Korean War in 1950. The partnership guaranteed the ROC military and economic aid, as well as recognition as the legitimate government of all Chinese people in international affairs. Chiang undertook policies to strengthen his hold on the island and bolster the ROC's possibilities of retaking the mainland, including local elections and economic growth. During this time, Taiwan's political development was influenced by the assurance of political stability, the spread of material prosperity and civic learning.

Beginnings of ROC Rule

Five different colonial powers have administered Taiwan over its 400-year history.[7] Taiwan was last a Japanese colony from 1895 to 1945. The efficient Japanese regime made noteworthy contributions to Taiwan: ramping up its agricultural productivity, upgrading its economic infrastructure, improving its literacy rate and education levels, and introducing democracy and local elections. The Cairo Declaration (1943) ordered Taiwan's return to China at the end of World War II on the basis of ROC president Chiang Kai-shek's wartime alliance with western powers and China's previous control of Taiwan for more than 200 years. The Taiwanese are predominantly Chinese in origin.[8] Most welcomed the reinstitution of Chinese rule and expected the island to be named a province. They were soon disappointed by the imposition of a military-led government. A Chinese Administrator-General, Ch'en Yi, was appointed governor-general and an initial 12 000 military personnel and 200 officers were sent to maintain order. They immediately undertook plans to 'de-Japanese' the island, replacing Taiwanese who had worked in cooperation with the Japanese regime with KMT loyalists and funneling the island's resources to the mainland. As Taiwan's economic well-being, public health standards, and social order deteriorated, tensions rose between the Taiwanese and Chinese mainlanders.

Frustration over the government's heavy-handed treatment soon erupted into violence. On 28 February 1947, soldiers publicly assaulted Taiwanese widow Lin Chiang-mai, whom they suspected of selling cigarettes on the black market, and subsequently shot a passerby who tried to intervene. Outraged by the military's abuse of power, Taiwanese demonstrated throughout the island over the next two weeks. The Taiwanese called for fundamental political reforms, such as Taiwanese representation in politics and immediate municipal executive elections, as well as sharp restrictions on military and police authority. The demonstrations sparked confrontations with police officers,

soldiers and civilian mainlanders. Chiang feared the overthrow of his military government and sent in troops and armed police to restore control. This violent altercation became known as the 2-28 Incident, a reference to the date it occurred, and remains symbolic of calls for greater ethnic justice.[9]

The ROC government initiated a two-pronged strategy for the administration of Taiwan after the 2-28 Incident: suppressing dissenters and rectifying abuses. Emergency decrees were enacted giving the government nearly unlimited power to suppress political opposition and punish those who challenged its authority. It exercised targeted attacks against its political enemies, whether community leaders, intellectuals or students, in an effort to prevent future uprisings. An estimated 20 000 to 60 000 Taiwanese died in these purges, successfully crushing any future attempts to mobilize and lead opposition movements.[10] The government also raised Taiwan to the status of a province, held elections for positions at the local level, and appointed some Taiwanese to top jobs in the government. Efforts were made to alleviate unemployment and many monopoly enterprises were sold. Ultimately, Ch'en Yi and his collaborators took the blame for the incident.

Relocating the ROC

Mao Tse-tung's Chinese communists captured the final regions of mainland China in late 1949 and established the People's Republic of China (PRC). Chiang concurrently announced the move of the ROC's capital to Taipei, Taiwan, on 7 December. Chinese mainlanders (1.5 to 2 million) followed Chiang, including approximately 600 000 Chinese soldiers. Both leaders purported to govern on behalf of all of China. In Taiwan, Chiang was defiant in his assertions that the ROC had not been defeated. To this end, he directly transferred the ROC constitution and all state institutions from the mainland to the island. Thus began a competition that would inform Chinese politics for years to come.

The ROC government argued that the communist threat warranted a concentration of authority in the presidency. Emergency decrees suspending the ROC constitution, transferring all government powers to the president, and forbidding the formation of new political parties, were extended indefinitely pending the defeat of the communists. Martial law was also imposed to give the government the power to scrutinize and exercise these powers at the grassroots level. These decrees and martial law, which remained in effect for over 40 years, all but eliminated legal avenues for mounting political opposition and became the source of increasing dissidence.[11]

Chiang controlled most of Taiwan's mass media and was adept when using vast resources to uphold allegiance. He purged almost 100 civilian and military leaders, further centralizing power squarely in his hands. Chiang used propaganda, and repressed dissent throughout his time in office. The suppression of opposition forces through political arrests and detentions continued until the 1970s, earning the name "white terror."

Gaining Allies and Protection

In the spring of 1950, Mao made plans for an invasion of Taiwan. Predicting a quick communist advance, the United States and other countries ordered the evacuation of its nonessential personnel. Frustrated by the regime's apparent incompetence and corruption, the U.S. had withdrawn from the ROC because the island was outside the American "defense parameter." However, international questions soon moved the US to reconsider the ROC's status.

With the outbreak of the Korean War on 25 June 1950, the US began fearing the fall of the ROC. A PRC capture of Taiwan posed a serious threat to sea lanes; alternatively a pro-US government on Taiwan would assist in containing communism. On 27 June, US President Harry Truman announced that the US would protect Taiwan against possible attack, sending the Seventh Fleet to patrol the waters

between Taiwan and China. This symbolic gesture effectively discouraged the PRC from a possible attack. In 1951, the US resumed giving economic and military aid to the ROC to maintain the island's loyalty. The US would give approximately $1.5 billion in aid from this time onwards until the mid-1960s. In the subsequent Mutual Defense Treaty (1954), the US promised the ROC protection in the event of an attack by the PRC. The strategic partnership with the US guaranteed the ongoing survival of the ROC regime. The financial assistance also gave the government an opportunity to pursue economic development, which affected Taiwan's liberalization.[12]

Chiang remained committed to his goal of re-establishing control on mainland China throughout the 1950s and 1960s. Chiang's strategy involved deepening his support among the Taiwanese and improving his reputation on the mainland and elsewhere. Chiang believed that patriotism, material prosperity, and an understanding of and respect for democratic institutions were prerequisites for democracy. He felt that propaganda, local elections and economic progress would serve as positive incentives to win over the Taiwanese and world community.

Implementing Local Elections

The ROC constitution promised elections for positions at the local level. This provision was immediately put into place as the KMT was keen to win the support of the Taiwanese.[13] Local elections promised to enhance the legitimacy of the ROC government and draw a sharp distinction between the ROC and PRC administrations. They gave local politicians name recognition and valuable experience, requisites by which they could advance in politics. Local elections also assisted in institutionalizing democratic politics, which could be applied to the central government gradually, once the Taiwanese people were "ready."

To begin, the ROC government re-commenced the elections for township representatives that had been instituted on the mainland in 1946. They extended these contests to township heads, city council members and city executives in 1950. The elections for the first Taiwan Provincial Assembly and village councils and executives were held the following year. Early on, these elections were manipulated and dominated by the ruling party through fraud, intimidation, the power of incumbency and official rules. It was not until the 1970s that opposition candidates started to win local offices and the authenticity of these contests increased. In the end, these reforms paved the way for the consolidation of the opposition forces.

Initiating Economic Growth

After the relocation of the ROC to Taiwan in 1949, the government made an about face and began prioritizing the island's economic development. It hoped that successful economic development would improve the regime's respectability. The government had two advantages: it was an outsider regime and had learned from past mistakes on the mainland. This gave it a certain freedom to undertake daring economic policy with the knowledge of past successes and disappointments in mind. Land reform and industrial policies were two of its important undertakings.[14]

Land reform is often cited as the most important example of the government's economic development strategy. Between 1949 and 1951, the government imposed a rent ceiling on land and began redistributing land seized from the Japanese to tenant farmers. The government ordered landlords to exchange any land in excess of three hectares for in-kind bonds and shares in government enterprises in 1953. The redistribution of these lands helped thousands of farmers gain small, independent land holdings. Agricultural productivity improved and production increased. This helped equalize the distribution of wealth, income and associated social status of the Taiwanese and mainlanders.

The ROC government also implemented a highly successful industrial policy. It first adopted an import substitution policy, favoring labor-intensive and light manufacturing, and later took steps to stimulate private enterprise, such as moves to transfer state-owned industries to private ownership. The ROC soon shifted to export-led development, turning into an export processing zone. Over the next two decades, Taiwan enjoyed the world's fast growing economy, fostering social progress in manifold ways and devolving power back in the hands of the Taiwanese (such as the rapid growth of a middle class, more openness, and an influx of Western ideas).

Growth of Democracy

International and domestic pressures intensified during the late 1960s and early 1970s, encouraging Taiwan's democratization. The ROC became increasingly isolated from the world community as the PRC emerged as an important strategic ally to the western world. The ROC's expulsion from the UN in 1971 and the withdrawal of the US from Taiwan in 1979 bolstered the united opposition forces' campaigns under the label of the "*Tangwai*."

The ROC undertook a pragmatic response to these challenges under the leadership of Chiang Kai-shek's son Chiang Ching-kuo: Taiwanese were integrated into the KMT party-led state, supplementary elections facilitated the promotion of Taiwanese and the island's economic engine was improved. Sources of Taiwan's democratic development during this period include shifting international pressures, the founding of civil society actors and increased public expectations of government.

Losing International Standing

The world community began welcoming the PRC back into the international fold in the mid-1960s. Sino-Soviet relations had cooled and the PRC had consolidated its grip on China. The PRC increasingly represented a large and strategically important partner for the western world. In contrast, the ROC was losing its international political capital and did not adjust to the Cold War's thawing, failing to liberalize and democratize. Canada was the first country to normalize relations with the PRC in 1970. While it refused to sever its ties to the ROC, many others did not. In fact, between 1968 and 1975, the number of countries with diplomatic ties to the ROC decreased by 38, while the PRC's count increased by 67.[15] A showdown over the ROC and PRC's international standing would take place in the United Nations (UN).

UN membership was considered important for legitimacy. Chiang was initially recognized by the international community for his role as the alliance leader in the Asian theatre of World War II. Portrayed as proto-democratic and proto-Christian, Chiang's ROC was given a seat in the UN and assigned a permanent seat in the Security Council. The ROC was entrusted with representing all of China in international affairs. Following the KMT's exile to Taiwan, the PRC and Soviet Union immediately began questioning Chiang's membership. In 1952, the General Assembly held its first vote on the matter, during which 88 percent of member countries turned down the PRC's request for recognition. The PRC would make gradual progress at Taiwan's expense in successive annual votes.

By 1970, the tide had turned in favor of the PRC and the US began encouraging Chiang to accept dual recognition. New members to the UN were sympathetic to the PRC and US-PRC relations had improved. The US withdrew its support for the ROC only a year later. Because its defeat seemed inevitable, the ROC announced its withdrawal from the UN only minutes before the General Assembly voted in the PRC's favor by a margin of 76 to 35. The ROC's expulsion from the UN also meant it lost its seats in UN-affiliated intergovernmental organizations, such as the International Monetary Fund and World Bank.

Changing ROC-US Relations

The relationship of the United States with the ROC became increasingly more distant. The US began reducing its military forces and installations on Taiwan and pursuing rapprochement with the PRC in the 1960s. US Secretary of State Henry Kissinger and President Richard Nixon's respective visits to the PRC in 1971 and 1972 are symbolic of intensified US-PRC relations. The Shanghai Communiqué (1972) established the two countries' shared aspirations and reversed the "one-China" policy in favor of the PRC. The ROC alleged that it had been abandoned by the US.

The ROC made significant efforts to maintain diplomatic relations with the US in the 1970s. However, these efforts were to no avail; US President Jimmy Carter announced that the US would break official ties with the ROC and recognize the PRC on 1 January 1979. Carter terminated the Mutual Defense Treaty and withdrew all US troops on Taiwan in four months time. Taiwan's expulsion from the UN and shifting US allegiances isolated the ROC from the rest of the world. This would serve as an important catalyst for protest on Taiwan and abroad favoring democratic reforms.[16]

Founding of the *Tangwai*

Emergency decrees forbade the formation of opposition parties, ensuring that the ROC remained a one-party state under the leadership of Chiang Kai-shek's KMT. The decrees granted the party-led state significant control over its military, education system and mass media, which it used to suppress opposition forces. Those who spoke out risked arrest, torture and execution on the basis of sedition.

Nonetheless, dissidents often sought out different tools to challenge the KMT. Mainlander Lei Chan and others established a magazine, "The China Fortnightly" (1949), which was largely critical of the KMT-ruled government. The magazine encouraged dissidents to work through existing electoral institutions to influence ROC politics and foster democratic development. They sought more opportunities for participation in the political system and better Taiwanese representation in government. Chan and others began making plans for the creation of the Chinese Democratic Party to compete in the 1960 local elections against the ruling KMT. However, Chan and his editors were arrested just prior to this announcement and neither the magazine nor the party survived.

Dissidents began using local elections to challenge the KMT in the 1960s. Most benefited from strong personal followings and made few efforts to jointly organize. It was not until the 1973 local elections that a group of dissidents again started jointly campaigning for city council. In the 1977 municipal assembly, municipal executive and provincial assembly elections, independent publishers Kang Ning-hsiang and Huang Hsin-chieh spearheaded a unified campaign for dissident candidates. The success of these campaigns gave hope to the collaborators, who soon became known as the "*Tangwai*" (outside the party), marking the emergence of a unified opposition force. *Tangwai* members included students, aboriginals and lawyers whose efforts for political, social and legal progress had previously been halted because of Chiang's firm grip on power.[17]

Transitioning Leadership and Initiating Reforms

Chiang Kai-shek passed away on 5 April 1975 at the age of 87. The death of Mao only a year later put an end to the personal duel between two political factions-turned-governments that had dominated China for half a century. Their deaths presented the ROC and PRC with opportunities to pursue change. In Taiwan, Chiang Kai-shek was soon succeeded by his eldest son, Chiang Ching-kuo (CCK), who was elected leader of the KMT in 1975 and president in 1978.[18] CCK was perhaps an unlikely reformer. He was not schooled in democratic tradition nor had he championed democracy during most of his political career. In fact, he was sent by his father to the Soviet Union during his

youth, where he joined the Communist Party and later married a Russian. Also, he had served in varying roles in the KMT government, including a stint as head of the Chinese Anti-Communists National Salvation Youth Corps, where he was responsible for suppressing dissent on college and university campuses. Nonetheless, CCK recognized that the KMT needed to shed its authoritarian rule to heal wounds in Taiwan, win international support and put pressure on the PRC to reform. He offered a pragmatic response to the crisis confronting the government.

As Premier, CCK realized that maintaining power on Taiwan had become the greatest challenge facing the ROC during the 1970s. He felt that increasing the integration of the Taiwanese into the party-led state would help it set down roots on Taiwan and foster better relations between Taiwanese and KMT. Thus, the government sought to identify and nominate a new generation of young and educated politicians and public servants. They were typically brought into leadership positions at the provincial level or below and promoted accordingly.

CCK also sought to expand opportunities for the Taiwanese to participate by opening contests for seats in the ROC's political institutions. The national legislatures had been transferred directly to Taiwan in 1949. Chinese mainland legislators elected in the 1946 Chinese elections assumed their seats and were frozen in office pending the ROC's takeover of mainland China. This had enhanced the power of Chinese mainlanders over the Taiwanese. CCK promoted supplementary elections as a means for improving and expanding the channels for political participation. In 1969, Chiang ordered the first supplementary elections for seats in the National Assembly, Legislative Yuan and Control Yuan. CCK regularized these elections in 1972, 1975 and thereafter. The KMT dominated these early elections because of its effective electoral machine and the opposition's lack of resources and stature. With the merger of opposition forces under the label "*Tangwai*", the opposition began launching successful challenges in the late 1970s. The promotions of Taipei and Kaohsiung as "special municipalities" in 1967 and 1979 respectively put them on equal footing with the provincial government and also served as fertile training grounds for the *Tangwai*.

CCK also intensified the regime's preservation through economic development. He invested heavily in a capital development model, which emphasized a full state economy, competent economic bureaucracy, ambitious industrial policy and equitable income distribution. Despite Taiwan's diminished international standing, its economy was not curtailed as foreign trade and tourism increased. Its GNP soared, averaging a growth rate of 8.8% from 1953 to 1984, and its income ratio between the highest fifth and the lowest fifth of households declined from 20.47:1 in 1953 to 4.40:1 in 1984.[19] The KMT took credit for Taiwan's economic miracle.

The Take-off of Democracy

Democratic transitioning became a KMT strategy after it suffered a series of embarrassments and failed to quell dissident voices in the late 1970s. The opposition forces employed a variety of protest tactics and pounced on the opportunity to create a political party, the Democratic Progressive Party (DPP). Chiang benevolently responded, announcing the lifting of martial law. State institutions were soon made subject to democratic contests, culminating in the election of the president in 1996. During the 1980s onwards, Taiwan's political development has been influenced by the fortification of opposition forces, a responsive and conciliatory government and transitioning to local and elected leadership.

Galvanizing the Opposition Forces

President Carter's announcement that the US would normalize relations with the PRC sent a shockwave through Taiwan. The opposition movement redoubled its efforts in

this tense atmosphere, using publications, demonstrations and elections to demonstrate its discontent. It established two opposition magazines in the summer of 1979, "The Eighties" and the "The Formosa Magazine". The latter quickly became the rallying point for the democratic movement. The radical Formosa faction wrote daring editorials and called for street-level protests. Electoral politics soon became the faction's preferred forum of protest and efforts were made to form an opposition party.

The Formosa faction sponsored a protest in Kaohsiung City commemorating International Human Rights Day on 10 December 1979. Thousands of participants campaigned against the lack of democracy and human rights on the island. Violence soon erupted as participants convened in the downtown square to find the exits blocked by riot police. Newspapers reported that more than 90 police officers and 40 civilians were injured in the incident, while the government claimed more than 180 police officers and a single civilian suffered injuries. The eight most prominent leaders were tried in military court and sentenced to terms ranging from 12 years to life imprisonment; 33 other participants were tried in civil court and sentenced to terms ranging from two to six years.

Reaction in the international community and among Taiwanese was particularly strong. In Taiwan, the crackdown on the Formosa faction only served to reinforce its commitment to political reform. The success of opposition candidates in the 1980 election suggests that the Kaohsiung defendants won the sympathy of the Taiwanese. In subsequent elections in 1982 and 1983, several wives and attorneys of the Kaohsiung defendants won the largest share of votes in their districts, becoming the opposition forces' newest generation of leaders. Thus, the *Tangwai* was becoming increasingly confrontational: magazines and protests were only two of the movement's new tactics. The conflict between the protestors and police officers became known as the Kaohsiung Incident and spurred on the opposition forces, as well as gave birth to a new cohort of leaders.

Leading and Conceding to Democratic Growth

Opposition forces intensified their lobbying for democratization and greater ethnic justice in the early 1980s. They were emboldened by electoral successes and the government's conciliatory tone, as well as a series of setbacks and embarrassments plaguing the KMT. As the vote share of *Tangwai* candidates increased, the formation of an opposition party appeared as a natural extension. A political party offered the *Tangwai* a permanent, organized vehicle to present activists and voters. In 1979, the Formosa faction opened its first service centre in Kaohsiung City to serve as a headquarters for demonstrations and grassroots organizing. In 1984, the *Tangwai* established the Public Policy Association to provide it with a full-time framework for building its grassroots support base and cultivating its leadership.

CCK became increasingly concerned with Taiwan's political development in this context. He understood democratization as part of a worldwide trend and as an important moral force. The gradual democratization of Taiwan offered the KMT an opportunity to vindicate its rule on Taiwan and unify China.[20] A new KMT central committee was formed in March of 1986 and was instructed to create a committee to study the initiation of political reform.[21] CCK raised the possibility of lifting martial law, ending the ban on new political organizations, subjecting the national legislative bodies to re-election and giving greater autonomy to local governments. CCK also decided that the time had come for contact and discussions with the opposition forces. Liberal KMT party members and *Tangwai* leaders agreed to the abolition of emergency decrees and martial law on 10 May 1986. The two parties failed to reach a consensus on the status of opposition political parties. Nonetheless, the committee's establishment and commencement of shared dialogue gave the opposition

Tangwai hope for additional political reform, while CCK promised continued gradual democratization.

Founding the DPP and Lifting of Martial Law

The offices of the "The Eighties" were closed after it featured an editorial challenging the *Tangwai* to form an opposition party on 19 May 1986. "The Formosa Magazine" was closed shortly thereafter and vocal opposition leaders were arrested. Protests sprung up widely against the ROC government. As the protests mounted, the idea of forming a political party became more popular. A successful coordinated election strategy for provincial and municipal elections in January 1985 unified the *Tangwai*'s various factions: all eleven of its candidates for Taipei City Council were elected, as were half of its candidates for Kaohsiung City Council, eleven of its Provincial Assembly candidates, and one municipal executive candidate.

A 'Committee for Organizing a Party and Carrying Out Its Construction' was soon struck, and activists spent the summer planning and strategizing. On 28 September, 130 *Tangwai* members met in Taipei to prepare for upcoming elections. A last minute motion for immediate action to organize a party was unanimously adopted, creating the Democratic Progressive Party (DPP).[22] The party promised to campaign for the protection of liberties, democratization, nationalism and social welfare programs. DPP leaders feared a swift reaction from the KMT for the illegal establishment of an opposition party.

CCK's ability to control the democratization process was put into question by the DPP's founding. The fallout of the Kaoshiung Incident suggested that the opposition forces could not be easily quashed. A hard-handed approach would also threaten CCK's legacy as a democratic reformer. However, allowing one opposition party to operate effectively meant the de facto transition of Taiwan from one-party to multi-party system. It would mean that opposition forces were effectively steering the island's democratization process. Only days later, CCK countered by announcing that martial law would be lifted once a new security bill was drafted and approved by the legislature.

A new National Security Act was enacted on 23 June 1987, removing many restrictions on parades and assemblies, so long as they did not advocate communism, Taiwanese identity or the overthrow of the constitution. The Act brought to an end the ban on new political parties. The DPP soon achieved legal status as an opposition party, competing in the first true two-party election in 1986. By the elections in 1989, there were nearly 40 competitive political parties. The Act also transferred supervision of the mass media from a military unit to a branch of Executive Yuan and routine censorship was lifted. Within six months of the end of martial law on 15 July, the number of newspapers had increased from 31 to 123.[23] Freedom of association and speech had returned to the island.

Transitioning to Taiwanese Leadership

Chiang Ching-kuo passed away on 13 January 1988 at the age of 77 years old. Lee Teng-hui succeeded CCK as ROC president in 1988 and KMT party chairman in 1989. Lee is an American trained professor of agricultural economics at the National Taiwan University and advisor to the Joint Commission on Rural Reconstruction. He entered into active politics in 1972, serving as minister without portfolio, mayor of Taipei and governor of Taiwan. Only four years after Lee's appointment to the powerful standing committee of the KMT, Lee was chosen by CCK as his vice president. Lee was a surprise choice to many because of his relative inexperience. His promotion was also significant because he is Taiwanese. Many questioned how the democratization process only recently undertaken by CCK would unfold under new and Taiwanese leadership.

Lee used reform initiatives to gain Taiwanese support and ward off potential dissidence within the KMT. Lee unveiled a compensation scheme for the voluntary retirement of

senior legislators and developed ground rules for multi-party elections to the National Assembly in 1989. These initial reform efforts made Lee popular among the Taiwanese and reformers in the KMT. However, a conservative non-mainstream faction of the KMT emerged prior to the 1990 presidential election. The faction lobbied that Lee's concessions marked an abandonment of the party's traditional commitment to political stability and Chinese nationalism. These were the first signs of fractures that would later split the KMT. Factions left the party to form the New Party and People's First Party in 1993 and 2000 respectively, which were significant political and spiritual defeats for the party.

Changing Taiwan's Political Institutions

Upon Lee's reelection to the presidency in 1990, he immediately hosted the National Affairs Conference on constitutional and political reform in June and July of 1990. Over 150 politicians, scholars, business and community leaders participated and the public was encouraged to send in comments. Lee's goal was to create a blueprint for the next stage of Taiwan's democratization that would be acceptable to all the major players. By the Assembly's end, points of agreement included: the ROC president, the governor of Taiwan and the mayors of Taipei and Kaohsiung cities should be popularly elected; the special powers vested in the government because of the communist rebellion should be discontinued; and that all seats in the National Assembly and Legislative Yuan should be opened. The Assembly's findings are important because they reflect an emerging consensus on democratic goals. Public pressure pushed for immediate action.

In an appeal launched by KMT and DPP legislators, the Council of Grand Justices ordered that senior legislators retire by 31 December 1991. The National Assembly responded by passing a constitutional amendment providing for elections for all seats in parliamentary bodies over the following three years. Elections for seats in the National Assembly were the first held in December 1991. The election results reverberated throughout Taiwan's political arena as the electorate repudiated the DPP's calls for independence. The DPP's policies shifted to more realistic and responsible solutions and the KMT's mainstream faction gained confidence in its ability to implement profound reforms without losing control.

Lee developed a new international relations strategy for the ROC. He declared the Chinese civil war over in May of 1991 and repealed the emergency decrees. Lee emphasized that the ROC and PRC had split China into two areas and that both were equal states. He said that the ROC would only reunify if there was democracy, freedom and equal prosperity on both sides of the Taiwan Strait. The ROC began pursuing a new strategy of "pragmatic diplomacy". It would forge official and unofficial ties with other countries and join international organizations, such as the United Nations, to raise the political costs of the PRC strong-arming the ROC. The ROC's peaceful democratization would be essential to its campaign for recognition. This bound the island to continue its efforts to democratize.

Holding Direct Presidential Elections

Early on, the newly elected National Assembly could not reach a consensus on presidential elections. Direct presidential elections were favored by Lee and the DPP, and an electoral college was preferred by many KMT members. Mass protests took place immediately after the government announced that any decision would be delayed until 1995. However, in April of 1994, the KMT Central Committee recommended the direct election of the president; presidents would serve four-year terms and for no longer than two consecutive terms. The National Assembly approved the Committee's recommendations in May, declaring that Taiwan's first presidential election would take place on 23 March 1996.

The first presidential elections were mired in conflict even prior to their beginning. The PRC began conducting missiles tests to intimidate the Taiwanese, firing missiles across the Taiwan Strait in July 1995. The Taiwanese stock market was jolted and lost a third of its value. In December, the US sent an aircraft through the Taiwan Strait to demonstrate its tacit support for the ROC's presidential elections and in hopes of cooling tensions between the PRC and ROC. However, soon after the presidential campaign formally began on 24 February 1996, the PRC announced another round of missile firings into the Taiwan Strait. Missiles hit the island's northeast and southeast's coasts, blockading traffic routes through Taiwan, from March 8 to 15. The US deployed an aircraft on March 8 and March 11 in response to the PRC's announcements that missiles would again be launched through March 12 to 20. After the PRC's third announcement of upcoming missile testing, the Taiwanese reacted with anger more than fear.

The PRC's threats rebounded in Lee's favor. On election-day, 76 percent of Taiwan's eligible voters exercised their right to select the country's head of state. Fifty-four percent cast their votes for President Lee. The election was a milestone in the island's political development and Lee's reelection was an endorsement of the democratization project. Taiwan's highest office was now accountable through direct elections.

Conclusion

In 2000, DPP candidate Chen Shui-bian was elected president of the Republic of China. Chen became politically active as a lawyer during the Kaohsiung Incident and was the first directly elected mayor of Taipei in 1994. He was now the first non-KMT Party member elected president. The peaceful transfer of power from the KMT to DPP brought Taiwan's procedural democratization to a close and opened up its consolidation.[24] Taiwan has a legitimate state apparatus, free and contested elections for the executive and legislative positions and governance according to the rule of law. It is now in the process of institutionalizing its democracy to ensure its sustainability over time.[25] Interestingly, Taiwan is the first "Chinese" democracy. Its democratic evolution remains important to understand not only for those interested in understanding democratic development, but also for those curious about the political future of East Asia.

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Notes

1 Shih Hsin-chuan, "Presidential Office Web site includes 'Taiwan'," *Taipei Times* 31 July 2005: 3.

2 Yun-han Chu et. al's "Halting Progress in Korea and Taiwan" details some of the strengths and weaknesses of Taiwan's democratic standing. Other insightful comparative articles include Joseph Wong's "Democratization and the left: comparing East Asia and Latin America" and Bum Suk Kim's "Democratic Development Process in Taiwan and South Korea."

3 Freedom House, "Taiwan," *Freedom in the World*, 18 June 2003, 11 Sept. 2005 <http://freedomhouse.org/research/freeworld/2003/countryratings/taiwan.htm>.

4 The Centre's initial case studies focus on the establishment of local elections and founding of the opposition party, the Democratic Progressive Party.

5 A variety of texts are available for readers with different levels of interest or knowledge. For example, April C.J. Lin and Jerome F. Keating's *Island in the Stream: a Quick Case Study of Taiwan's Complex History* is ideal for those unfamiliar with Taiwan's history, while Shelley Rigger's *Politics in Taiwan* provides a more thorough overview.

6 Taiwan's Government Information Office first coined these terms in its "The Story of Taiwan – Politics".

7 The Portuguese, Dutch, Spanish, French and Chinese have each staked claims on Taiwan.

8 See Chapter 1 of John F. Cooper's *Taiwan: Nation-state or Province?* for additional information.

Taiwan's population is made up of four major ethnic or sub-ethnic groups: the Aborigines (2%), two groups of "Taiwanese" Chinese, Fukienese or Hoklo, and Hakka (86%), and Mainland Chinese (14%). Those Chinese arriving on Taiwan in 1949 (or after) are referred to as Mainland Chinese.

9 President Lee Teng-hui apologized for the clash on 28 February 1996. The Legislative Yuan designated 28 February as a memorial day in February 1996 and Taipei mayor Chen Shui-bian renamed a downtown park 2-28 Peace Park in honor of the lives lost.

10 Andrew Lin, "Going Global: Finding a 'Place' for Taiwanese National Identity," *Metis Vita* 4 (2004): 80.

Lin reports that the estimates of the number of deaths varies; conservative estimates hold the death toll between 20,000 – 30,000 people, while some scholars would put the death toll closer to 50,000 – 60,000. A census conducted in 1953 showed that in the wake of the massacres, almost 100,000 people were reported missing.

11 Taiwan has the distinction of having the longest period of martial law in modern history. Martial law was declared in the aftermath of the 2-28 Incident to suppress communist and pro-democracy activities on the island and was not lifted until 1987.

12 Yu-Shan Wu's "Marketization of Politics: The Taiwan Experience" provides interesting insight into the relationship of Taiwan's market successes and its democratization.

13 Dorothy J. Solinger discusses the impact of election experience on democratic transitioning in her article, "Ending One-Party Dominance: Korea, Taiwan, Mexico."

14 Hilton L. Root's "What Democracy Can Do for East Asia" sheds light on the experiences of Taiwan's booming egalitarian economy.

15 Denny Roy, *Taiwan: A Political History* (Ithaca: Cornell University Press, 2003) 132.

The Republic of China on Taiwan is currently recognized by only 25 countries.

16 Denny Roy's *Taiwan: a Political History* describes how international affairs has shaped Taiwan's democratic development.

17 Yang Pi-chuan's *The Road to Freedom* details the history of Taiwan's democratic movement.

18 Yen Chia-kan served the remainder of Chiang Kai-shek's presidential term following his death on 5 April 1975 until 20 May 1978.

19 Yu-Shan Wu, "Marketization of Politics: The Taiwan Experience," *Asian Survey* 29.4 (1989): 384.

20 Tse-Kang Leng's *The Taiwan-China Connection: Democracy and Development across the Taiwan Straits* describes the influence of Taiwan and China's relationship on their political developments.

21 14 of 31 members of the KMT's new central committee were now Taiwanese.

22 Shelley Rigger's *From Opposition to Power: Taiwan's Democratic Progressive Party* is the most thorough source of information on the history of the DPP.

23 For additional information on the media's transformation, please see Winberg Chia's "The Transformation of the Mass Media in Taiwan Since 1950: Introduction."

24 For a relevant exploration of democratic theory, please see Larry Diamond et. al's *Consolidating the Third Wave Democracies*.

25 Joseph Wong's "Deepening Democracy in Taiwan" provides insight into recent public policy transformations in Taiwan associated with democratic transitioning. Yun-han Chu's "-Taiwan's Year of Stress" describes the recent political agenda of 2004.

Slow and Steady: Local Elections and Taiwan's Democratic Reform 1946 to 1977

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> An understanding of elections, and in turn, of the democratic processes as a whole must rest partially on broad differentiations of the complexes of behavior that we call elections.
> -V.O. Key. "A Theory of Critical Elections"
>
> ***Democratic transition in Taiwan has been an election-driven process.***[1]
> - Hung-mao Tien & Tun-jen Cheng. "Crafting Democratic Institutions"

Introduction

Democracy is one of the most contested concepts in political science, and often has normative connotations. As such, any assessment of a transition[2] to democracy will necessarily leave room for debate regarding the democratic status achieved by a particular country. Robert Dahl contends that there is a functional or procedural definition of democracy which consists of certain institutions and processes that must exist at some minimum level for a country to be considered democratic.[3] Therefore, we can assess the degree to which a nation is procedurally democratic and detach that from the concept of democracy in the normative sense.

One of Dahl's indicators of a democracy is the existence of free and fair elections. As this case study will discuss, the establishment and gradual expansion of Taiwan's local elections system goes hand-in-hand with its transition from what was essentially an authoritarian territory to what is largely considered a democratic success story today. Democratic reformers in Taiwan were able to use local elections to their advantage. Independent opposition candidates became familiar with the democratic process through elections for local government offices, and as the democratic movement grew stronger in Taiwan, opposition candidates were able to use their power to push for expanded access to government, the creation of a national opposition party, and ultimately free and fair elections for the National Assembly and the Presidency. Taiwan's transition to democracy was therefore largely assisted by the existence of local elections and the degree to which the electoral process was successful in allowing members of the democratic reform movement access to government.

While, for the sake of analysis, the democratic institutions required for a procedural democracy can be detached from the more normative conceptions, in reality, there would appear to be a very complex interplay between these procedural institutions and a population's commitment to democratic ideals. In Taiwan, political participation through local elections helped to instil a democratic ethos among the Taiwanese people. The institutions helped to bring dissenters together and shape expectations, attitudes and understanding among the Taiwanese people, who, in turn, went on to help shape and expand those same insti-

tutions. In tracing the history of this procedural element of democracy from its incipient stages at the local level, one can begin to understand the remarkable shift in perceptions that has led to an entrenchment of democratic values in Taiwan today.

The Importance of Elections to Democratic Transitions

There are various democratic indicators that can be used to assess democratic progress. For instance, Freedom House's "Freedom in the World Survey"[4] quantitatively measures democratic attainment using various indicators grouped into broad categories of political rights and civil liberties. Civil liberties encompass values such as freedom of expression, belief and association; political rights encompass procedural measures such as the ability to participate in free and fair elections.

By most measures, an element of democratic progress includes a transition country allowing its citizens to participate in meaningful elections in which representatives are elected to the highest echelons of representative political office. Dahl argues that representation is an essential element of a democracy, and to have democracy in a meaningful sense, political institutions must be established and entrenched that facilitate this representation. Dahl points to elections (among other political and civil rights) as a necessary component of representation.[5] For elections to be considered democratic, they must allow for some degree of the following elements: dissent towards the government without fear of serious reprisal; power over determining national policy to be "constitutionally vested in elected officials"; the practice of free and fair elections with limited coercion of the electorate; and a franchise that allows practically all adults to vote for their representatives and also allows citizens a chance to run for elected office.[6]

In Taiwan, the evidence of democratic reform resulting from elections is clear. As Hung-mao Tien notes, the imposition of authoritarian, quasi-Leninist rule by Chiang Kai-shek's Nationalist Republic of China (ROC) government in Taiwan took place in 1950. Within 46 years, limited local elections had been expanded to provincial elections, then to legislative elections at the national level and finally, in 1996, to the presidential elections.[7] Democratization in Taiwan was achieved largely though the electoral process, which allowed democratic reformers to voice dissent legitimately.

Local Elections in Taiwan: An Overview

A series of democratic changes between 1945 and 1996 took Taiwan along a path towards democratization, culminating in the transition of power to the opposition party (the Democratic Progressive Party or DPP) in the 2000 presidential election. Although severely restricted and tampered with by the government of Chiang Kai-shek at their outset, local elections granted practically a universal franchise to Taiwan's citizenry which democratic reformers used to expand their influence within the government over time. Despite the fact that the ROC's political partisans (The Kuomintang or KMT party) dominated local elections for decades, the citizens of Taiwan were able to become familiar with the process of voting and electing local officials, which subsequently engrained the importance of an electoral timetable and instilled some expectations for governmental accountability within Taiwanese political culture.

As democracy emerged as a value within civil society through the 1960s and 1970s, local elections were used as a tool to push democratic reform through legitimate and peaceful means. Until the expansion of Taiwan's electoral system in the late 1970s, local elections remained the only sanctioned forum for political dissent in Taiwan. Local elections were initially established by the ruling KMT

to legitimate its governing status and consolidate its political support, both domestically and internationally. The KMT largely determined winning conditions by maintaining a significant degree of control over the electoral process. However, through top-down measures controlled by the KMT, democratic institutions and electoral measures were expanded over time. Nobody could have predicted where these controlled votes at the local level could lead, or how fast the changes would be, once the political system in Taiwan had begun to creak open.

This gradual democratic expansion resulted in increased accountability of the ruling KMT as well as the expansion of meaningful voter representation. Contemporary supporters of both the DPP and the KMT have suggested that there was a certain momentum to the election of opposition candidates; it was only when a greater number of non-KMT candidates were elected that the electorate truly began to believe that these politicians, who were outside the state party, could have the capacity to effect change. This gradual and emerging belief led to increased support for opposition candidates, further emboldening those in opposition to push for democratic change. A watershed election in 1977 propelled the opposition movement into serious political contenders, and with the gradual opening of the electoral system over time, the electoral reform process culminated in free and fair elections for the presidency in 1996, with a transfer of power from the KMT to the opposition (DPP) occurring in 2000.

Although local elections were dominated by the authoritarian KMT for decades, the opposition movement grew largely because of the access to government that local elections allowed independent candidates. In turn, the independent opposition (non-KMT) candidates used their positions within local governing bodies to voice dissent and push for greater access to higher government positions. And when elections for positions in the National Assembly and ultimately for the presidency were opened up, democratic reformers were able to take advantage of the experience they had gained in running for office at the local level and, in many instances, to run strong and successful campaigns. Local elections were an essential precondition for democratic reform in Taiwan, as they encouraged meaningful and legitimate avenues for political dissent in Taiwan. Thus, as conditions for democratic reform (such as economic and social liberalization) became more widespread, and contestable elected positions were expanded after 1977, opposition candidates were able to use their experience in local government to run successful and co-ordinated campaigns based on national policy issues, and advocate for further democratic reform. Moreover, local elections created a voting culture in Taiwan with an electorate that maintained a respect for the democratic process.

Colonial Influence: Japan and the Establishment of Limited Local Elections in Taiwan

To understand development, you have to understand tradition.[8] A significant component of Taiwan's history - or tradition - is of foreign rule and a lack of political freedom, both of which have been a major force in shaping Taiwanese development. Between 1895 and 1945, it was Japan that maintained Taiwan as a colony and, like their predecessors, helped to shape Taiwanese society.[9] Although one might not expect colonization to play a role in democratization, during the period of Japanese colonial occupation in Taiwan, limited local elections took place and also provided many Taiwanese with the experience of voting. According to analysis by Shelley Rigger, the Taiwanese democratic reform movement has its beginnings in the first significant movements for greater local autonomy, beginning in 1918 as a quiet resistance to Japanese control of Taiwan.

Various student and youth groups were inspired by the messages of Woodrow Wilson, calling for national self-determination and greater accountability for human rights standards. By 1921, the Taiwan Culture Society was created, which advocated for a Taiwanese Parliament to be used as a check on the authority of the Japanese colonial administration. The Taiwan Culture Society was successful in collecting approximately 17,000 signatures advocating for the creation of a Taiwanese Parliament between 1921 and 1934. By 1927, the Taiwan Culture Society had fragmented into several smaller groups; however, calls for home rule persisted on a smaller scale.[10] Ultimately, the Japanese administration established local elections by 1935, which were the first instances of political participation through elections for Taiwanese citizens.

Rigger argues that the Japanese colonial administration developed local elections as a means to divert reform movements from advocating for a separate Parliament to work within the existing administration, thus "reward[ing] elites who took a local rather than island-wide perspective, and… diminished incentives to join a united opposition." And although voting was severely restricted and many local positions remained appointed by the central administration, "regular, peaceful political participation" occurred, and by 1939, over 300,000 Taiwanese were registered voters.[11] The elected local officials held very little power in comparison to the colonial administration and the franchise was limited to men with certain wealth and age restrictions. The offices of local officials were constrained and they dealt mainly with practical matters such as the discussion of local budgets, limited tax raising measures, and certain administrative issues.[12]

Lasting Institutions: The Japanese Electoral System in Taiwan

In 1945, after approximately fifty years of colonization, Taiwan was returned to China following the defeat of Japan in the Second World War. Then, in 1949, after its defeat on the Mainland to Maoist forces, the Nationalist Party of the Republic of China (ROC) withdrew to Taiwan and established its national government on top of existing provincial and local governments.[13] Members of the ROC government's central bodies continued to serve in their positions in Taiwan and claimed to continue to represent all of China.[14] The ROC continued its rule over Taiwan for another fifty years through the KMT's domination of Taiwan's political process.

The KMT built its government on top of existing political institutions; they were inclined to use local elections to their benefit to co-opt local elites and attempt to secure their authority and legitimize their outsider regime. Since the system of local elections was built using a Japanese model, they reflected certain peculiarities of the Japanese electoral system. The Japanese established an electoral model for local offices called the single non-transferable vote (SNTV) system, in which each citizen in a given electoral district has one vote, but districts elect multiple members.[15] The ROC incorporated the main elements of SNTV initiated by the Japanese, although they expanded the franchise universally for local elections and all positions were to be contested rather than having a certain percentage appointed by the government, as occurred under the Japanese system. This represented something of an anomaly under an authoritarian regime, in which elections are rarely legitimately contested at any level.[16]

Building on top of the existing Japanese system resulted in the continuous practice of electing local officials, but on a much larger scale. At the same time, many local elites who had gained some degree of power under the Japanese system remained political actors under the KMT regime.[17] The KMT was able to achieve success by co-opting these local elites to run as their candidates for local offices. The KMT encouraged competition between local elites within each electoral district by offering them political favours in return for loyalty to the KMT and the govern-

ment.[18] This system of patronage benefited the KMT under the SNTV system; it discouraged local elites from forming opposition parties or groups because several candidates were elected from each district. Therefore, local elites would compete against each other for KMT favouritism rather than against the KMT. The extent to which the fact of one-party rule was engrained in the consciousness of the Taiwanese people and the reality of the political process at this time cannot be understated. The KMT was the only party with any viable power and as such was the only party that, many believed, could offer any real opportunity to effect societal change, or provide a true choice for the electorate.[19]

The concept of an emerging "competition" at the local level during this period should also be viewed within the context of a deeply engrained system of one-party rule. Given the limited nature of the choice available, the bulk of the electorate would not even necessarily mentally equate "voting" with "democracy". Rather, it was likely not until years later, after many societal controls had been lifted, that voting would come to be equated with the truly democratic conception of electoral "choice."[20]

A Constitutional Dilemma: The Right to Vote?

Sun Yat-sen is recognized as the founder of the Nationalist movement in China. Sun Yat-sen also developed constitutional principles describing democracy as an eventual goal.[21] The ROC Government adopted these principles, which became part of KMT doctrine in Taiwan. Rigger presents the following analysis of the implications of the ROC constitution to democracy in Taiwan:

"The constitution of the Republic of China is rooted in Sun Yat-sen's three principles: nationalism, democracy and social welfare. In theory, then, the ROC state is a democracy. In practice, however, both in Taiwan before 1996 and on the Mainland before 1949, many of the constitution's democratic provisions were ignored or overridden by emergency decrees." Thus, the ROC state and Taiwan existed as "a system democratic in theory but authoritarian in practice."[22]

Thus, the existence of democratic principles as outlined in the constitution and the promise of democracy as an eventual goal presented a problem of legitimacy for the KMT, both domestically and within the international community. Local elections were implemented by the KMT as a tool to demonstrate a certain degree of electoral openness while at the same time maintaining its heavy-handed control over Taiwan. The KMT stalled on its constitutional commitments, citing justifications of the rising Communist threat on the Mainland to institute martial law,[23] while still maintaining that democracy would be brought to the island through what can essentially be described as a benevolent dictatorship.[24]

On May 20, 1949, martial law was formally instituted by Chiang Kai-shek. The KMT constitution was suspended to allow the government to subvert democratic opposition movements effectively until the end of martial law in 1987 – but with diminishing success.[25] Importantly, the adherence to a goal of democratization in the KMT constitution created a sentiment among the electorate that democracy could be attained over time. Although it seemed that in many instances the KMT was reluctant to follow through on its democratic goals, the creation of local elections resulted in an expectation that free and fair elections would be expanded over time, and this became a rallying cry that would develop in reform movements over time.

The lip service paid to constitutional and democratic principles created a measure of respect for these ideals within the electorate, and therefore, some ideal of limited government became valued, even if at a basic level, by Taiwan's political culture. Additionally, although most political freedoms were severely restricted, the KMT chose to

undertake measures to weed out state corruption, create mass education programs, and allow certain religious freedoms as well as tolerate academic debates about politics.[26]

The KMT chose to tie local elections into the ethos of constitutionalism, thus creating an electoral culture grounded in the principles of constitutional governance at some minimum level.[27] When the KMT instituted local elections, the party exploited Taiwanese desire for home rule. Rumours began to spread that elections at the executive level would eventually be opened up. However, the KMT was able to dodge the issue with the imposition of martial law in 1949 following the Maoist uprising on the Mainland.[28] There would be a constant tension in Taiwanese politics "between democracy and dictatorship" for years to come.[29]

Local Elections under the KMT: 1946-1971

The first limited local elections under the KMT took place in 1946 with elections to the Provincial Consultative Assembly, in which approximately 1000 candidates contested 30 seats. Since at this time the ROC controlled the whole of China and Taiwan was a province within the ROC, the Provincial Consultative Assembly served as a means for Taiwan's representation on the Mainland. The consultative assembly had no formal legislative authority, but it became a forum for voicing dissent towards the provincial administration.[30]

As noted above, the home rule movement had a relatively strong history in Taiwan and had significant importance to the Taiwanese public. Beginning in 1946, the KMT sought to tie into this movement and allow elections to take place at the local level, that is, for positions at the county, municipality (excluding mayoral positions in major centres such as Taipei), county municipality, borough, and neighbourhood levels. In 1950 (one year after the imposition of martial law), fuller elections took place with balloting and direct elections occurring for these positions with voting rights granted universally to Taiwan's electorate.[31] Ultimately, by manipulating the home rule movement, at the political level, the KMT sought to "infiltrate Taiwan's society and to expand its party network."[32]

However, the elections at their outset and for several decades to come were hardly free and fair. So, by Dahl's measurement, Taiwan's early electoral system could not be classified as democratic. Contemporary academics have mused that corruption and bribery were commonplace.[33] Evidence from critics at the time also found a number of voting irregularities and voter intimidation at the polls, as well as the engineering of electoral outcomes to suit the KMT agenda. For example, Denny Roy points to an example of a high profile candidate standing for election in 1956. Hsu Hsin-Chih was a popular independent candidate who would have likely defeated his KMT opponent for the position of Taoyuan district magistrate. However, on the day before the election took place, Hsu was called to mandatory military service by the state, and thus removed from contention. However, even though such measures did occur, the KMT was prepared to 'tolerate' some electoral success of independent candidates, and many electoral successes were achieved under this system with independent opposition candidates winning roughly 1/4 to 1/3 of eligible local government seats over several elections.[34] Therefore, "the regime's approach facilitated the KMT's dominance over the important political issues and thus protected the core KMT agenda, while demonstrating that the government would permit a measure of pluralism."[35]

At the same time, however, local elections were meaningful at many levels. Actual access to power could be achieved by opposition candidates, which is contrary to the concept of elections held under comparative authoritarian or Leninist regimes.[36] Importantly, local elections continued on an essentially uninterrupted timetable, pro-

viding the Taiwanese electorate with a consistent way to participate in political life. Although early elections had little to do with actual issues, they served a useful democratic purpose by allowing citizens to gain experience in casting a ballot on a regular schedule.[37] As evidence of this importance, voter turnout was consistently in the 80% range for the most important contests.[38]

The Importance of Local Elites

As observed by the Japanese, Taiwan's local leaders wielded significant authority within Taiwanese society. Local gentry and landlords acted as a conservative, stabilizing force in Taiwan's rural areas, while business leaders maintained a similar role within Taiwan's urban centres. The KMT recognized this, and used local elections to bring these local elites into the governing party by offering them various favours that would benefit them financially and in reputation. The KMT was then able to use rural elites to implement a series of land reforms and business elites to undertake economic reform to enhance Taiwan's economic development, while maintaining political stability at the same time. Throughout its development, Taiwan maintained a relatively successful economic growth policy, and thus continued to benefit from the support of local elites.[39]

Because the KMT was essentially an outsider regime from the Chinese Mainland, it was concerned with establishing and maintaining its legitimacy in Taiwan. The KMT would use local elections to gain the support of local elites and local factions by offering favours in exchange for party loyalty. More than simple payoffs, the KMT implemented a sophisticated system of patronage to reward these individuals for their loyalty. For rural elites, the KMT provided favourable agricultural loans and created national land policies that benefited landlords. For business elites, the KMT offered contracts for government services, including the control of natural monopoly corporations like transportation, cooperative banks, and gas corporations. Elites were offered positions within local government bodies to enhance their economic and political interests in exchange for partnership with the KMT.[40]

The KMT practice of co-opting local elite into the party and into the political process would frequently extend to Taiwan's youth, via the school system. Up until the late-1980s, each campus would have a military training cell as well as a 'KMT club' that most bright, young people would join. Chiang Ching-kuo was himself head of the 'KMT Youth Elite', and it was suggested by former student activist Jou Yi-Cheng that almost everyone who joined the KMT party in the 1980s had served in the youth organization.[41]

The creation of a system of patron-client relationships with local elites allowed the KMT to ensure that, "with time, both the political and economic interests of local elites became intertwined with the regime, bolstering its legitimacy."[42] By co-opting local elites, the KMT was able to sideline opposition candidates from power, while at the same time expanding its influence and power at the local level, thus enhancing the regime's stability.

In addition, the KMT pitted rival factions against each other to compete for KMT candidacy, rather than against the KMT itself.[43] Because local elites wanted to gain access to KMT power networks, they would be encouraged to compete against rival elites to demonstrate who was the most loyal to the KMT in order to win nominations. As the Taiwanese economy grew throughout the 1960s, the business elite began competing more often for KMT nominations, in order to facilitate their economic interests. The state remained powerful enough, for a time, to keep business elites in check and maintain its political authority. However, as Taiwan's economy became increasingly successful, economic liberalization measures would eventually challenge this relationship.[44]

More than co-opting local elites, the state was initially successful in bringing social movements within the KMT

fold. The KMT restricted dissent and punished organizations that opposed its rule outside of the sanctioned local elections system, and incorporated societal groups such as labour, student organizations, professionals, farmers, state employees and journalists within the KMT party structure.[45] Thus, if one wanted to participate in social organizations, in most cases, access could only be achieved through participation within the party, allowing the KMT to control virtually all sectors of civil society.[46]

The KMT was particularly successfully in co-opting the various aboriginal groups into the party structure. Throughout KMT rule, the state party could expect political support, at all levels of government, from well over 90% of the aboriginal population. In interviews with two aboriginal elite, it was suggested that the level of control enjoyed by the KMT during this time was the result of: the entrenched system of political patronage, KMT policies that sought to improve the living conditions of aboriginal people, and the simple fact that, for many years, the party was the state – any rapid change could only be effected through the vehicle of the state party.[47]

The Role of Opposition Movements in Local Elections

The KMT banned organized opposition parties and therefore, at the outset of local elections and continuing through the 1950s and 1960s, few independent candidates posed a serious challenge to the KMT's hold on local governing institutions. Non-KMT candidates were forced to run as independents and only on local issues, as formal opposition parties were banned by the KMT. Independent local candidates could not be connected to a larger opposition movement and could not run on national policy issues. Therefore, criticism of the government had a difficult time gaining momentum and the mobilization of the electorate around national public policy issues was essentially impossible.

Furthermore, non-KMT candidates were at a severe disadvantage because they could not engage in illicit practices such as vote-buying or offering political favours because the KMT maintained a monopoly on political power. Additionally, because independent candidates could not organize, they lacked the resources to mount effective campaigns. Although independent candidates were at a significant disadvantage, candidates did attain significant measures of success in many cases. For instance, throughout the period of 1959 to 1971, independent candidates won approximately 25-33% of the total of local government seats in each election.[48]

Furthermore, the KMT effectively outlawed all critical political demonstrations. In what came to be known as the February 28 Incident, in 1947, KMT forces brutally repressed a protest by Taiwanese dissidents, killing a number of protestors who clashed with security forces. The KMT banned further protests because of its fear of future uprisings and social unrest, and insisted that local elections would be the only legitimate means to oppose the KMT.[49] This measure limited popular protest; however, it institutionalized and legitimized dissent within Taiwan's electoral process.

KMT policies would thus unwittingly serve to consolidate many of the diffuse voices of social and political activists, through the vehicle of local elections. The life experience of Minister Yao provides an interesting example of the unintentional impact of KMT policies in this regard. Before becoming a political leader in the1970s, Yao Chia-Wen had little interest in "democracy," but rather was engaged in issues of social justice. The only way to speak openly, however, was to volunteer during election campaigns, where a small amount of free speech was permissible. Yao saw, at the time, that the only way to effect social or legal change was through the limited venue of local politics. The future Minister, and many of his peers, would come together through local elections, to advocate for changes within Taiwanese society.[50]

Local elections thus provided avenues for political reformers to gain experience within the Taiwanese political system, and although they did not possess a significant degree of authority initially, as the democratic reform movement gained strength over time, the experience gained by local candidates enabled the reform movement to achieve significant electoral victories in subsequent elections for higher offices. Opposition movements were not able to make many inroads into the public policy domain throughout the first two-and-a-half decades of local elections under the KMT. However, beginning in the early-to-mid 1970s, calls for democratic reform became louder, and as independent candidates became increasingly successful over time, increased electoral participation was observed. Thus, the democratic reform movements were able to expand their influence using local elections based on the recognition that "elections provided a consistent and relatively safe mechanism for expanding their influence."[51]

Although elections were limited to the local levels of government and were dominated by the KMT, it is important to note that even in their early stages, local elections played a considerable role in democratic reform in Taiwan. Elections, even if limited to the local levels of governance, have the effect of "familiarizing citizens with the concept of a participatory political culture."[52] Local offices had significant importance for the Taiwanese public. Through control of these offices, Taiwan's electorate was able to shape public policy on certain levels, including the ability to maintain local security forces and direct elements of local welfare systems.[53]

Local elections were initiated by the KMT and sold to the electorate as a step towards gradual democratic expansion. As a ruling party with authoritarian status, the KMT dominated the electoral process and used elections as a means to consolidate its power at the local level. Local elections did not significantly affect the KMT's political dominance initially; however, the gradual opening of higher political offices to elections over time (particularly in the 1970s and 1980s) resulted in increased organized competition for the KMT in subsequent elections. Ultimately, electoral experience "provided opposition forces with institutional channels for organizing the people and promoting political socialization."[54]

International Pressures: 1970s and Beyond

As democratic and electoral reforms were being called for internally, external pressures also began to mount. International forces would come to influence the pace and content of democratization in Taiwan by encouraging electoral reform and emboldening the opposition, in a host of different ways. First, throughout the 1960s and 1970s, Taiwan began to fall out of favour with the international community, losing its seat in the United Nations, losing official recognition with the United States and having its diplomatic relations with Japan cut off. [55] As the ROC became increasingly diplomatically isolated, the KMT was forced to turn inwards to gain greater support from the Taiwanese people; Bih-jaw Lin, a professor of diplomacy at National Chengchi University describes this period as one of intense soul searching for the Taiwanese.[56] In an effort to bolster its international standing, the KMT also sought to demonstrate to its foreign allies the differences between the ROC and the Mainland Communist regime. Elections were thus used for posturing within the international community to distinguish the "democratic" China from the Communist China.[57]

Opposition members were provided with further impetus for change in the 1970s and 1980s, as many reformers returned to Taiwan, armed with foreign educations and a host of fresh ideas on liberal democracy and its interplay with the electoral process. Travel between Taiwan and the Mainland in the 1980s for more economic purposes would also serve to reinforce a democratic ethic among the Taiwanese; as Taiwan's citizens were able to compare their

communities with those on the Mainland, they allegedly gained a greater appreciation for the differences and a stronger sense of wanting to solidify their choice in government.[58]

The Rise of the Opposition Movement: 1971 to 1977

Although throughout this period, local elections were dominated in most cases by the KMT, the possibility of gaining incremental victories in some high profile electoral contests encouraged opposition politicians to work within the existing political system to push for democratic reform. Independent candidates began to be respected by the Taiwanese electorate, and their influence was enhanced through subsequent elections. Local elections, therefore, had further unintended consequences for the KMT, in which momentum from the successes of independent candidates pushed the KMT to adopt greater measures of democratic reform.[59]

As local elections continued through the 1970s, they became engrained within the political consciousness of the Taiwanese, making it very difficult to cancel elections even as opposition candidates became more successful over time. An electoral calendar became part of the Taiwanese political process as early as the Japanese occupation, and created an expectation among the Taiwanese citizenry for regular elections. Additionally, KMT candidates and local elites increasingly relied on their electoral success to gain patronage, and thus would also be troubled if electoral access were reversed. The KMT was, essentially, stuck with the system it created.[60] Furthermore, martial law and political restrictions began to be questioned over time. The existence of democratic principles within the KMT constitution - and the promise that they would one day be fulfilled - rang increasingly hollow to the electorate as the decades passed.

Each passing election increased the calls for democratic reform as participation became increasingly valued both by the KMT and opposition movements – by the KMT to maintain control through the continued co-option of local elites, and by the opposition movements through the enhancement of the reform message as well as the desire for increased representation. Thus opposition candidates were able to rally around the unfairness of local elections and push for greater access to higher positions and to encourage various democratic reforms. Despite periodic government crackdowns of dissidents, the scope of contestable elections expanded over time.[61]

Social movements also gained strength through the 1960s and 1970s. Resistance to KMT policies grew on several fronts, including opposition from business groups, political reformers, various magazines, environmental groups, as well as several other social organizations. These organizations were able to use the experience gained through local elections to mount campaigns and run candidates supportive of their causes. Although the candidates remained independents and were isolated and disbursed throughout Taiwan, these efforts constituted the first instances of an organized opposition within the electoral system. So, as the KMT used local elections to subvert and suppress opposition movements, and as these movements gained strength, they learned to utilize elections in their favour. Therefore, "the state, confronted with the challenges and pressures of political democratization, economic liberalization, and social movements, lost considerable control over society."[62]

With the death of Chiang Kai-shek, his son and successor, Chiang Ching-kuo, pushed through certain reforms dealing with good governance such as anti-corruption measures, and economic liberalization through the early 1970s.[63] With increased pressure to reform, the KMT experienced a legitimacy crisis throughout the 1970s. As economic prosperity increased, so did calls for increased

market liberalization. Changing socio-economic trends such as increased living standards, greater access to education, and mass communication increased calls for social openness, civic participation, and ultimately democratic reform. As growing middle classes began to mobilize, a gradual undermining of KMT authority occurred. The KMT had to undertake democratic reforms to maintain its legitimacy by expanding electoral contests to certain provincial and national seats in 1972.[64] It should be noted, however, that at the time, the KMT maintained a strong grip on the electoral system, and also was well positioned to contest and win in elections at any level due to the support system it had created for itself over the decades it remained in power.[65]

Co-opting local factions was an effective strategy to win elections at the local level. However, as elections began to open up for wider contests across regions and competition widened to the provincial and national levels of government, this strategy proved less effective for the KMT. Opposition movements began to campaign on broader issues, became increasingly organized and connected, and would be able to appeal to increasingly larger bases of support. Campaigns dealing with regional or national issues would decrease the relevance of local factions, and patronage would have less of an effect. An essential dilemma for the KMT was its use of repression and accommodation in terms of democratic movements, in which too much of either method of control posed a threat to the KMT's legitimacy. Ultimately, this dilemma would cause the opposition to make significant inroads to political control.[66]

A Critical Election: The Tangwai Movement, 1977

V.O. Key observes that "critical elections" occur when previous electoral patterns suddenly give way to a new political consensus, which persists for several subsequent elections.[67] Taiwan's local and provincial elections of 1977 can be described in such a manner. While the momentum for change had been building for decades, it was perhaps this critical election that would set the stage for the "ocean of change" that would occur in Taiwan throughout the 1980s and 1990s.[68]

Opening seats at the national level failed to curtail calls for democratic reform. Rather, the improved access had the opposite effect, in which opposition candidates were able to campaign across electoral districts with broader issue-based campaigns. Thus, these expanded elections "provided fertile ground for the development of an opposition party."[69] The opposition movement became increasingly organized, and a watershed moment in Taiwanese electoral politics occurred in 1977 – in which the opposition movement (known as the Tangwai, or "outside the party") achieved record electoral success in various contests. The KMT maintained its majority, but did lose ground to opposition candidates on many fronts. So, in 1977, "local elections and the limited opening of representative bodies to electoral competition expanded the opposition's political leverage and ability to mobilize," and effectively reduced the KMT's influence from that moment onward.[70] Therefore, because of their experience with local elections, the Tangwai movement and its candidates were able to exploit the electoral system to which they had grown accustomed and use their experience to their advantage.[71]

The reforms that brought on the electoral success in 1977 and in future years marked a shift from "hard to soft authoritarianism".[72] The 1977 elections were the first to be seriously contested by an opposition movement (although it did not become an official party until 1986, when the state allowed the formation of the Democratic Progressive Party, or DPP). The Tangwai movement was able to rally modest, but better than expected support behind national policy issues that the previous local electoral system prohibited. Eventually, the DPP would hone its national mes-

sage and would come to represent key wedge issues such as independence from China as well as important social welfare issues.

As discussed at the outset, there was a certain momentum to the election of opposition candidates. It was only after a more substantial number of opposition candidates were elected that the electorate truly began to believe that individuals outside of the state party could effect change, and that genuine "choice" was conceivable. The institutions of local elections would slowly begin to alter the democratic perceptions and expectations of the Taiwanese people.

The success of Taiwanese Tangwai candidates marked a shift in Taiwanese electoral and political history. Better than expected success was achieved at the local and provincial levels with several non-KMT candidates winning important seats. Although the KMT maintained its majority position for approximately two more decades, "after 1977, the KMT never recovered its electoral monopoly; it never regained its pre-1977 seat share, and each subsequent contest intensified the pressure for change."[73]

In one particular instance, a popular Tangwai candidate for county magistrate named Hsu Hsin-liang utilized Western campaign methods to achieve electoral success. Hsu employed student volunteers and mounted a professional campaign using posters and advertisements combined with dramatic speeches about public policy issues. With the experience he had gained in electoral politics due to the exposure of local elections, Hsu was able to score a significant victory against a well-known KMT candidate. This success and others like it stimulated the opposition movement.[74]

With the benefit of hindsight the election of 1977 has been viewed as a watershed moment in Taiwan's transition to democracy. The political momentum seems unstoppable. Political partisans experiencing these changes at the time, however, did not have this futuristic perspective, and several reported being truly shocked at the speed and extent of the resulting political changes in the 1980s. Ma Lai Ku Mai was a member of the KMT government at the county level at the height of the opposition movement. When Mr. Ku Mai and other local politicians learned of the movement they simply could not believe how much chaos there was at the upper levels of government and how much the KMT had lost control.[75] King-yuh Chang was likewise surprised when the opposition movement consolidated itself into the DPP; the KMT allegedly thought that Taiwan already had a form of democracy, as elections were being held and the Constitution was, in their view, being followed.[76]

After 1977: Repression and the way Forward

It must be noted that the reform movement did not experience smooth sailing after the critical election of 1977. In fact, the KMT continued to impose martial law throughout the decade, and used violent repression tactics to try to destabilize the Tangwai movement. By the end of 1978, the United States renewed its relations with the ROC in Taiwan, and thus, the KMT argued that it could not risk political instability at such an important juncture. As such, the KMT undertook a series of repressive measures towards the opposition movement, including the cancellation of elections scheduled for December of that year.

Following the cancellation, scheduled protests organized by the Tangwai movement occurred in January 1979. These acts of civil disobedience led to the arrest of several opposition leaders, a crackdown on opposition candidates, and the murder of a Tangwai leader's family by unknown assailants. These events ultimately brought condemnation from the international community, as well as human rights watch groups such as Amnesty International. Elections were eventually rescheduled, as the costs of continued repression became too great for the KMT party, who risked losing its support and legitimacy within the international com-

munity and its own electorate. Ultimately, the moderate wings of the Tangwai movement gained strength and were able to push for greater democratic reforms over the subsequent decades.[77]

The population began to grow critical of the regime's suppression of political reform and pointed to Sun Yat-sen's constitutional principles which advocated for democracy. The KMT was able to resist calls for further reform for a time, but as the voices of the opposition movement grew louder, the KMT faced problems of legitimacy in which the continued use of martial law encouraged opposition forces to insist that the regime was fundamentally undemocratic and did not intend to extend real political power to the electorate. It eventually became necessary for the KMT to make concessions to maintain its political legitimacy in Taiwan.[78]

In *Polyarchy*, Dahl contends that the likelihood of success for a country undergoing a democratic transition increases as the cost of suppression for the state rises, and therefore, the costs of toleration for political opposition decline as well.[79] At the juncture of the elections of 1977 and the subsequent crack down on the opposition movement in early 1979, the costs of political suppression became extremely high for the KMT as it began to lose legitimacy domestically and internationally. If the KMT continued with its crackdown on dissidents, it risked losing the international legitimacy and recognition it had just reclaimed, and furthermore, risked alienating the Taiwanese electorate, who had become accustomed to the gradual increase of democratic freedoms as well as an expectation for elections on a predictable timetable.

Further acts of civil disobedience and political mobilization in the early 1980s would not result in any excessively harsh reactions by the KMT. Rather, the ruling party chose to send in negotiators to contend with the dissidents. Some within the opposition movement saw the lack of force as a weakness and were emboldened to push for further reform.[80] Within several years, the DPP would come together as a formal political party and the floodgates of political opposition would be opened wide.

Significant democratic reforms continued throughout the end of the 1970s and later into the 1980s and 1990s. The experience gained by opposition candidates and organizers through participation in local elections allowed the opposition movement the ability to quickly increase its share of political power as restrictions were gradually lifted. At the same time, the practice of local elections enabled and created a culture of voting among Taiwan's citizenry, who came to respect and value democratic participation.

Local elections, therefore, contributed to the political socialization of the Taiwanese electorate.[81] Thus, the democratic reform movement strengthened over time in relation to the increasing respect for and influence of elected positions. So, when conditions for reform were presented, opposition forces were able to capitalize on their electoral experience and were able to translate that into increasing success at the polls. Finally, the KMT allowed the Tangwai movement to form a political party in 1986 called the Democratic Progressive Party (DPP) and rescinded martial law in 1987. Subsequently, the DPP reached parity with the KMT in terms of electoral success by the late 1990s and ultimately won the presidency in 2000.[82]

Conclusion: The Gradual Approach to Democratic and Electoral Reform

Taiwan's electoral experience can provide lessons for democratic reform in certain authoritarian states. Democratic and electoral reform can be viewed as having proceeded in a top-down manner, with gradual reforms being tolerated by the KMT over time, through the expansion of voting rights and contestable elected positions between 1946 and 1996. Over this fifty-year period, the KMT

instituted limited local elections that were gradually expanded over time and particularly after 1970 as the KMT's political monopoly became increasingly difficult to sustain.[83] The political institutions for local elections would help to instil within the Taiwanese people a democratic ethos that would ultimately become entrenched in subsequent decades.

As Thomas Carothers notes, Taiwan's experience with political reform is quite rare. Carothers notes that, broadly speaking, there are two main paths for democratic reform under authoritarian regimes. The first method sees the authoritarian regime collapse due to a lack of legitimacy through popular uprisings, revolutions, or similar overthrows of dictatorships or authoritarian regimes. The second path takes place when the authoritarian regime gradually releases control over the state through liberalization initiatives, in which social, economic, and political reforms are expanded in a manageable way and the goal of consolidated democracy is eventually achieved.

Electoral reform in Taiwan represents the latter and rarer case, "in which the dictatorial regime gradually changes its stripes and left power through an electoral process." Carothers observes this process has only occurred in a small number of countries including Taiwan, Chile, Mexico, and to some degree South Korea (which combined gradual reform but experienced political unrest to a significant degree). Usually, as Carothers notes, attempted transitions to democracy are defined by the first path – "the crash of the incumbent dictatorial regime."[84]

The crash of the KMT did not occur in Taiwan's democratic transition and it remains essentially on par with the DPP in terms of its electoral success. Carothers observes that in successful gradualist transitions, certain preconditions exist within given countries that contribute to relatively stable democratic reform. As in Taiwan's case, a strong record of economic success, the growth of an educated middle class, and economic liberalization contributed to a relatively stable civil society, creating vested interests in Taiwan's continued economic growth and therefore, in its social stability. According to Carothers, economic success also moderates the opposition movement to a certain degree, which sidelines extremist factions, "therefore giving the ruling elite the self-confidence to keep moving toward greater political openness."[85]

The KMT maintained that it was committed to gradual political openness once certain preconditions were met, such as a certain degree of economic stability and land reform measures. The KMT was caught in the middle of a political balancing act, in which economic prosperity achieved under its reign increased its prestige, but at the same time, encouraged greater economic, social, and political liberalization, particularly among an increasingly educated and wealthy middle class.[86] The KMT saw material prosperity as a prerequisite for political reform beyond local elections, and utilized martial law and political repression to ensure that reform occurred according to its ideals.[87] However, it appears that pressure for change from the electorate overtook the unspecified timetable for democratic reform enforced by the KMT.

Carothers' second feature of gradual democratic reforms is the occurrence of that reform through largely legitimate political means – particularly through the electoral process.[88] Local elections and their gradual expansion to more important elected offices were critical to the success of Taiwan's democratic transition. Although initial elections were dominated and outcomes were engineered by the ruling KMT, their acceptance of the results and consistent victories from opposition candidates ensured the continued legitimacy of the process. The KMT allowed for opposition candidates to voice dissent through this process in an orderly way that was, at the same time, acceptable to and tolerated by the state.

Therefore, the opposition movement was able to strengthen its power through continued electoral participation, and at the same time, this tolerated forum for dissent was engrained within the Taiwanese political process and among the electorate. Taiwan can therefore serve as a model for gradual democratic reform for other countries with similar characteristics. Carothers is correct to note that gradual democratic reform has been successful in only a handful of cases. Taiwan possessed all of the right preconditions for democratic reform to occur in a gradual and relatively stable process – namely economic success and the growth of an educated middle class, and a system of local elections that allowed legitimate political dissent through an organized process.

Notes

1 Hung-mao Tien & Tun-jen Cheng, "Crafting Democratic Institutions," *Democratization in Taiwan: Implications for China* (Hong Kong, Basingstoke, New York: Hong Kong University Press, 1999).

2 The concept of democracy is, in fact, so value laden that even its surrounding terminology can create impassioned debate. In interviews with members of the Taiwan Institute of Economic Research, it was suggested that it might be more appropriate to call Taiwan's democratization process a "transformation," rather than a "transition." It was believed by one interviewee that the term "transition" may put too much of a focus on certain watershed moments. Changes in Taiwan should, more accurately, be viewed in light of the entire process, as a complex and cumulative series of events. (See Appendix B)

3 Robert Dahl, *Polyarchy: Participation and Opposition (*New Haven: Yale University Press. 1971).

4 Freedom House is a "non-partisan and broad based" NGO founded in 1941 to promote democratic values abroad. Freedom House believes that "American leadership in international affairs is essential to the cause of human rights and freedom." Among Freedom House's publications is the *Freedom in the World* survey. This annual survey measures various indicators of freedom in different countries to develop an overall score indicating the level of freedom of a given nation. For more information, visit www.freedomhouse.org.

5 Dr. Yun-han Chu, a prominent academic in Taiwan, has reached similar conclusions with respect to some of the '"necessary" (if not sufficient) conditions for state building. Dr. Chu has opined that basic, functioning bureaucratic structures are required, as is some form of local governance. Local elections in Taiwan, of course, preceded its formal "democracy" by over 40 years. (See Appendix B)

6 Robert Dahl, "A Democratic Dilemma: System Effectiveness versus Citizen Participation," *Political Science Quarterly* 109.1 (Spring 1994).

7 Hung-mao Tien, "Elections and Taiwan's Democratic Development," *Taiwan's Electoral Politics and Democratic Transition: Riding the Third Wave*, ed. Hung-mao Tien (USA: East Gate Books, M.E. Sharpe, Inc, 1996).

8 These were the words of Minister Yao Chia-Wen, in discussions on Taiwan's transition to democracy, in July of 2005. Minister Yao has gained unique perspectives on Taiwan, both as a social leader in the 1970s and as a political prisoner in

the 1980s. Throughout his incarceration, the Minister read extensively and was able to truly reflect on, among other things, Taiwan's history and society. (See Appendix B)

9 Minister Jinn-Rong Yeh has opined that Taiwan is "unique" among all the forces that have tried to change the country over the years. It is perhaps because of its history with foreign leadership that Taiwan continues to struggle to find its own unique culture. The quest for a truly "Taiwanese" identity was a recurring theme throughout discussions with academics, politicians and activists in Taiwan in July of 2005. (See Appendix B)

10 Shelley Rigger, *Politics in Taiwan: Voting for Democracy* (London: Routledge Press, 1999) 35-37.

11 Rigger 38.

12 George H. Kerr, *Formosa: Licensed Revolution and the Home Rule Movement: 1895-1945* (Honolulu: University of Hawaii Press, 1974) 169.

13 The initial excitement of the Taiwanese with respect to this change quickly dissipated when the population realized that the KMT leaders would be even more repressive than their Japanese predecessors. Dr. Lung-chu Chen provided a rather telling slogan from the time: "The dogs are gone, but the pigs have been traded in." (See Appendix B)

14 John Fuh-Sheng Hsieh & Emerson M S Niou, "Salient Issues in Taiwan's Electoral Politics," *Electoral Studies* 15.2 (1996).

15 John Fuh-Sheng Hsieh, "The SNTV System and its Political Implications," *Taiwan's Electoral Politics* 193-195.

16 John Fuh-Sheng Hsieh, "SNTV."

17 Rigger 39.

18 Rigger 22.

19 See Appendix B.

20 See Appendix B, p. 32; *Interview with Johnny Chiang.*

21 Denny Roy, *Taiwan: A Political History* (Ithaca: Cornell University Press, 2003) 79.

22 Rigger 59.

23 It is interesting to note how pervasive the argument justifying the imposition of martial law over four decades is, particularly among those with some prior affiliation with the former KMT regime. In interviews conducted in July of 2005, the extensive tenure of military rule by the KMT was still justified as having been necessary due to the military and communist threat from the Mainland. (See Appendix B)

24 Yangsun Chou & Andrew Nathan, "Democratizing Transition in Taiwan," *Asian Survey* 27.3 (1987).

25 Chyuan-Jeng Shiau, "Elections and the Changing State-Business Relationship," *Taiwan's Electoral Politics and Democratic Transition*.

26 Steven J. Hood, *The Kuomintang and the Democratization of Taiwan* (Boulder, Colorado: Westview Press, 1997) 29.

27 Steve Tsang, "Transforming a Party State into a Democracy," *Democratization in Taiwan: Implications for China*.

28 Christian Schafferer, *The Power of the Ballot Box: Political Development and Election Campaigning in Taiwan* (USA: Lexington Books, 2003) 34.

29 Rigger 65.

30 Lai Tse-han, Ramon Myers & Wei Wou, *A Tragic Beginning: The Taiwan Uprising of February 28, 1947* (USA: Stanford University Press, 1991) 69.

31 Schafferer 85-88.

32 Schafferer 33.

33 See Appendix B. *Interviews with King-yuh Chang; and Yun-han Chu*.

34 Roy 86.

35 Roy 87.

36 Tun-jen Cheng, "Democratizing the Quasi-Leninist Regime in Taiwan," *World Politics* 41 (July 1989).

37 Rigger 18-19.

38 James A. Robinson, "China's Local Elections in Contrast with Taiwan's," *Taipei Times* 1 February 2000.

39 John Fuh-Sheng Hsieh, "Elections," 210.

40 Hsieh, "Elections," 215-218.

41 See Appendix B, p. 25.

42 Tien, "Elections and Taiwan's Democratic Development," 8.

43 Roy 86.

44 Shiau, "Elections," 219.

45 The-fu Huang, "Elections and the Evolution of the Kuomintang," *Taiwan's Electoral Politics and Democratic Transition* 108.

46 The enduring nature of this legacy can be seen in Taiwanese society today, as there remain strong links between political parties and some civil society groups. Professor King-yuh Chang has opined that Taiwan still needs a more active and independent civil society, apart from the pervasive political nature of the larger Taiwanese society. While likewise maintaining the position that most organizations in Taiwan remain political, Minister Jinn-Rong Yeh seemed to express cautious optimism regarding the capacity of civil society to push forward the agenda for future political reform. (See Appendix B)

47 See Appendix B.

48 Tien, "Elections," 8.

49 Tien, "Elections," 9.

50 See Appendix B.

51 Rigger 24.

52 Tien, "Elections," 4.

53 Schafferer 34.

54 Tien, "Elections," 5.

55 Huang, "Elections," 108.

56 See Appendix B. *Interview with Bih-jaw Lin*.

57 Tien, "Elections," 8.

58 See Appendix B.

59 Rigger 24.

60 Rigger 26.

61 Hung-mao Tien and Tun-jen Cheng, "Democratization," 34.

62 Shiau, "Elections," 220.

63 Rigger 25.

64 Huang, "Elections," 111.

65 Roy 155.

66 Roy 154.

67 V.O. Key, "A Theory of Critical Elections," *The Journal of Politics* 17.1 (Feb. 1955).

68 See Appendix B.

69 Huang, "Elections," 111.

70 Huang, "Elections," 114.

71 Roy 155.

72 Edwin Winckler, "Institutionalism and Participation on Taiwan: From Hard to Soft Authoritarianism?" *China Quarterly* 99 (1984).

73 Rigger 115.

74 I-chou Liu, "The Development of the Opposition," *Democratization in Taiwan: Implications for China*.

75 See Appendix B.

76 See Appendix B.

77 Rigger 116-118.

78 Roy 104.

79 Dahl, *Polyarchy.*

80 See Appendix B.

81 Hu Fu & Yun-han Chu, "Electoral Competition and Political Change in Taiwan," *Political Change in Taiwan,* ed. Tun-jen Cheng & Stephen Haggard (Boulder, Colorado: Lynne Rienner Publications, 1992) 184-185.

82 For a discussion of presidential politics in Taiwan, see Alexander C. Tan & Jun-deh Wu, "The Presidential Election in Taiwan, March 2004," *Electoral Studies* 24 (2005).

83 Roy 152.

84 Thomas Carothers, "Is Gradualism Possible?" *Critical Mission: Essays on Democracy Promotion* (Washington, D.C.: Carnegie Endowment for International Peace, 2004) 240-41.

85 Carothers 241.

86 Roy 153.

87 Roy 80.

88 Carothers 241.

'Outside the Party': The Tangwai, Democratic Progressive Party (DPP) and the Democratization of Taiwan

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Introduction

Taiwan's Kuomintang (KMT) Party is often credited for the island's remarkably successful transition from authoritarian to democratic rule. Indeed, former KMT President Lee Teng-Hui is referred to as 'Mr. Democracy', in reference to the electoral reforms he ushered in between 1987 and 2000. One can argue that this assessment is accurate; KMT administrations in the 1980s and 1990s introduced the reforms that eventually led to free and fair elections for the presidency and legislature in 1996. However, these reforms were not introduced in isolation. The willingness of Presidents Chiang Chiang-kuo and Lee Teng-hui to introduce democratic reforms was influenced by domestic and international pressures affecting the KMT's ability to continue to successfully rule authoritatively. One of the most important of these forces was the *Tangwai*, a loosely organized coalition of politicians, intellectuals and activists, and later the Democratic Progressive Party (DPP), which openly criticized the KMT's authoritarian regime and used a variety of tactics to increase popular support for democratic reforms.

This case study examines the contributions of the *Tangwai* and the DPP in the democratization of Taiwan. It describes the DPP's evolution from a social movement in the 1970s, mainstream electoral force in the late 1980s and 1990s, to governing party in 2000. Critical features of the *Tangwai* and DPP, such as their adoption of a variety of advocacy tactics and the institutionalization of its various factions, are also discussed. The paper illustrates how the role of opposition forces has evolved over the past thirty-five years. From a marginal voice of protest in the early 1970s, to the KMT's primary critic and opponent in the late 1970s and 1980s, the DPP is now only one voice in a diverse polity that includes multiple parties, a vibrant civil society and independent media outlets.

Evolving Roles of the *Tangwai* Movement and DPP

Democratic theorists often distinguish between procedural democracy and the consolidation or deepening of democracy.[1] Procedural democratization refers to the creation of institutions and laws that are necessary for the exercise of democratic politics. This includes the existence of a legitimate state apparatus, free and contested elections for executive and legislative positions and governance according to the rule of law. The consolidation or deepening of democracy is a far more fluid concept that refers to institutional, behavioural and attitudinal changes that cause democracy to become the only acceptable form of government for a country's political actors.[2] Whereas procedural democracy allows citizens to engage in democratic politics at a given point in history consolidation ensures that democracy is sustained over an extended period of time, even in the event of a national crisis or extended political conflict.

This distinction is important in understanding the role played by the *Tangwai* and DPP in the democratization process. In the 1970s and early 1980s, in the absence of even procedural democracy, the *Tangwai* served as a vehicle through which politicians, intellectuals and activists challenged the authoritarian KMT and articulated their demands for democratic reforms. The movement sought representation both within and outside political institutions. Members took advantage of rare political opportunities, such as local elections and the opening of select legislative seats, to form a political bloc capable of publicly criticizing the KMT regime. Grass roots mobilization and mass protests were also used to bring visibility to the movement and show the KMT regime the extent to which citizens were dissatisfied with authoritarian rule. *Tangwai* members successfully capitalized on incidences of repression, such as the Kaoshiung Incident, to increase their political base and discourage the KMT from using similarly heavy-handed tactics.

In 1986, as the KMT embraced democratization in an effort to quell domestic and international criticisms, *Tangwai* leaders created the Democratic Progressive Party (DPP). In the years that followed, the DPP continued to articulate demands for democratic reforms both within and outside of political institutions. Where possible, it attempted to influence the speed and shape of democratic reforms, prompting serious discussions on such issues as national security, constitutional reform, presidential elections and national sovereignty, as well as insisting that reforms be introduced without lengthy delays. At the same time, the DPP struggled to resolve internal conflicts between its various factions and to transform itself from a protest movement to a political party capable of governing the island.[3]

The introduction of presidential elections in 1996 is widely used as a marker for Taiwan's full transition to democracy.[4] The DPP's role in the consolidation of Taiwan's democracy in the post-1996 period is complex and remains a matter for discussion. DPP candidate Chen Shui-bian's victory in the 2000 election marked an important milestone for Taiwan, with a relatively peaceful transition of power from one party to another. However, the ensuing partisan bickering and controversy over the 2004 election results have had a negative effect on the public's impression of democracy.[5]

From Independent to Opponent: The *Tangwai*

The emergence of the *Tangwai* is without precedent in Taiwan's history. Colonized by five different nations, the island has a long history of authoritarian rule and little experience with organized resistance. Following the defeat of the Japanese in World War II, the island was transferred to the nationalist government of China. Any promise of democratic governance by the nationalists disappeared when the communists seized control of the mainland. Chiang Kai-shek's nationalist supporters fled to the island, where regaining control of the mainland became the government's principal priority. This aim in turn justified the imposition of martial law, under which political dissent, opposition parties and elections for the presidency or legislative positions were forbidden.

For nearly thirty years, there were few avenues for political dissent. Elections were permitted in cities, townships and the provinces but the KMT used its power, vast networks and resources to ensure that its candidates routinely won key positions. Some independent members were elected at the local level but found it was necessary to collaborate with KMT members to accomplish any of their aims. It was also a difficult time to criticize the KMT government, who enjoyed a high level of support, both domestically and internationally, for presiding over strong economic growth and remaining fiercely opposed to communism.

Those who risked openly criticizing the KMT regime were brutally repressed and often imprisoned. Many dissidents ended up fleeing Taiwan to escape long-term imprisonment, and pockets of resistance appeared in a number of western countries, especially the United States.[6] Like other expatriate movements, they sought to undermine the KMT regime by raising awareness of human rights abuses in Taiwan in the hope that western countries would begin pressuring Chiang Kai-shek to introduce reforms. In the west, expatriate activists were exposed to liberal and democratic societies, further reinforcing their convictions that authoritarian rule was unacceptable. In the late 1980s, many of these activists would later return to play critical roles in the newly formed Democratic Progressive Party.

The first cracks in the KMT's rigid governance structure began to appear in the late 1960s. National assembly members, who in 1953 were granted the right to retain their seats indefinitely, were rapidly ageing. A decision was made to hold open elections in 1969 for a small number of assembly positions to replace members that had passed away. Huang Hsin-Chieh was one of two opposition-oriented legislators who were elected to life terms in the Legislative Yuan during the 1969 elections. A former KMT member, Hsin-Chieh had left the party and sat as an independent on Taipei's city council before winning the National Assembly seat.

Three years later, another Taipei city council member, Kang Ning-hsiang, joined Hsin-Chieh in the National Assembly. Ning-hsiang shared Hsin-Chieh's opposition to the KMT's authoritarian rule, and during the election, he openly defined himself as a *Tangwai* ('outside of the party') candidate. Besides criticizing the authoritarianism of the KMT regime, he advocated the lifting of martial law and temporary provisions which prevented the full implementation of the constitution. With the election of Ning-hsiang and Hsin-Chieh, a small but vocal opposition force found political representation at the national level.

Ten years earlier, Kang Ning-hsiang and Huang Hsin-Chieh might have faced terrible repercussions for identifying themselves as opposed to the KMT regime. However, in the 1970s, the KMT regime faced new challenges from abroad. In 1971, the United Nations General Assembly voted to officially recognize the People's Republic of China. While many of Taiwan's supporters, including the US, maintained strong diplomatic relations with the island following this pronouncement, it became increasingly difficult for the KMT to justify acts of repression against those engaged in peaceful acts of dissent.

In this new political environment, Ning-hsiang, Hsin-chieh, and Chang Chun-hun, a Taipei city councilor, became leaders of a movement primarily dedicated to opposing the KMT (thus their adoption of the term *Tangwai).* In 1975, they published the *Taiwan Political Review,* to promote their political views. As the movement gained support, it also became increasingly diverse in its tactics. The *Tangwai* began to encompass intellectuals and activists promoting democratic reform outside of the political realm through popular education, grass roots mobilization and public protests.

This diversity of tactics was in evidence during the 1977 elections. Hsin-Chieh and Ning-hsiang recruited more than two dozen opposition candidates, including Hsu Hsin-liang, a former KMT member who became a *Tangwai* candidate after publishing a book that was openly critical of the ruling party. Hsin-liang's supporters started violent protests amid rumours that the KMT were tampering with election results. Reactions to this altercation, which resulted in one death, were mixed among *Tangwai* members. Leaders such as Ning-hsiang disapproved of protests that might have fueled fears that democratic reform would result in instability. Others felt that protests were an appropriate response to incidences of blatant corruption and repression.

Despite disagreements within the movement, it succeeded in winning fourteen seats in the provincial assembly. The KMT, on the other hand, saw its overall popular vote drop to an all-time low of 64.2%. These results sent a clear message to the KMT regime that the *Tangwai* platform resonated with many voters, most notably Chiang Chiang-kuo (CCK), who would soon become president. The success of ex-KMT members, such as Hsin-chieh and Hsin-liang, increased the threat of more defections if CCK failed to reach out to the moderate wing of his party, which favoured democratic reforms.

Following the death of his father in 1975, however, it became apparent that CCK was a different sort of politician than his father. He began sending strong messages that the KMT too was committed to democratization. In 1976, he announced in the Legislative Yuan that "our people are unanimous in wanting to have a democratic, constitutional political system. This goal is also our unswerving national mission."[7] CCK asked the electorate to remain patient, however, as national security remained a higher priority.

Meanwhile, in the late 1970s, the diversity of opposition positions found expression in the publication of a number of political magazines. Kang Ning-nsiang founded *The Eighties,* a magazine representing his moderate views, while Huang Hsin-chieh's *Formosa Magazine* expressed support for mass demonstrations. In fact, *Formosa Magazine* became the rallying cry for an island-wide pro-democracy movement. Staff members opened offices throughout the island, creating a network of local branches capable of mobilizing protestors.

One such protest in Kaohsiung County in 1979, meant to commemorate International Human Rights Day, led to altercations between police and demonstrators and the arrest of a number of prominent *Formosa* organizers. Eight protestors, including Huang Hsin-chieh, were indicted on subversion charges and tried in military courts.[8] Another 33 defendants were tried in civil courts. This event, now referred to as the *Kaohsiung Incident,* represents the most significant historical counterattack by the KMT against the *Tangwai*. It was both an effort to disable the movement and convince the public that *Tangwai* activists were a threat to national security.

The plan backfired. Kang Ning-nsiang assembled a strong team of defense attorneys to defend the accused.[9] Although the activists were found guilty, and sentenced to long prison terms, the defence team was able to rouse public sympathy for the accused. In legislative elections the following year, the *Tangwai* ran a strong slate of candidates, including family members of imprisoned activists and many of the defense attorneys.[10] Many were elected with unusually high levels of support, sending another clear message to the KMT that voters were responding favourably to the pro-democracy movement.

By the early 1980s, the *Tangwai* had achieved critical mass in the national assembly. While there were not enough members to pass legislation or block the actions of KMT legislators, they did have enough members to openly question the government's failure to introduce democratic reforms. In posing questions, *Tangwai* members were able to present evidence of ongoing election fraud and police repression in the national legislature.

The early 1980s, however, also saw increased divisions within the *Tangwai*. Clearly delineated factions emerged which disagreed about tactics and policy positions. Moderates, led by Kang Ning-hsiang, continued to advocate working for democracy within existing political institutions. Supporters of Huang Hsin-chieh's imprisoned Formosa faction continued to advocate for a combination of street level protests and political gains. Meanwhile, a new generation of activists with more radical views formed the Alliance of *Tangwai* Writers and Editors in 1983, and the influential *New Tide Magazine* in 1984.[11] These activists

were openly critical of *Tangwai* members, such as Ning-hsiang, who worked within the system. The Alliance Faction was highly ideological, openly sympathetic to Taiwan independence and other radical social objectives regardless of the political cost.

During the 1983 legislative elections, *Tangwai* members learned the danger of factionalism. Alliance members refused to endorse a joint election strategy as a result of a disagreement over how candidates for office should be chosen. *Tangwai* candidates had traditionally been chosen by leaders of the movement, such as Ning-hsiang, but Alliance members felt strongly that candidates should be selected openly by members. The factions also disagreed over the question of whether to advocate for 'self-determination', which the KMT argued was a veiled reference to independence. As a result of this failure to coordinate strategies, the movement failed to make the political gains seen in the elections of 1977 and 1980.

By fighting amongst themselves, *Tangwai* members were also missing a clear opportunity for meaningful reform. CCK was increasingly signaling that he felt that a democratic Taiwan might lead to demands for democratization in mainland China, thus bringing an end to communism. A new strategy vis-à-vis the mainland was necessary following the stunning announcement in 1978 by US President Jimmy Carter that his government would formally recognize the People's Republic of China. Democratization might allow CCK to achieve his father's dream of reunifying the country.

The movement's various faction worked together to develop a coordinated election strategy for provincial and municipal elections scheduled for January 1985.[12] As a result of their coordination, all 11 of their candidates for Taipei City Council were elected, as were half of their candidates for Kaohsiung City Council, 11 of its Provincial Assembly candidates, and one municipal executive. These results gave activists the confidence to begin plotting for a more ambitious objective: creating an opposition party.

In 1986, a branch of the Tangwai Public Policy Research Association (DPPRA) was opened in Taipei. The fact that the DPPRA, an organization representing the views of Kang Ning-hsiang's moderate faction, was allowed to operate was already a sign of the KMT's increasing willingness to tolerate the efforts of its opponents. A 'Committee for Organizing a Party and Carrying Out Its Construction' was struck, and activists spent all summer planning and strategizing. On September 28 1986, committee members from all factions voted to create the DPP.

The Struggle for Democratic Outcomes

The creation of the DPP marked the beginning of a new type of struggle between the KMT and the DPP. With both parties now advocating the introduction of democratic reforms, the DPP began focusing on influencing the democratization process. CCK's calls for 'patience' and the introduction of incremental changes were rejected by the DPP, many of whose members had struggled for over a decade for such reforms. The DPP instead demanded far more immediate and broad-reaching reforms and continued using mass demonstrations and vocal protests to articulate its demands.

The founding of the DPP is an excellent example of this new type of struggle. Even though opposition parties were technically still illegal under martial law, the KMT would have faced enormous criticisms both within the legislature and in the streets had it arrested DPP organizers. The *Kaohsiung Incident* had taught party leaders that voters do not respond well to heavy-handedness on the part of the governing regime.[13] CCK would also have lost an enormous amount of credibility in his efforts to democratize Taiwan. However, allowing one opposition party to operate effectively meant the *defacto* transition of Taiwan from

one-party to multi-party system. It would mean that opposition forces were effectively steering the island's democratization process. Regardless of the actions CCK decided to take, the DPP would see its position strengthened.

Chiang Ching-kuo chose not to take retaliatory action against the DPP, refusing to allow the DPP to ruin his reputation as the man who brought democracy to Taiwan. He countered a few days later by announcing that martial law would be lifted once a new security bill was drafted and approved by the legislature. This bill was deemed necessary in order to protect the island against the threat of Communist China.

Prior to any debate over the bill, an election for national representatives was held in 1986. It represented the first election in Taiwan where the electorate had a choice between two official political parties. The DPP succeeded in increasing the base of support it had built under the *Tangwai* banner, which again demonstrated to KMT leaders that the electorate supported the introduction of democratic reforms.

Following the election, political discussion turned to the national security bill and the appropriate balance between security and human rights. Despite their small number, DPP legislators vigorously opposed the national security bill intended to replace martial law. Furor over the bill led to several demonstrations and more violent altercations between protestors and police. These protests surprised many KMT members who assumed the lifting of martial law would appease the opposition. Conservative KMT members pointed to such protests as evidence that Taiwan would be less secure as a democracy. In the end, KMT legislators used their huge majority to push the security bill through with few amendments. On July 15, 1987, martial law was lifted and the *National Security Provisional Law* took effect.

Only a few months later, Chiang Ching-kuo died. While CCK introduced few significant democratic reforms, he succeeded in setting his father's authoritarian party on a historic path towards democratization. His chosen successor, Vice-President Lee Teng-Hui, immediately announced his intention to remain faithful to CCK's efforts to bring democracy to Taiwan.[14]

The DPP clearly communicated their position to Lee. The party advocated open elections for all legislative positions, as well as for the mayors of Taipei and Kaohsiung. The Temporary Provisions, permitting the president to remain in office indefinitely, were to be eliminated and a committee established to draft a new constitution for citizens to ratify in a referendum. The Examination and Control Yuans were to be abolished, as was the National Assembly, with the president directly elected.

As with the national security bill, DPP members demonstrated their unwillingness to compromise these objectives over the next few years. In 1990, party members condemned the KMT for allowing the National Assembly to elect the president and vice-president. DPP representatives resorted to violent protests within the assembly itself, a tactic that would become only too common in subsequent years. Following their ejection from the assembly, DPP representatives helped to organize a massive demonstration against the proceedings.

Lee, however, proved to be far more effective in dealing with opposition forces than his predecessor. Soon after he was elected president, Lee convened a national affairs conference to discuss various options for democratic reform. Thirteen DPP delegates were invited to attend the conference, as were a number of former political dissidents or prisoners. Despite their initial suspicions, Lee succeeded in engaging DPP members in a serious debate about future reforms in order to build bipartisan consensus. In exchange for a promise of direct president elec-

tions, the DPP delegates agreed to drop their demand for ratification of a new constitution by popular vote. Although he would face criticism from within his own party, Lee showed a commitment to the practice of democratic politics.

After the conference, Lee turned his attention to abolishing the Temporary Provisions, retiring National Assembly members and approving new articles for the 1947 constitution for electing a new national assembly.[15] While the DPP leadership supported these actions, representatives disrupted the proceedings on several occasions to protest the involvement of old representatives in the process. Fights even broke out between DPP and KMT members over routine procedural matters. This behavior may be understood as a response to the marginalization of DPP representatives from a process that they had advocated for over many years. It is also a reflection of the DPP's roots as a protest movement.

Indeed, the DPP retained many aspects of its past as an opposition movement, most notably its internal factionalism.[16] While factionalism is common in political parties, the DPP is unique in having institutionalized its various factions. Within the party, factions have their own leadership and former organizational structures. Factions also play a key role during the nomination of DPP candidates in order to ensure they are well represented.

Factionalism was an issue during the national assembly elections in 1991, following the official retirement of the original representatives. Party leaders disagreed over policy issues such as Taiwanese independence, constitutional reform and the nomination of candidates. Violent protest by DPP representatives in spite of the KMT's success in introducing democratic reforms also hurt the credibility of the party. As a result, the DPP won only 66 out of a total of 325 seats, significantly less than it had projected. Even more surprising, it appeared that the KMT, the island's historic authoritarian party, was emerging the most credible winner in the emergent democracy.

Emboldened by the victory of his party, Lee turned to the matter of constitutional reform. He honoured his agreement with DPP leaders from the national affairs conference, advising his party that direct presidential elections should be strongly considered. However, party leaders decided to delay any decision regarding this issue until 1995, one year before the election of the ninth-term president. This decision was greeted with loud protests from DPP members. Representatives again resorted to loud, and sometimes violent, protests to bring attention to their demands, as they lacked the seats necessary to support a reform motion. When this failed to have the desired effect, the party quit the reform process and organized demonstrations outside of the assembly. Once again, the DPP responded to its marginalization in the reform process by reverting to its protest tactics.

A series of elections were held following the constitutional reform process. Marginalized throughout the democratic reform period, the DPP candidates increasingly ran on platforms emphasizing social policy issues, such as health and education.[17] Factional conflicts were successfully controlled by the party leadership and the question of independence was downplayed. As a result, the DPP steadily increased its number of seats in the Legislative Yuan and National Assembly. By 1996, electoral gains by the DPP and other parties meant the KMT no longer had enough of a majority to have effective control over these two bodies.[18]

Elections in 1996 also marked Taiwan's full transition from authoritarian to democracy, with the election of a Lee as president. Following in the footsteps of his predecessor, Chiang Ching-kuo, Lee introduced democratic reforms remarkably quickly. While this was no doubt due in part to the pressure imposed by the DPP, the KMT managed to

remain in control of the democratization process. Mass demonstrations organized by DPP members served in many cases to reinforce the position of moderates within the KMT who were pushing for democratic reforms.

For the DPP, this was a period of both elation and frustration. While many the party's objectives were realized, DPP members remained marginalized throughout much of the process. Tactics that helped the *Tangwai* gain support in the 1970s proved less effective in the 1990s with the KMT's increased willingness to engage in democratic politics. As the number of parties grew in the 1990s, the DPP was forced to transform itself from an opposition force to a party capable of governing with a clearly articulated platform.

From Protest to Power

The DPP's most significant achievement since 1996 was the election of Chen Shui-bian as president of Taiwan in 2000, and again in 2004. This election result is widely attributed to the emergence of former KMT Secretary General James Soong as an independent candidate for president. Soong is widely credited with 'splitting' the KMT vote, thus handing the presidency to Chen despite his low level of popular support.

Despite the KMT's loss of the presidency after fifty years in power, the office was successfully transferred to Chen Shui-bian.[19] This in itself is an indication of the strength of Taiwan's democracy. Chen's first and second terms have been marked with a number of controversies, most notably his alleged shooting during the 2004 elections. What is less to be determined is Chen's influence on the consolidation or deepening of Taiwan's democracy.

Conclusion

The DPP and earlier *Tangwai* played important roles in the democratization of Taiwan. As this case study demonstrates, these roles have evolved over the past thirty-five years. In the 1970s and early 1980s, the *Tangwai* successfully used political representation, printed materials and mass demonstrations to mount a strong opposition to the authoritarian KMT regime. With Chiang Ching-kuo's adoption of democratization as a KMT position, the newly formed DPP sought to influence the nature of the democratic reforms that were introduced. With Lee Teng-Hui's rapid introduction of reforms, and the relative marginalization of the DPP, the party was forced to concentrate on becoming a viable political force in the new emerging democracy. And finally, with the victory of Chen Shui-bian in the 2000 presidential elections, the DPP has had to struggle with the challenge of governing the country according to its founding principles.

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Notes

1 Relevant texts include Larry Diamond. et al, *Consolidating the third wave democracies* and Samuel P. Huntington's *The Third Wave: Democratization in the Late Twentieth Century*. Also see Joseph Wong's "Deepening Democracy in Taiwan".

2 Larry Diamond et. al, *Consolidating the third wave democracies* (Baltimore: The John Hopkins University Press, 1997), 15.

3 Centre staff had the opportunity to meet with many Taiwanese who were expelled from the ROC while it was under KMT rule, however have since returned. For instance, Dr. David Hong was blacklisted by the KMT after he appeared on television at an anti-KMT protest in the United States. He served as a high ranking civil servant in Minnesota before returning to the Taiwan. He is current the Acting President of the Taiwan Institute of Economic Research. Also, W.S. "Peter" Huang spent 25 years hiding from KMT authorities throughout the world after he made an attempt on Chiang Ching-kuo's life in April of 1970. Huang was smuggled back into Taiwan in 1996, later becoming president of the Taiwan Human Rights Association in 1998. He is currently a senior advisor to President Chen.

4 Samuel P. Huntington, *The Third Wave. Democratization in the Late Twentieth Century* (Norman: University of Oaklahoma Press, 1991), 7. Huntington said, "... a twentieth-century political system [is] democratic to the extent that its most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote. So defined, democracy involves... two dimensions, contestation and participation... It also implies the existence of those civil and political freedoms to speak, publish, assemble, and organize that are necessary to political debate and the conduct of electoral campaigns."

5 Yun-han Chu, "Taiwan's Year of Stress," *Journal of Democracy* 16,2 (2005): 46. A cross-national survey in 2001 showed that a smaller share of respondents (40.4%) in Taiwan than in any other emerging East Asian democracy were willing to affirm that 'democracy is always preferable to any other kind of government. 23.2% of respondents indicated that 'under some circumstances, an authoritarian government can be preferable to a democratic one.' 25.9% of respondents felt that 'it does not matter whether we have a democratic or nondemocratic regime. During an interview, Chu suggested that a recent survey reveals evidence of growing disengagement and polarization; respondents largely feel that the quality of democracy is decreasing and criticisms of democratic government were widespread.

6 Peng Ming-min shared his story with Centre staff. A former law professor at the National Taiwan University, he was sentenced to eight to ten years in prison after writing a manifesto calling for democratic elections. After serving 14 months under house arrest, he escaped to Sweden with the help of Amnesty International and American missionaries. He spent the next 23 years in the United States advocating for changes in Taiwan. Peng Ming-min returned to Taiwan only in 1992 and ran as the DPP candidate in the 1996 presidential election. He currently serves as a senior advisor to President Chen. For a full account of his experiences, see "A Taste of Freedom: Memoirs of a Formosan Independence Leader".

7 Linda Chao and Ramon H Myer, *The First Chinese Democracy: Political Life in the Republic of China on Taiwan* (Baltimore: The John Hopkins University Press, 2000), 112.

8 One of Taiwan's foremost human rights lawyer, Yao Chia-Wen, was arrested for his involvement and spent seven years in prison. Yao said that he was introduced to legal aid while he was a law student at Berkley University; he was concerned about poverty law, labor and housing issues, founding an island-wide network of legal aid centers for the poor upon his return to Taiwan. Yao became politically active after his initial attempts to see to legal reforms failed. He made speeches, wrote articles and campaigned across Taiwan during the 1970s prior to his arrest. While in prison, he wrote several award winning books, *such as Ho Ling Ping Yang*. He currently serves in the DPP administration as President of the Examination.

9 Shelley Rigger, *From opposition to power: Taiwan's Democratic Progressive Party* (Boulder: Lynne Rienner Publishers Inc., 2001), 21.

10 Yao Chia-Wen's wife, Chou Ching-yu, ran for a seat in the National Assembly in 1980 and was elected with the highest number of votes – thereby vindicating her husband. Other relatives of "Kaoshiung" defendants, such as Mrs. Hsu Jung-shu and Mrs. Huang T'ien-fu, also won their respective races for a seat in the Legislative Yuan. Chuo explained that her husband's arrest incited her to become more politically active. The *Tangwai* agreed to the formation of the DPP in her house in September 1986. She fondly tells of the story of her taking the DPP's flag to her husband in jail when the party was formed.

11 Dr. N.T. Wu said that the student movement emerged with the establishment of the *New Tide* and *Alliance of Tangwai* Writers and Editors. He characterized members as young, ideological and intellectual. Many have since become successful DPP politicians.

12 The mobilization of the then *Tangwai* provides interesting foreshadowing. To this end, Peng Ming-min described the current factions within the DPP as "survivors" of the KMT regime. He noted that while they are undisciplined, they can quickly unify under pressure.

13 Rong Fu-Tien spoke about the interesting role of the media during this time. The *Formosa Incident* had diminished the government's confidence and made it more attentive to the public's perception of the KMT. Thus began an inter-play of members of the *Tangwai* and KMT elites through the media. Rong said that journalists were sympathetic to the *Tangwai* and used their voice in articles, albeit in KMT friendly wording; CCK was reportedly read the newspapers ever morning. In turn, CCK began floating ideas to the public through the newspapers to test support. Rong argued that the media exerted its own function of enlightened democracy despite being under tight control.

14 Taiwan's democratization was influenced by a variety of factors; perceptions of Lee's role vary. Dr. Bih-jaw Lin served as deputy secretary general of the National Security Council and in the president's office under Lee. He suggested Lee provided the direction for Taiwan's transition to a democracy. Bih-jaw said that Lee's emphasis was human rights and gradual democratization. By contrast, others are more critical of Lee. W.S. "Peter" Huang credits Lee and the KMT with controlling the direction and speed of changes, but argues that they were merely responding to the pressures of uncontrollable popular forces. Dr. N.T. Wu added that he was critical of the KMT's contribution as well, since they had "ruined" Taiwan for over 40 years.

15 Chou Ching-yu advocated for reform to the National Assembly even prior to her election. She claimed that it was illegitimate that members elected in 1947 were allowed to serve for life. Chou compiled records on the election of these members; some had won just over a handful of votes. The ailing health of members and poor attendance raised the prospects for change.

16 Jen-ran Chen described the *Tangwai* and DPP as diverse in opinions and tactics. Peng Ming-min added party members are not unified by any issues, but lack the independence streak to split into different parties. By contrast, the governing KMT was fractured by the formation of the New Party and People's First Party in 1993 and 2000 respectively.

17 Chou Ching-yu, the DPP's Commissioner on Women's Rights, suggested that the DPP has always been attractive to women because of its emphasis on social welfare issues. She said that one-third of DPP party members and seat holders are women.

18 See Cal Clark's "Lee Teng-Hui and the emergence of a competitive party system in Taiwan".

19 Bih-jaw Lin noted that Taiwan's withdrawal from the United Nations, the establishment of the DPP and Lee's succession of Chiang Ching-kuo were watershed moments in Taiwan's democratization. He said that Lee ordered the completion of Taiwan's democratization. Bih-jaw noted that Lee asked his administration to prepare for a regime change in January 2000 when it seemed possible that KMT candidate Lien Chan might not win.

CONSTITUTIONALISM AND REFERENDA: A MARRIAGE MADE IN HEAVAN OR FIT FOR DIVORCE?

A COMPARATIVE ANALYSIS OF TAIWAN AND CANADA

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As succinctly stated by Louis Henkin, "Constitutionalism is nowhere defined." Despite the term's common (and logical) identification with a written constitution, the totality of the concept's principles may exceed that which is expressly guaranteed by any given constitutional document. Several criteria are, however, offered by Henkin to help give substance to the term's more normative conceptions. Popular sovereignty is at the very heart of constitutionalism; the "will of the people" will form the source of authority and the basis of legitimate government. A sovereign "people" will establish a framing, constitutional document together with society's governing institutions. Correspondingly, a constitutional government will be constrained by the provisions of the written document and must only act in accordance with its terms. As understood by Henkin, constitutionalism will also include a commitment to, among other things: individual rights, limited government, balances on the power of the state and an independent judiciary.[1]

Given the thrust of contemporary constitutionalism as the embodiment of the will of the people, the tool of a referendum would seem a natural fit. The referendum, as a form of popular democracy, gives citizens a more direct role in their own governance, allowing those enfranchised to vote directly on laws, or even instigate the process of legislative reform. Several former authoritarian states, such as the Philippines, have entrenched the use of the referendum in their Constitution in an attempt to provide a sense of state legitimacy and reduce the chance of a return to dictatorial rule. Other countries, like Switzerland, have likewise successfully utilized referenda to increase the power of the people, as well as that of various minority parties within the government.[2]

There are however, those who would see the inherent dangers in providing 'the people' with such a direct and powerful voice in the legislative process; some scholars have gone so far as to question whether federal legislative referenda would contradict core and "unamendable" provisions of parliamentary democracy.[3] In the *Federalist Papers*, James Madison articulated one overarching concern well: "It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part."[4] Such concerns may lead a country (like Germany) to largely prevent the use of referenda. Other countries (like the United States) have rather limited the use of referenda to lower levels of government.[5]

Whether and how the use of the referendum will "fit" with any given country's conceptualization of constitutionalism will depend on the individual country's historical experiences, ideological traditions, and its physical, economic and social realities. This paper will seek to assess the veracity of this statement through a comparative analysis of

the experiences of two countries, with the tool of referenda: The Republic of China (Taiwan) and Canada. The former is a nascent democracy with little experience with political freedom and a strong commitment to popular democracy; the latter is a fully consolidated democracy with a strong commitment to parliamentary democracy. The two provide an interesting contrast to assess the core premise of this paper.

Overview

In order to understand the functionality of the referendum in Taiwan, it is important to gain some understanding of the existing political framework of the country, as structured by its framing document. This paper will first navigate through the series of seven constitutional amendments that Taiwan has undertaken since 1991 and the resulting framework of the country's political system. A discussion will follow on the manner in which the referendum, as a tool of direct democracy, is expressly permitted under Taiwan's Constitution, and how this constitutional right has been operationalized through implementing legislation - *The Referendum Act*.

Following the passage of *The Referendum Act* in November 2003, President Chen and his reform minded administration were anxious to test the political waters and hold Taiwan's first national referendum, which they did in March of 2004. This premier attempt at a national referendum was described in the news media and elsewhere as the "referendum in search of a question"; the medium was the message and the Chen Administration cared little about the content of the actual query. The government's thinly veiled attempts at making a statement on Taiwanese sovereignty was transparent to all – most notably Taiwan's biggest foe, China and its biggest ally, the United States. This paper will explore some of the outstanding issues on the validity and legitimacy of Taiwan's first national referendum, both nationally and among key international actors.

Canada's tenure as a consolidated democracy has given the country ample opportunity to utilize the tool of the referendum, but has done so infrequently. Canada's first national experience with the referendum, the Charlottetown Accord of 1992, will be drawn on as a means of comparison with Taiwan.

The Canadian Constitution does not expressly address the use of the referendum procedure, and the results of a referendum have no legal effect in the constitutional scheme. Some of Canada's most important legal pronouncements on the constitutional requirements of a valid referendum were set forth in the *Secession Reference*. This decision of the Supreme Court of Canada, together with some of the legislation and legal decisions that further fleshed out the requirements for a legitimate referendum will also be explored.

Taiwan: Political History

> "To understand development, you have to understand tradition."[6]

The Constitution for the Republic of China was neither drafted by, nor truly designed for, the people on the island of Taiwan, at all. Rather, the constitution was drawn up by the Chinese Kuomintang Party (KMT) in the hopes of outlining a government for all of China.[7] The KMT and its Chinese-elected National Assembly likewise passed the framing document in December of 1946, having presented it to the public on Mainland China, ten years prior.[8] When Chiang Kai-shek and the KMT government made their retreat to Taiwan in 1949, the Original Constitution together with the national institutions provided for therein, were simply superimposed onto the existing political structures that remained from the former Japanese colonizers.[9] In the years following 1949, the KMT sought to maintain the constitution, as it gave a sense of legitimacy to the Nationalist party's assertion that it represented all of China. De-

spite the seemingly illegitimate origins of the Taiwanese constitution, the population has since largely embraced the document and, through a series of constitutional amendments, have conferred legitimacy upon it.[10]

The Original Constitution was not undemocratic on its face; in fact, the framing document would have appeared to meet most of Henkin's understood criteria for constitutionalism.[11] The constitution professed the ideal of "sovereignty of the people," guaranteed basic individual rights, and provided for some division of power through a five-branch system of central government, and a system of local self-governance.[12]

The convoluted nature of the political system designed through the Original Constitution however, continues to bedevil parliamentarians in Taiwan to this day.[13] The National Assembly was a directly elected body that was charged with constitutional amendments and the appointment of the President and Vice-President. The President would serve as the symbolic 'head' of the Republic, independent of party politics and the administrative operation of the government. The President would name a Cabinet - the Executive Yuan – together with a Premier, who would be required to counter-sign any laws or decrees put forth by the leader. The directly elected Legislative Yuan was responsible for approving the Premier, as well as any policies submitted by the Executive, and the Judicial Yuan would administer the court system, including the constitutional court (the Council of Grand Justices). The fourth branch of government, the Examination Yuan would recruit and manage the civil service and a fifth branch, the Control Yuan, would act as a watchdog over the civil service.[14] The seemingly democratic nature of this complex and ambiguous system belied its true design however, to consolidate power in the National Assembly and the Executive Yuan in order to "govern the nation through the [KMT]."[15]

The intent of the framers would become somewhat of a moot point, as almost immediately the Island was placed under Martial Law and the provisions of the Constitution suspended by the 'Temporary Provisions Effective During the Period of Communist Rebellion (the Temporary Provisions). Under the Temporary Provisions, the President was given full control over the state where he could remain, indefinitely.[16] By *Judicial Interpretation No. 31*, the terms of office for members of the Control and Legislative Yuan were similarly extended; the state of "severe calamity" allegedly made re-election "de facto impossible." The Council of Grand Justices further concluded that it would contradict the purpose of the constitutionally mandated Five-Yuan system, if the bodies simply ceased to exist.[17]

By the time martial law ended and the constitution was revived in July of 1991, the form of governance envisioned by the Original Constitution had been profoundly altered. Not only had 41 years passed, but the first set of constitutional amendments had made permanent some of the Temporary Provisions – most notably by increasing the power of the office of the President. The already nebulous system was given another layer of complexity, as the powers of the legislative branch were not correspondingly adjusted. What resulted was a mix presidential-parliamentary/ dual-executive model, with a destabilized balance of power between the two branches.[18]

A Series of Constitutional Amendments

> "It is hard to design a stable constitution and consolidated democracy when you are not sure what the country is."[19]

In 1991, KMT leader and President Lee Teng-hui, was faced with a daunting challenge: how to reform the archaic constitution in a manner that would not incite tensions with the mainland, but would be deemed legitimate by both the opposition Democratic Progressive Party (**DPP**) and

the newly enfranchised population in Taiwan, many of whom had fought long and hard for political reform.[20] President Lee responded to the challenge by starting piecemeal, the process of constitutional reform. The downside to this incremental and periodic (yet peaceful) reform process was that the resulting amendments were neither coherent, nor particularly well designed.[21] The reforms did serve one of the key objectives of President Lee and the KMT however: to strengthen and entrench the power of the office of President.[22] A series of seven sets of constitutional amendments would ensue between 1991 and 2005.

The First Revision in 1991 entailed the adoption of ten constitutional amendments. Key among these ten were provisions regarding regular elections and those to entrench various Presidential powers. It was however more the process of reform, than the actual content of the first amendments, that was key to the change that would ultimately take place.[23] A conservative and illegitimate National Assembly was the only body technically empowered to revise the Original Constitution. President Lee got around this constitutional technicality by: consulting widely, delaying revocation of the Temporary Provisions, obtaining a judicial reference to curtail the power of the National Assembly and by generally ignoring those parts of the Constitution that were contrary to the reform process and adding in provisions to fill in the gaps. While technically unconstitutional, the new provisions represented the first time that laws had been legitimately drafted with solely the Taiwanese people and state, in mind.[24]

The Second Revision in 1992 tacked on another set of eight amendments that would expand and further entrench presidential powers. The National Assembly likewise underwent change; the body lost its power over Presidential appointment but gained the power to nominate members of the Judiciary, Examination and Control Yuan. In 1994 a Third Revision was adopted, replacing the provisions made in the first two sets of reform. The office of the President gained further legitimacy and power, as it became subject to direct elections. The revisions reconfigured again the powers and procedures of the four political branches of the government.[25]

If strengthening the power of the office of the President had been a key goal of President Lee and the KMT Party, weakening the power of the National Assembly, Control and Examination Yuan to the benefit of the Legislative Yuan, was a core goal of the DPP. On a political level, the Legislative Yuan could provide an important check and balance on the power of the President. On a purely partisan level, the legislature was the traditional power base for the DPP; as a new party with limited financial and institutional resources, the opposition party had chosen to concentrate its energies on getting members elected to this branch of government.[26] The Fourth Revision reflected the growing political strength of the DPP and some of its priorities.[27] Powers were again redistributed between the various branches of government, empowering further the Legislative Yuan.[28] Of note for the subsequent set of amendments, the powers of the judicial branch were enshrined and made independent.[29]

The Fifth Revision was promulgated by the President in September of 1999 and stricken by the Council of Grand Justices (CGJ) in March of 2000, through *Judicial Interpretation No. 499*. At the core of this set of amendments was a provision that the National Assembly would no longer be an elected body, but rather would be reflective of party seats in the Legislative Yuan (party-list proportional representation). The tenure of office for both the National Assembly and the Legislative Yuan was to be extended, to allow time to effect the changes and bring the election timetables in sync.[30] The amendments, as passed, would not pass judicial scrutiny.

Procedurally, the National Assembly failed to enact the amendments through open ballot, contrary to their own rules of procedure. The CGJ found that a heightened de-

gree of transparency and clarity would be required to amend the constitution – reason followed that constituents must be able to assess the actions of their political delegates. The issue of tenure extension of the two branches also represented a fatal error for the CGJ. The court relied on its concerns surrounding Taiwan's authoritarian past, as well as prior "principles of democracy" as articulated in *Judicial Interpretation No. 261*, to find that the holding of periodic, set, elections is required, as they are at the core of representative democracy and political legitimacy.[31] The CGJ went on to find that the amendments had been contrary to fundamental and unalterable constitutional provisions, such as democratic representation, the rule of law and periodic elections; "to alter existing constitutional provisions concerning the fundamental nature of governing norms…destroys the integrity and fabric of the Constitution."[32] Despite strong condemnations of judicial activism by the media, the principles articulated would resonate in future sets of reform.

The year 2000 was a watershed moment in Taiwan's political history. DPP candidate, Chen Shui-bian was elected President and the country underwent its first transition of power to an opposition party.[33] The Sixth Revision took place in the wake of this election and the controversial *Judicial Interpretation No. 499*. Key to this set of amendments was a provision that the Legislative Yuan would be in charge of proposing future constitutional amendments.[34]

The final and Seventh Revision was ratified in June of 2005; the National Assembly was fully disbanded and any future constitutional reform would have to be passed by the Legislative Yuan and ratified in a referendum, by an absolute majority of all eligible voters.[35] The DPP influence was again evident, as the party had long been a strong voice, advocating for a more direct form of democracy and greater power to the people, via the tool of the referendum.[36]

After years of piecemeal reform, undertaken through balancing interests and partisan politics and competing visions, Taiwan is left with an ambiguous political system that is neither presidential nor parliamentary nor coherent. Absent some mechanism to propel further reform Taiwan could remain stuck in neutral, a product of its own divisive past. Ironically, it is the ambiguous power structures as defined by the current constitution, that are likely to result in the political stalemate between the legislative and executive branches, thereby preventing the very reforms required to clarify existing ambiguities.[37] Added to all of these complexities is the ever-present China factor. The threat from the Mainland has not only acted as a contributing factor to the piecemeal nature of reform in the past, but will continue to shape the pace and content of reform in the future.

The Future of Constitutional Reform in Taiwan

> "The constitution of the Republic of China – as Taiwan is officially known – is stored in a wooden box, in a locked glass cabinet in a dark room. The room lies behind a thick metal door of the kind you would see in a bank vault. (...) had [to] don rubber gloves and a mask … to leaf through the document…"[38]

The imagery of the physical location of the Taiwanese Constitution is powerful; despite continued calls for wholesale reform, history and circumstance have ensured that the original document would remain well preserved. Few people are more acutely aware of this fact than President Chen who, in opposition, was a strong voice for a new constitution and who, in power, has made constitutional reform a key objective of his Administration.[39]
As leader President Chen is also however, well aware of the missiles pointing out across the Taiwan Straits and Mainland China's position that any substantial reform or suggestion of a new constitution would be seen as an unacceptable statement on sovereignty.[40] One analyst has

gone so far as to suggest that if war erupts between Taiwan and China, a new Taiwan constitution would be its most likely cause.[41]

Although few outside of Mainland China would dispute the assertion that Taiwan "crossed the line when Beijing wasn't looking" and that the country is already *de facto* an independent and sovereign nation, President Chen must continue to proceed cautiously, so as not to provoke the Mainland.[42] Any constitutional amendments in the immediate future will necessarily be incremental. In that vein, the current President has confirmed his desire to undertake the Eighth Revision before he leaves office in 2008. Potential areas targeted for reform include: the transformation of the government into a three-branch political system; a final definition of the political system as either parliamentary or presidential; and the institution of additional protections for basic human rights.[43]

These amendments, if successful, would help to further engrain constitutionalism within Taiwan's nascent democracy. As discussed previously however, political deadlock and excessive partisanship make any potential reform difficult; at this stage the legislature allegedly lacks even the political will to form a bi-partisan committee on constitutional reform.[44] The tool of the referendum is thus seen to be a logical mechanism to secure public engagement and, in turn, propel the reform agenda via the power of the people.

Providing for Referenda in Taiwan, through the Constitution and Legislation

> "Dr. Sun Yat-sen asserted that referendums were needed because we must have something more than voting in our democracy."[45]

The use of the referendum as a tool of direct democracy is not a novel concept in Taiwan. Far from being a recent cultural transplant, provisions for the rights to "recall, initiative and referendum mechanisms" were present in the Original Constitution. The specific right was contained within the Second Constitutional Chapter entitled the "Rights and Obligations of the People", and is very much in line with the larger political philosophy that informs Taiwan's Constitution: that of Dr. Sun Yat-sen[46] and his Three Principles of the People.[47] The original provisions for the right of referendum were left largely untouched during the seven sets of amendments undertaken since Taiwan's constitution was revitalized in 1991.

Article 17 of the Taiwanese Constitution expressly provides that "the people shall have the rights of recall, initiative and referendum." The twelfth chapter of the Original Constitution (Articles 129 through 136) entails general guidelines for the holding of elections, recall, initiative and referendum. Up until recently however, the right only existed in the abstract. During the period of Martial Law, the provisions regarding referendum (like the bulk of the Original Constitution) were suspended and after 1991, there was little political impetus to operationalize the right permitted by the framing document. Aside from the obvious and practical necessity of procedural guidelines, Article 136 of the Original Constitution mandates that the "exercise of the rights of initiative and referendum shall be prescribed by law." In November of 2003, *The Referendum Act* was passed, paving the way for the realization of this constitutional right.

Taiwan's two main political parties have, since the early 1990s, taken a very different stance on forms of direct democracy, generally, and the use of the constitutional right of referendum, specifically. As the 'party of the people' the use of the referenda has long been a key party platform of the DPP. The current government's website describes the tool as, essentially, the embodiment of universal democratic values and a sacred and inalienable basic right of the Taiwanese people.[48] In contrast, throughout the 1990s

the KMT vociferously opposed any referendum initiative as an unnecessary provocation of the Mainland and, as such, sought to block passage of the implementing legislation.[49] As power was transferred to the DPP at the end of the decade and public support for the use of the referendum grew, so too did the KMT willingness to consider the option.[50] *The Referendum Act* that was ultimately passed by the Legislative Yuan in 2003 represented a classic balancing of interests between the two main parties; the tool of the referendum was given a form but the procedural bar was set reasonably high, so as to alleviate any concern that the tool would become a frequent component of Taiwan's democratic process.

The basis of a referendum – as a tool to directly implement the sovereign will of a people – goes against the very essence of the Chinese myth that the Taiwanese people are not sovereign, but rather a renegade province of the Motherland. Almost any substantive question put to the people for determination could be taken as an implied statement on independence or, at the very least, one on popular sovereignty. As such, the reaction of Mainland China had to be gauged and reflected in the referendum process and in the content of the implementing legislation. *The Referendum Act* that was passed in November of 2003 was potentially incendiary in its text (allowing the President to call a referendum, if an "external force" threatened to cause a change in Taiwan's "sovereignty"), but placating in some of its procedural aspects (setting a high bar to initiate or pass any referendum question). This was a typical Taiwanese balancing act. Several aspects of *The Referendum Act* warrant specific mention: the express and implied declarations on popular sovereignty; the provisions for the adoption of a referendum question; and the procedural bars to passing a question put before the electorate.

Article 1 of *The Referendum Act* roots the legislation in the constitutional principle that, "sovereignty resides with the people" and articulates the law's broad purpose to "safeguard the direct exercise of the rights of the people." Far more subtle statements on popular sovereignty could also be inferred from other, more substantive provisions of the Act, when read in the context of the first Article. For the most part, individual citizens alone are empowered to instigate the referendum process; government agencies under 'any guise' are prohibited from initiating, or funding others to initiate, a referendum question.[51] A referendum campaign can be established and funded in advance of a referendum, but contributions from foreigners, Mainland China, Hong Kong, Macau, or any corporate bodies receiving government funds, are expressly prohibited.[52] Article 18 further imposes a positive obligation on the state to use public funds to ensure that <u>at least</u> five debates are held and broadcast on national television, by interested parties.[53] Taken together, these provisions firmly root referenda, as a political tool to express the sovereign will of the Taiwanese people.[54]

As discussed, in accordance with *The Referendum Act*, individual citizens must initiate most referenda questions. This decision was based not only on ideology but also in prudence and practicality. The mere suggestion of a referendum by President Chen and his pro-independence DPP could incite tensions across the Taiwan Straits. While in opposition one of the key DPP party platforms had been for independence, via the tool of the referendum. By removing primary control over referenda questions from the governing party, Taiwan was able to allay to some extent, the concerns raised on the Mainland.

The high procedural bar set to adopt and pass a referendum question was also thought to alleviate some of the residual anxieties expressed by Mainland China. A proposed referendum question must be endorsed by at least 5% of the electors from the prior presidential election, before the request will be put before the appropriate branch of government for review and approval.[55] In order to pass,

at least 50% of qualified voters in Taiwan must cast a ballot and at least half of all valid ballots must be in support of the referendum question.[56] The bar is set higher still for the contentious referendum procedure for constitutional amendment, where a super majority – or a full 50% of all eligible voters - must be in support of the proposed amendment.[57]

Dr. Sun Yat-sen thought that referenda would be a way to entrench the people's "sphere of power," within the ROC's larger political culture. President Chen likewise hopes to utilize the tool of the referendum to entrench and legitimize the concept of popular sovereignty for the Taiwanese people.

The Peace Referendum: March 20, 2004

> "…characterized as a 'referendum in search of a topic.' For the very idea of a referendum in Taiwan evokes the notion that we are tossing around the familiar term that resonates in Taiwan's recent political history with a referendum on independence."[58]

Almost immediately after the Legislative Yuan passed *The Referendum Act*, President Chen and his administration began crafting questions for a potential referendum.[59] When the DPP failed to craft a question with sufficient resonance, that could be initiated and adopted by members of the electorate, the President sought to bring forth a "defensive referendum" as exceptionally permitted through Article 17 of *The Referendum Act*. It was clear even before the DPP "quest" for a question began, that the actual topic mattered little. Rather, the referendum was merely a tool to deepen Taiwan's democracy and in so doing, make an implicit statement to China and the world on the sovereignty of the Taiwanese people.[60]

The three initial referendum questions considered by the Chen administration had little substantive coherence. The first question had to do with whether or not Taiwan should build a fourth nuclear power plant. A second referendum topic would have asked the electorate whether Taiwan should seek accession to the World Health Organization (WHO). A final question dealt with constitutional reform.[61] While seemingly disparate each, in its own way, represented an implicit statement on Taiwan's legal status. The second question on the WHO, for example, spoke to an established principle at international law, that statehood can be demonstrated through engagement in international organizations. Likewise, any question on a 'new' constitution carried with it the suggestion of a 'new' state.[62] Ultimately, it was the first question on a fourth nuclear power plant that was deemed to have the greatest potential for political success. The attempt to pass the referendum question was quickly aborted however, as the initiator was unable to obtain the requisite signatures on the petition, as required by *The Referendum Act*.[63]

The DPP administration next turned to a provision in the implementing legislation that would allow the President to initiate a referendum on a national security issue, if faced with an external threat against Taiwan's sovereignty. President Chen looked out at the hundreds of missiles that China had aimed directly at Taiwan and called a "defensive" referendum, under Article 17 of the Act. The question to be put before the voters was to the effect of whether: "you want China to redirect about 500 missiles that are aimed at the island, Beijing considers to be a renegade province."[64] Unlike a standard referendum question, the President was not required to obtain a petition and would not be subject to legislative oversight, from the KMT-led legislature. Predictably, the KMT party was strongly opposed to the use of a referendum on the premise given by the President, and instructed KMT members to boycott the vote.

Almost immediately, the Chinese authorities issued their own statements to threaten Taiwan and lambaste the coun-

try for its attempts to hold a referendum on "independence". The United States also condemned the move, as did the European Union and Japan.[65] In the end, the two questions that were put to the people of Taiwan were fully vetted by the United States and were, as such, far more innocuous:

(1) If China does not remove missiles aimed at Taiwan and does not give up the use of force against Taiwan, do you support the government to increase the purchase of anti-missile equipment to strengthen Taiwan's self-defence capability?

(2) Do you agree that the government and communist China should open negotiations and promote a peaceful, stable framework for interaction, in order to seek consensus between the two sides and welfare for the people?[66]

China continued to threaten retribution, as opponents of the referendum in Taiwan contemplated legal action. Irrespective of the tone of the questions, the issue remained as to whether the missiles truly represented an "imminent" threat; if not, the President would have acted outside of his authority. When negotiating the provisions of *The Referendum Act,* the KMT-led Legislative Yuan had been adamant that the President not be empowered to call a referendum, at will. The DPP would counter-argue that the President was constitutionally empowered – and indeed required - to protect the people of Taiwan in the event of a clear threat to national security. The result was the inclusion of Article 17, to be invoked only in 'exceptional' circumstances, when the island faced an impending threat against its sovereignty.[67]

The referendum vote, which coincided with Presidential elections, turned out to be a non-event. Less than half of the eligible voters cast a ballot as required by the Act and the results were thereby nullified.[68] As there was no legal impact of the exercise, no reference was made to the GCJ to determine whether or not the President had acted *ultra vires* in calling the referendum, or whether the questions were otherwise valid. The success of the vote did not, however, rise or fall on its technical failures. One of the President's true objectives had been to engrain the tool of the referendum in the political cultural, so as to ensure that in the future, if another political party attempted reunification with the Mainland, the Taiwanese people would have a valid expectation that the issue would be put to them in a referendum.[69] In June of 2005, the amending formula was revised; future constitutional amendments would have to be ratified in a referendum. It would appear as though the "will of the people" via referendum, has been constitutionally entrenched and legitimately accepted as a part of the political culture in Taiwan.

As discussed, once President Chen had secured the mechanism to hold the referendum, the DPP administration had to find the content of the question. The process and not the content became the point. Through the tool of the referendum, the Taiwanese government had hoped to secure its own legitimacy and make a larger statement on the sovereignty of its people. The principle of popular democracy – always technically evident in Taiwan's framing document – has, because of history and circumstance, become entrenched in its image of constitutionalism. History and circumstance would provide a very different conceptualization of constitutionalism in Canada. As an established democracy, with few external threats and strong parliamentary traditions, a representative form of democracy would provide ample legitimacy for the state. The tool of the referendum could, however, still have value in times of political uncertainty, when elected officials had a specific question of significant importance, to put to the Canadian people for consultation.

Canada: Experiences with Referenda in a Parliamentary Democracy

> "The sovereignty of the Republic of China shall reside in the whole body of citizens."
> Article 2, Constitution of the Republic of China, 1947

> "The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen." Section 9, The Constitution Act, 1867

Canada's first experiences with a national referendum took place in 1992, with the Charlottetown Accord,[70] wherein the federal government sought an advisory opinion as to whether or not to ratify a federal-provincial agreement on a package of constitutional reforms. Although Canadians had limited experience with the political tool, the question was deemed sufficiently important and divisive to warrant seeking the advice of the nation. To date, substantive constitutional reform and the succession of Quebec have been the only topics deemed of sufficient importance to require the political legitimacy provided by a national referendum.

The Charlottetown Accord was not, however, the first time that the federal government had considered directly putting a question to the people in a national referendum. In October of 1980, the Liberal government submitted its report on the unilateral repatriation of the Canadian Constitution; the proposal contained, among other things, a provision for the use of a referendum in the constitutional amendment formula.[71] After extensive negotiations with the provincial Premiers in the months that followed, the option was dropped in favour of a provincially designed formula.[72] It is fair to assume that the provincial leaders were not wholly ideologically opposed to the concept of direct democracy *per se*. Rather, the constant jockeying for power between the federal and provincial levels of government made the Premiers reluctant to agree to an amendment process that could be hijacked by Ottawa, with the legitimacy of the referendum process.[73] Canadian federalism is a key area of comparative distinction with the Taiwanese political system and can provide one possible reason why Canada has not felt compelled to embrace a more direct form of democracy. The provincial level of government provides a further level of representation to protect individual rights from the authority of the state, as well as another level of governance to vie for legislative power.

Although the provision for a more direct form of democracy was dropped from the 1980 proposal for constitutional amendment, it was not done entirely to the peril of the legitimacy of the political system. Elected officials in Canada have historically faced very different concerns on issues of legitimacy than their Taiwanese counterparts, given the strength and tenure of Canada's democratic institutions. The strength of the Canadian party system and the principle of party discipline in a strong parliamentary democracy like Canada, have also contributed to the creation of a very different political climate.

While the 1981 constitutional amendments were legally valid it was feared that they were not entirely legitimate, as the Quebec Premier had refused to sign on to the final deal. Further attempts at constitutional reform would take place over the following decade.[74] A series of amendments in the early 1990s included, among other things, provisions to increase provincial powers and decrease federal spending powers, as well as a series of statements on the Canadian identity (the Canada Clause). The proposed amendments also contained a unique provision regarding the distinctiveness of Canada's most petulant province – Quebec. Legitimacy was deemed key to the success of this set of agreements on constitutional reform and, in October of 1992, the Canadian government sought an advisory opinion through a national referendum. While consensus of the people was not legally required there was a political understanding that, absent a majority of

support in all provinces, the proposed amendments would fail. Irrespective of the rare show of mobilization and consensus amongst Canadian federal leaders, the Canadian people voted "no" and the proposed amendments were halted. Canada's first experience with direct democracy resulted in a powerful statement on the will of the people.

The Legal Basis for Referenda in Canada

> The Constitution does not address the use of a referendum procedure, and the results of a referendum have no direct or legal effect in our constitutional scheme, although democratically elected representatives may, of course, take their cue from a referendum.[75]

Unlike the Taiwanese government in 2004, the Canadian government in 1992 had a clear question, from which a response was required from its citizenry. The federal government simply lacked the legislative framework to structure the referendum process. After much debate, the *Referendum Act,* S.C. 1992, c. 30 (the Act) was passed in 1992 to fill the void.

The first substantive provisions of the Act deal with the Proclamation of a Referendum - essentially who has the power to post a question to the electorate, in a national referendum? Unlike Taiwan, where individuals are the core instigators, the process is instigated and largely controlled throughout, by represented officials. Under section 3 of the Act, the Governor in Council will direct any question relating to the Constitution and deemed to be in the "public interest". Canada's is more clearly a system of parliamentary democracy; the voice of the public is sought, on a question in the public interest, but only through the people's representatives.[76] As in Taiwan, the implementing legislation sets forth a process for legislative oversight of the referendum question.[77] Provided that the governing party enjoys a majority in the House of Commons however, there is little concern that the initiative would not pass.

Although public participation in a referendum is permitted through the Act, the right is not constitutionally guaranteed. In *Haig v. Canada* [1993], 2 S.C.R. 995, the Supreme Court of Canada found that Mr. Haig's entitlement to vote in the Charlottetown Accord could be constrained by the residency requirements in the Act; Section 3 of the Charter (election rights) only guaranteed Mr. Haig's right to select representatives to the federal and provincial governments, and not to vote in a consultative process. The majority found referenda to be, in essence, a tool of public policy. There was, as such, no positive obligation on the government to consult Canadian citizens through the mechanism. The Supreme Court of Canada (SCC) would again have the opportunity to articulate various principles of Canadian constitutionalism and parameters on the use of the referendum a few years later, in the *Reference re: Secession of Quebec* [1998], 2 S.C.R. 217 (the Secession Reference).

As mentioned, the Canadian Constitution does not expressly provide for the use of the referendum. So, when Quebec's separatist government sought independence from Canada through the tool of a referendum, the federal government sought a reference from the SCC on the constitutionality of the undertaking. In the Secession Reference, the high court held that, despite the lack of express constitutional provisions, the democratic principle should provide an implied weight to the results of a referendum held in Canada; the principle required that a clear expression of the people of Quebec be validated. A unified Supreme Court was equally clear, however, that 'democracy' was not the only principle informing the Constitution. The unwritten principles of federalism, constitutionalism and the rule of law and minority rights were deemed to hold equal value.[78] The results of any referendum would be consultative only and its utility would be in empowering Quebec's elected officials to start the process of negotiation with the rest of Canada, to break ties with the union. The high court confirmed that sovereignty resides with the people, but

this sovereignty must be realized within the principled framework of the Constitution.[79]

The referendum can be a powerful tool in a democratic system, as the "voice of the people" will logically be seen to confer legitimacy on a political initiative. In order to truly be – and be seen – as a legitimate tool however, the Canadian government had to ensure that the 'voice' being heard, was an accurate reflection of those being consulted. In the Secession Reference, the SCC found that a future referendum on secession would require a clear majority on a clear question; the content of that clarity was however, up to the political leaders to define.[80] In 2000, the federal government passed *An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference*, S.C. 2000, c.26 (the Clarity Act), to provide a clear statement on any future referenda regarding secession.

In Canada, like Taiwan, concerns have been raised surrounding some of the more indirect influences of the "voice of the people." In *Libman v. Quebec* [1997], 3 S.C.R. 569, the SCC considered the issue of permissible spending limits in a referendum campaign. The overarching concern was that the "will of the people" should not be unduly influenced by the most advantaged in society. Although the measures employed by the Quebec legislature to regulate expenses were found to be impermissibly intrusive, the SCC acknowledged the right of government to legislate so as to ensure referendum fairness and equality among different expressions. Provisions have similarly been made in the Act, to limit referendum expenses, thereby protecting both the actual and perceived legitimacy of the process.[81]

Conclusion

> Constitutionality and the constitution are not mere formal documents. They are not mere law. They are the fruit of the national experience. They are society and culture. Indeed the constitution is the reflection of the national experience.[82]

The "will of the people" is at the very heart of constitutionalism. How a democratic state will choose to express that sovereign will – directly through some form of popular democracy or indirectly through a form of parliamentary democracy – will often depend on the collective national experience of the country and its citizens.

The experiences of Taiwan are that of a nascent democracy, having recently emerged from a long, hard history of authoritarian leadership. While the country has almost fully consolidated its democracy, remnants of Taiwan's authoritarian past are never far from the surface; state corruption and extreme partisanship permeate through most segments of society. The ambiguous political structures that have evolved with Taiwan over the past fifty years have only exacerbated the legislative stalemate caused by this extreme partisanship. The referendum can, in the circumstances, be an effective tool to give a voice to a people formerly silenced and legitimacy to a political system trying to reform itself and exert its authority, in the face of a constant threat from Mainland China. A form of popular democracy may be the best way for Taiwan to realize its underlying constitutional principles of individual rights, democracy and limited government.

Canada in contrast has, since 1867, enjoyed no long-term credible threats to its security and an uninterrupted democratic system. Borrowing on parliamentary traditions from its former colonial leaders, Canada has a strong party system and a strict adherence to the parliamentary tradition of party discipline – there is far less of a concern of legisla-

tive stalemate than is the case in the Republic of China. As articulated in the Secession Reference, there are several underlying principles that "animate" the entirety of the country's constitutional rights and obligations: federalism, democracy, the rule of law and constitutionalism and a respect for minorities. While the tool of the referendum speaks most clearly to the democratic principle, it is perhaps Canada's unique system of parliamentary democracy that is best able to realize the remaining four principles.

As is evident from a comparison of the experiences of Taiwan and Canada, the tool of the referendum can be seen as reflective of a state's understanding of its own constitutionalism. In a strong parliamentary democracy, the state may choose to utilize government-controlled referenda, whose answers either advise or bind the state's actions. Newer democracies with past problems of legitimacy may, in contrast, seek to institute constitutionally mandated referenda or those that are brought forth through a popular initiative. The value that any country gives to the political tool will be reflective of its past experiences and future aspirations. In response to the question posed in the title of this paper then, referenda and constitutionalism are more likely to be viewed as a marriage made in heaven; how the couple will choose to structure their expression, however, will depend very much on the history and circumstance of the state, at the heart of the union.

Notes

1 Louis Henkin, "A New Birth of Constitutionalism: Genetic Influences and Genetic Defects in Constitutionalism, Identity, Difference and Legitimacy: Theoretical Perspectives" in Norman Dorsen, Michel Rosenfeld, Andras Sajo & Susanne Baer, eds., *Comparative Constitutionalism _ Cases and Materials* (St. Paul, Minnesota: Thomson-West Publishing, 2003) 8 at 10-12.

2 The majority party in Switzerland will often be more apt to seek a compromise with minority parties, as the latter have the right to band their constituencies together and call a referendum by popular initiative. Dorsen, *supra* note 1 at 260.

3 *Ibid*. "Chapter B.3 Referendum: The Legislative and Constituent Powers of the People" at 252.

4 *The Federalist No. 51* at 313, cited in Dorsen at 261.

5 The US Supreme Court has upheld the constitutionality of the institution of the referendum at the state level only. Dorsen, *supra* note 1 at 260.

6 Interview of Minister Yao Chia-Wen, President, Examination Yuan, (10 July 2005) in Taipei, Taiwan.

7 "China" included the mainland, Taiwan, Tibet and outer Mongolia. Throughout, the initial constitution (prior to any amendment) has been referenced as the "**Original Constitution**."

8 James Tkacik, "History's Implications for Taiwan's Constitution" (October 2004) IV:21 Jamestown Foundation China Brief 5.

9 Wen-Chen Chang, *Transition to Democracy Constitutionalism and Judicial Activism: Taiwan in Comparative Constitutional Perspective* (D. Jur Thesis, Yale Law School, 2001) [unpublished] at 36.

10 In January of 1947, Governor Chen Yi announced that the Original Constitution would not apply to Taiwan when it went into effect in China in December of that year because, "mainland… advanced enough to enjoy the privileges of constitutional government but because of long years of despotic Japanese rule, the [Taiwanese] were politically retarded and were not capable of carrying on self-government in an intelligent manner." Tcacik, *supra* note 5 at 8.

11 Taiwan's highest court has affirmed the importance of many of the criteria used by Henkin to define constitutionalism. In *Judicial Interpretation No. 499*, (*supra*, note 22) the Council of Grand Justices stated, at para 2, "Among the constitutional provisions, principles such as *establishing a democratic republic* under Article 1, *sovereignty of and by the people* under Article 2, *protection of fundamental rights* of the people under Chapter Two as well as the *check and balance of governmental powers* are some of the most critical and fundamental tenets of the Constitution as a whole."

12 Republic of China (Taiwan), *History of Constitutional Revision in the Republic of China*, online: Republic of China (Taiwan) <www.taiwandocuments.org/constitution07.htm> [**ROC, "History Reform"**].

13 Many of the current issues surrounding constitutional reform stem from the manner in which the Original Constitution was negotiated and drafted in China, over approximately a ten-year period. The final document was a mix of political bargains that brought together: the political philosophy of Dr. Sun Yat-sen (and his Three Principles of the People); European and American constitutional principles; a "supreme structure", styled from the Soviet system; and the traditional Chinese concepts of an Examination and Control branch. See generally: Ogasawara, *supra* note 9 at 2-5.

14 Michael Kwang, "Taiwan – The ROC: A profile of recent constitutional changes and legal developments" in Alice E-S Tay & Conita S.C. Leung, eds., *Greater China, Law Society and Trade*, 59 at 65-67. See also: Shelly Rigger, "Taiwan's Best-Case Democratization" (2004) Spring Foreign Policy Research Institute 285 at 290 [**Rigger, "Best-Case'**].

15 Dr. Yoshiyuki Ogasawara, "Constitutional Reform and Democratization in Taiwan" *Tokyo University of Foreign Studies* (1999) at 2, online: <http://www.tufs.ac.jp/ts/personal/ogasawara/paper/epaper2.html>.

16 Kwang, *supra* note 8 at 66.

17 *Judicial Interpretation No. 31* (29 January 1954), Taipei (Council of Grand Justices), online: Judicial Yuan, Government of the Republic of China (Taiwan) <http://www.judicial.gov.tw/constitutionalcourt/EN>

18 Rigger, "Best-Case", *supra* note 8 at 290.

19 Gregory W. Noble, "Opportunity Lost: Partisan Incentives and the 1997 Constitutional Revisions in Taiwan" (January 1999) 41 The China Journal 89 at 114.

20 Taiwan's extensive experiences with authoritarian rule have had a profound effect on its political structures. Under the KMT, Taiwan's citizens were subjected to oppressive rule, where any form of political or social discontent was dealt with by violent force. The party was the state and the state was to be feared. Change only came about through the tenacity of the grassroots opposition movements (the Dangwai). See generally, Chang, *supra* note 6.

21 *Ibid*.

22 Ogasawara, *supra* note 9 at 7-8; See also: Noble, *supra* note 13 at 98.

23 The powers over constitutional reform technically lay with the National Assembly, a body that had been 'elected' on the mainland in 1948. When a member of the Assembly died, the next 'runner up' would be called on to fill the member's seat. In *Judicial Interpretation No. 261* (1990/6/21), the CGJ found that the sitting members did not reflect the "will of the people" as required in a constitutional democracy. Those who had ceased to act or had not been "re-elected on a periodic basis" would be dismissed. The President was to make the "appropriate plan" to ensure the functioning of the constitutional system.

24 Ogasawara, *supra* note 9 at 7-8; See also: ROC, "History Reform" at 2.

25 Ogasawara, *supra* note 9 at 10-11.

26 The KMT had spent decades as the state-party and had amassed considerable financial resources, political experience, candidates and an established electoral machinery. It was, to the say the least, difficult for a grassroots based opposition party to compete with the KMT – the richest political party in the world with 2 million members and net assets of NT $61.2 billion. See note 18.

27 Noble, *supra* note 13 at 100 (on motivations of DPP); ROC, "History Reform", *supra* note 7 (on the Forth Revision, generally); Wikipedia, Republic of China at 5 (on statistics re: KMT power).

28 Noble, *supra* note 13 at 110-112.

29 Noble, *supra* note 13 at 100-101; ROC, "History Reform", *supra* note 7.

30 Chang, *supra* note 6 at 489-491; See also: "History Reform", *supra* note 7.

31 *Judicial Interpretation No. 499* (24 March 2000), Taipei (Council of Grand Justices), online: Judicial Yuan, Government of the Republic of China (Taiwan), at para. 4 <http://www.judicial.gov.tw/constitutionalcourt/EN>.

32 *Ibid*. at para.13. See also: Chang, *supra* note 6 at 488-496.

33 Individuals who served in the KMT government during the 80s and 90s have reported utter shock at how quickly the opposition party formed and was elected to the Presidency. Up until the very moment power was transferred, nobody truly knew whether the transfer would be peaceful, or if the KMT would resist revoking the reigns of power. Author's interviews in Taipei, Taiwan, July 9-13, 2005.

34 Chang, *supra* note 6 at 497-500.

35 Government Information Office, Republic of China (Taiwan), *The Significance of Taiwan's Constitutional Reforms* (10 June 2005) at 2-3, online: Republic of China (Taiwan) < http://www.gio.gov.tw/taiwan-website/4-oa/20050610/2005061001.html> [**ROC, "Significance"**].

36 Noble, *supra* note 13 at 101.

37 Rigger, "Best-Case", *supra* note 8 at 289.

38 Chris Hogg, "Taiwan ponders constitutional reform" *BBC News* (30 June 2005), online: BBC News <http://news.bbc.co.uk/go/pr/fr/-/1/hi/world/asia-pacific/4634439>.

39 In the *DPP Policy Statement on a New Constitution* (August 2003), the party put forth its view on the general incompatibilities and inefficiencies of retaining the structure and governing institutions of the Original Constitution. One specific example provided was that, of the 106 bills submitted by the Executive Yuan in 2003, only 17 were passed by the Legislative Yuan (with an average cost of $123 million New Taiwan dollars per passed bill). Online at: http://cns.miis.edu/straittalk/Appendix%20145.htm

40 In President Chen's 2000 Inaugural Address, he affirmed his commitment not to: declare independence, change the national title, push for "state-to-state" relations, promote a referendum on independence, or abolish the National Reunification Council. The "5 No's" as they came to be known, were reaffirmed at the start of President Chen's second term, in the 2004 Inaugural Address. Online at: http://www.taipei.org/chen/chen0520.html; and http://yaleglobal.yale.edu/article.print?id=3943.

41 Tkacik, *supra* note 5 at 4.

42 I-wei J. Chang, "Taiwan dances on tightrope" *The Washington Times* (30 July 2004), online: Washington times; See generally, Angeline G. Chen, "Taiwan's International Personality: Crossing the River by Feeling the Stones" (January 1998) 20:2 International and Comparative Law Journal 223 (on Taiwan's international legal status).

43 ROC, "Significance", supra note 25 at 1.

44 Jinn-Rong Yeh, the Minister of the Research, Development and Evaluation Commission in the Executive Yuan advised, in July of 2005, that despite a seeming desire for constitutional reform among the electorate (recent polls suggest that 80% of people in Taiwan would like to see further constitutional reform), the legislature lacks the bi-partisan co-operation required to undertake any large scale reform. Minister Yeh hoped that the public would help "set the agenda and the pace" for future reform but questioned whether even that was possible. Most businesses, civil society organizations and the population at large are likewise divided along partisan lines.

45 Jaushieh Joseph Wu, "Referendums: A Taiwan Perspective" (Paper presented to the International Symposium on Initiatives, Referendums and Direct Democracy, TFD, Taipei, Taiwan, October, 2003) [unpublished] at 2.

46 The thoughts and teachings of Dr. Sun Yat-sen are referenced in both the preamble and the first article of the Original Constitution, as having informed the framing document. As noted in Article One, the overarching political philosophy is guided by the Three Principles of the People – fundamental aspects of nationalism, democracy and socialism. At its core, Sun's political philosophy sought to – both conceptually and organizationally – separate government's power (to govern) from

the people's power (for election or referendum). Chang, *supra* note 6 at 100-101.

47 "Time 100: Sun Yat-sen" *Time Asia*, online: Time Asia <http://www.time.com/time/asia/asia/magazine/1999/990823/sun_yat_sen1.html>.

48 Government Information Office, Republic of China (Taiwan), *Questions and Answers about Taiwan's referendum,* online: Republic of China (Taiwan) <http://www.gio.gov.tw/taiwan-website/4-oa/20040301/2004030101.html>. [**ROC, "Referendum"**]

49 Laurence Eyton, "Beijing's rants boost Taiwan referendum and Chen" *Asia Times* (February 2004), online: <http://www.atimes.com/atimes/printN.html>.

50 Polls taken in 2003 suggest that 68% of people in Taiwan support the holding of a referendum on the issue of constitutional reform. Taiwan Foundation for Democracy, *supra* note 46 at 82.

51 See *Referendum Act*, Articles 8, 9 and 13 (on local governance). The President can initiate a referendum in certain instances, on a matter deemed crucial to national security (Article 17). Under Article 16, the Legislative Yuan can also initiate a referendum on certain local issues.

52 *The Referendum Law*, 2003, (Hua Zong (1) Yi No. 09200242031), Article 21 [**Referendum Law**].

53 If there are no opponents to a referendum question (making a debate moot), the allotted airtime will be dedicated to programming on referendum education. Boris Voyer, "Brief Resume of the referendum situation in Taiwan", in Taiwan Foundation for Democracy, *supra* note 46, at 14.

54 The expressions of popular democracy are more than mere token; all referendum results are binding. Article 31 of *The Referendum Act* sets out the legislative and executive action that is required following a successful referendum poll.

55 Referendum Act, Articles 10, 12 and 14.

56 Referendum Act, Article 30.

57 Thomas Axworthy, "Old Friends Reunited: Human Rights, Human Responsibilities and Constitutional Reform" (Paper presented to the International Conference on Constitutional Reengineering in New Democracies, National Taiwan University, Taipei, Taiwan, October 2005) [unpublished]; See also: ROC, "Referendum", *supra* note 34.

58 Jacques deLisle, "Taiwan's Referenda, Constitutional Reform and the Question of Taiwan's International Status" (Paper presented to the US-China Economic and Security Revision Commission hearing on Military Modernization and Cross-Strait Balance, February 2004) at 3, online: Foreign Policy Research Institute <http://www.fpri.org/transcripts testimony.20040206.delisle.taiwan.html>

59 Although referenda had been held previously on local issues, (as early as 1990), the Peace Referendum was the first referendum that was national in scope. Taiwan Foundation for Democracy, *supra* note 46 at 11.

60 *Ibid*.

61 Monte R. Bullard, *Strait Talk: Avoiding A Nuclear War Between The U.S. And China Over Taiwan,* (Monterey Institute of International Studies: Center for Nonproliferation Studies, 2004) at Chapter 10, online: <http://cns.miis.edu/straittalk/10_chapter_five_text.htm>.

62 deLisle, *supra* note 40 at 3-4.

63 Under Article 12 of the *Referendum Act*, approximately 700,000 votes were required (5% of the electorate from a prior election). The DPP supported initiative had obtained only 500,000 votes before the party chose to seek instead a referendum through Article 17. Manfredi, *supra* note 49 at 5. Although not expressly discussed in the literature, the DPP attempts at setting the referendum question would appear to be contrary to Article 9 of *The Referendum Act*.

64 Eyton, *supra* note 35 at 1.

65 It was some time before the US truly 'understood' President Chen's position, as Taiwan's representative in Washington was a member of the former KMT government, who also opposed the referendum. Eyton, *supra* note 35.

66 Bullard, *supra* note 42 at 2; See also Eyton, *supra* note 35.

67 Although the threat was clearly credible – 500 missiles with an average flight time of 5-7 minutes – there was some question as to whether the threat was imminent. Few in Taiwan truly believed that China would act on its long-standing threats, over the short term. Eyton, *supra* note 35.

68 Taiwan Foundation for Democracy, "Appendix A: Referendum Result", (In materials from Symposium on the Referendum in Taiwan, TFD, Taipei, Taiwan, 2004).

69 Eyton, *supra* note 35 at 3-5.

70 Canada's first national experience with a plebiscite was in 1898 on the Prohibition of Alcohol. While seemingly insignificant now, at the turn of the Century, the issue had enormous political resonance.

71 Axworthy, *supra* note 39 at 5.

72 Prior to the federal government resuming negotiations with the provinces on constitutional reform, the Supreme Court of Canada ruled on the legality of the Trudeau government's proposal to unilaterally patriate the Constitution. The high court held, in essence, that unilateral patriation was legal but "unconstitutional" – under constitutional conventions a substantial degree of provincial consent would be required. The Canadian Constitution was ultimately patriated and the Constitution amended in 1982, with the consent of 9 of the 10 provinces.

73 Christopher Manfredi, "On the Virtues of a Limited Constitution: Why Canadians were Right to Reject the Charlottetown Accord" in Anthony Peacock, ed., *Rethinking the Constitution: Perspectives on Canadian Constitutional Reform, Interpretation and Theory* (Toronto: Oxford University Press, 1996), at 43-47.

74 For the sake of succinct argument, any discussion on the Meech Lake Accord of 1987 – yet another failed agreement on constitutional reform - has been omitted.

75 *Reference re: Secession of Quebec* [1998], 2 S.C.R. 217 at paras. 84 and 85 in Warren J. Newman, "The Quebec Secession Reference, The Rule of Law and the Position of the Attorney General of Canada" (Toronto: York University, 1999), at 94.

76 Ironically, Canada's most adventurous experience with direct democracy to date – the Citizen's Assembly in British Columbia - was centered around question on electoral reform (whether the provincial government should employ some form of proportional representation).

77 *Referendum Act*, S.C. 1992, c.30, s 5.

78 *Reference re: Secession of Quebec* [1998], 2 S.C.R. 217; See also: Newman, *supra* note 51, at 43-50.

79 *Ibid*. at para. 78.

80 *Ibid*. at paras. 104-105.

81 *Referendum Act*, S.C. 1992, c.30, s 15.

82 *United Mizrahi Bank Ltd. v. Migdal Village* (Supreme Court Israel) CA 6821/93, 49(4)P.D.221 (1995) in Dorsen, *supra* note 1, at 105.

Comments on Local Elections in Taiwan

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In the contentious debates on globalization, there are divergent views regarding its end point — i.e., where globalization would lead us to. Francis Fukuyama, after the dismantling of the previous Soviet Union, envisioned a harmonious world without communism. Samuel Huntington, on the other hand, heralds a crash of civilizations among various continents. It is anyone's guess what the end result of globalization would look like, particularly given the divergent views of the convergence and invariance hypotheses. One scenario is that democracy, market economics, and multilateral cooperation will spread outward from the "democratic core," eventually encompassing most of the rest of the world in a stable global order. Another scenario is the continuation of the status quo, where most countries remain outside the democratic core and are beset by mutual distrust, strife and economic hardship. The most worrisome scenario is the complete collapse of the emerging global system, possibly caused by globalization and new, polarizing geopolitical or sociocultural forces. Such a global economic collapse could trigger trade wars, widespread nationalism, multiple regional conflicts and general global disorder.

Studies on democracy around the globe could provide us with some insight into how — and to what extent — each locality, under the external influence of globalization, shapes its own path to democracy (or otherwise) with its own specific character. The lessons learned could further enlighten us on the driving forces, fundamental ingredients, and institutional requirements for the successful transformation of a specific political entity into a democratic society. This is what makes the Queen's University case study of Taiwan's democracy so timely.

The case study provides a historic overview of political development in Taiwan during the past six decades. However, the democratic transformation hinges upon the changing political landscape in the last 20 years or so. Democracy does not guarantee uninterrupted smooth development, nor does it take government accountability for granted. As Taiwan is currently facing a bottleneck in terms of political efficacy, it is timely for Taiwan to remember its past achievement, appreciate the results, and reinvigorate the process of improving its democratic core. Other countries, developing or developed, may also benefit from the case study, with its specific socio-political fabric and time frame, and they may reflect on the similarity to, or possible divergence from, the model. The inferences of other case studies could provoke critical soul-searching in a different light, and make sense out of either theoretic construct or practical policy recommendations.

The Taiwan democracy project, orchestrated by Queen's University, was well documented with substantial literature review. The field trip to Taiwan by three researchers was also well arranged, providing interviews with influential government officials, academics, and media leaders of different political colors. It is the upheld principle of academic neutrality that makes the project most valuable. The structure of the project includes three important parts: the background note provides a comprehensive overview of Taiwan's political development over time; the Democratic Progressive Party piece documents the formation of the key opposition party in the one-party-ruled society; and the local election piece details how an institutional arrangement is required for democratic advancement in a political entity.

The reader will note that the chronology of historic events is organized in the papers simply and clearly. They describe the evolution of Taiwan's electoral process, which is manifested in gradual and peaceful democratization. Taiwan certainly represents a rare case "in which the dictatorial regime gradually changes its stripes and [leaves] power through an electoral process." The papers attribute the successful transformation mainly to the 3-decade-old institution of expanded elections; the culture of voting and thereby political efficacy; the fearless dissenters who come to embrace broad-issue agendas from the local to the national platform; and the top-down electoral reform. I would like to supplement these observations by proposing the notions of (1) demand management and (2) the leadership of Chiang Ching-kuo.

Demand Management

Obviously, political regimes of various types are bound to respond to demands from their constituencies. This demand management underlies the essence of politics that Harold Lasswell defines as "who gets what when and how." The KMT addressed the demands of the local elites — gentry and landlords — with financial favors, reputation, and electoral candidacy, in exchange for party loyalty and policy support. The KMT rewarded those mainlanders who had retreated with Chiang Kia-shek to Taiwan with central government posts, which inevitably became an envy and eyesore for local Taiwanese. The KMT incorporated societal groups (including labor, students, professionals, farmers, state employees, and journalists) and aboriginal groups in the party structure of the one-party nation-state of the Republic of China. The system of patron-client relationship under one-party rule was taken for granted — all the more so when the KMT responded to the people's demands for economic prosperity and political participation by creating the "Asian tiger miracle" and by expanding the electorate and tolerating non-party candidates.

Approaches to demand management were implemented at a measured pace, since Chiang Kia-shek had always been harboring the fancy of returning to mainland China with US support. Therefore Chiang Kia-shek justified martial law and the National Security Provisional Law by propagating anti-Communist fever across all segments of the society, and practicing hard authoritarianism. The lingering effects of indoctrinating the populace with the "evil communist empire" message remain today, with Taiwan deeply divided regarding future relations with the PRC.
Nevertheless, KMT's perceived need for democratic reform was based on the assumption that democratization could win US favor since "human rights" and "democracy" served as the trump cards of US foreign policy. In hindsight, this perception might have been exaggerated, since national interests more often than not played bigger roles in US foreign policy. The ROC retreated from the UN, and the eventual recognition of the PRC by the US during the 1970s symbolized more slaps on the face for the KMT and thereby more desperate need for KMT legitimacy on the domestic front. This was when Chiang Ching-kuo came in and shifted his father's long-time hard-authoritarian rule into a milder soft-authoritarian one, and even came to grips with the reality that his father's aspiration of returning to the mainland might only be a wishful neverland, given the international scenario at the time.

From the telescope of Taiwan's evolving local elections, a key tool for the democratic process, one could see that demands had been mostly well managed with selective concession to opposition demands. The phenomenon of demand overload, evident in many cases of overthrown regimes, was not apparent under the KMT regime. No doubt Dahl's contention holds true in the case of Taiwan: the likelihood of success for a country undergoing a democratic transition increases as the cost of suppression rises for the state, and therefore, the cost of toleration of political opposition declines. The indoctrinated socialization process, the national indignation of retreating from the UN,

and the frustration of being "betrayed" by the US have since haunted the Taiwanese psyche, and the irritation with the PRC itself has certainly extended over time, and remains the demand agenda of the day.

Leadership of Chiang Ching-kuo

As Max DePree put it, "the first responsibility of a leader is to define reality." One could easily discern the leadership factor in the evolution of local elections in Taiwan. In every stage of development, one could trace the leader's influence on the reality, without which Taiwan's democratic process could have been more difficult or violent, if not impossible. Before Chiang Kia-shek's retreat to Taiwan, the tragic "228 Incident" on 28 February 1947 had tainted the KMT due to its brutal repression. As Donovan notes in this case study, full-scale local elections were initially established by the ruling KMT for legitimacy of its governance and for consolidation of its support, both domestically and internationally.

The gradual institution of political participation entailed Chiang Ching-kuo's vision of change in accordance with reality. The gradual expansion of democratic process called for government accountability, voter representation, issue agenda debates, a wider spectrum of social supports, liberalization in terms of lifting martial law, a guaranty of liberty, free and fair elections, freedom of speech and protests, and amendments to the Constitution. Whereas the KMT leadership had taken the initiative to advance democratic process within the one-party rule, the success of "Tangwai" candidates and the demand for the establishment of an opposition party certainly came as a surprise within the KMT party machinery. However, Chiang Ching-kuo came to realize that the oppression of Tangwai was no longer acceptable due to internal turbulence and external pressure. Instead of tough-handed crackdowns, he chose to compromise with formal legal procedure, allowing the establishment of the DPP, which marked the end of the one-party system in Taiwan. Before he passed away, he had ended the Chiang family dynasty by handpicking Lee Deng-hui, a Taiwanese in origin, as his successor. Could he have foreseen at the time a continuous transformation of Taiwan's democratic process?

Local elections today under the two-party system are very dynamic, and their outcome tends to reflect party popularity in the locality. Party politics have yet to be transformed into issue politics. With intelligent demand from the voters and the party leadership, Taiwan's transition to democracy could well be further advanced in the years ahead.

Appendix "A"
Research Methodology

Primary Research: Taipei, Taiwan, July 2005

The pace and extent of political and social change in Taiwan has been truly astounding. The country has transformed itself from a colonial state to authoritarian rule and, into a fully functioning liberal democracy, in the span of less than 60 years. From a foreign perspective, this remarkable achievement is most often viewed through the lens of certain watershed moments: the creation of an opposition party – the DPP – in 1986; the revocation of Martial Law in 1987; the institution of presidential elections in 1996; and the peaceful transfer of power in 2000.

While Taiwan seems to have emerged as a democracy almost overnight through these key moments, the reality is, of course, far more nuanced. Taiwan's democratic political systems are the result of a complex exchange of many pushes and pulls by a host of political, social, civic and academic actors (to name but a few), working at the domestic and the international level.

Both of Taiwan's two main political parties – the Kuomintang (KMT) and the Democratic Progressive Party (DPP) have played, and continue to play, instrumental roles in the remarkable changes that have occurred in Taiwan, over the past half Century. It is perhaps unsurprising that the country remains so strongly divided along partisan lines. It is with these complexities in mind, that the Centre for the Study of Democracy approached its primary research in Taiwan. The Centre sought to remain throughout politically neutral, cognizant of the important contributions made by both political parties, as well as those made by non-political actors. An honest attempt was made to interview individuals from both sides of the political divide, in order to gain a balanced perspective. Logically, the changes that were occurring at the political level may have been received differently throughout civil society, or even, at different levels of the political system. It was anticipated that a series of divergent points of view would inform our understanding of Taiwan's experiences, and add perspective to the secondary research conducted.

Dr. Tom Axworthy spent several days in Taipei, Taiwan in July of 2005, meeting with interviewees. Research Assistants with the Centre for the Study of Democracy, Grant Holly, Ian Cummins and Carol Hales, conducted the bulk of the interviews in Taipei, Taiwan, between July 9 and 18, 2005.

As a general comment, the interviewees were pleasantly surprised at the overall consistencies in the information obtained throughout the interview process. The relative weight attributed to various events – or benevolence attributed to various actors - were of course, distinct. However, particularly given the extreme partisan loyalties in Taiwan, the information remained consistent.

A summary of the information obtained throughout the interview process is attached as Appendix "B". For each interviewee, there is a brief paragraph on the interviewee's past experiences and political affiliations, in order to ground their unique vantage point. The precise categories of interviews were as follows:

1. Current Government Officials
   a. Minister Jinn-Rong Yeh
   b. Minister Yao Chia-Wen.

2. Former Government Officials: Aboriginal
   a. Bajack Kao
   b. Ma Lai Ku Mai

3. Former Government Officials: General
   a. King-yuh Chang
   b. Peng Ming-min
   c. Madame Chou

4. Academics
   a. Dr. Mignone Chan
   b. Professor Yun-han Chu
   c. Dr. Lung-chu Chen
   d. Professor N.T. Wu

5. Activists/ Former Activists
   a. Jou Yi-Cheng
   b. Jen-ran Chen
   c. W.S. "Peter" Huang

6. Others
   a. Student Perspective: Dr. Wen-Chen Chang & Law Students, National Taiwan University

   b. Economic Perspective: Taiwan Institute of Economic Research
      i. Bih-jaw Lin
      ii. David Hong
      iii. Johnny Chiang
      iv. Darson Chiu

   c. Judicial System: Wellington Koo, lawyer, Formosa Transnational

   d. Media: Rong Fu-Tien, Vice President, Eastern Television

Appendix "B"

Interviews: Taipei, Taiwan, July 2005

Current Government Officials

Minister Jinn-Rong Yeh

Party Minister of Research, Development and Evaluation Commission, Executive Yuan

Interviewee's Experiences

- Minister Yeh is a former law professor, teaching at National Taiwan University and the University of Toronto, in the area of comparative constitutionalism. The Minister is currently serving in the DPP administration as Minister and Head of the Research Development & Evaluation Commission of the Executive Yuan.
- The Minister's department is responsible for policy research and development, as well as the general coordination of policy between Ministries.
- Minister Yeh has previously done comparative work on Taiwan, HK, Singapore and China.

Changes in Government

- There have been many big changes recently within Taiwan's bureaucracy; the most recent changes involve the consolidation of various departments and a general streamlining of operations within the government.
- The KMT has publicly opposed the government's efforts at streamlining, but that is mostly "political games".
- Public opinion is not favourable to these changes, although most people aren't really tuned in; people are far more concerned with cross straight issues/ relations.
- E-Democracy is also a big area of change within the government right now; Taiwan has begun to integrate services between departments and utilize e-government for service provision.
- E-democracy and e-services are seen as a way to stay competitive with other Asian Tigers; Hong Kong and Singapore have a clear advantage as their populations has strong English skills.
- Contrast Taiwan with HK: In Hong Kong there is a strong focus on the Rule of Law whereas in Taiwan there is a strong focus on democratic systems.

Constitutional reform

- In 1988 constitutional reform was spurned by the public's discontent with aging members of the National Assembly (NA); there were strong pressures for members of the NA to retire.
- Taiwan ultimately got rid of National Assembly (during the last rung of constitutional reform).
- Now all constitutional changes go through three 'readings' before being put to the people in a popular referendum; the last set of changes only took place in June of 2005.
- More and more people are seeking constitutional reform; recent surveys shows 80% want reform but no survey was done, as to how high that issue ranks for people.
- In the same poll, 60% of Taiwanese people said that even if China opposed further democratic reforms, they would still wants reform.

(i) Who is driving change/ constitutional reform?

- Taiwan needs broad constitutional awareness within the public debate surrounding constitutional reform.
- Minister Yeh hopes that civil society groups (political groups, law society) will step up to fulfill this role and educate the public. It is also hoped that civil society groups will help to move the debate forward.

(ii) The pace of change

- Taiwan can be contrasted with China, where the leaders are trying to allow only gradual change, in stages; Minister Yeh believes that in Taiwan, you "Can't stop political reform."
- Change in Taiwan was likened to the "Ocean of Taiwan" – there have been such large changes, it is like an ocean movement (unlike China where change has been incremental).
- Constitutional reform is likely to continue to be issue based rather than wholesale, as the former is far more workable and realistic.

External forces

- Taiwan is "unique" among all the forces that have tried to change the country over the years, but Taiwan is still trying to find "Taiwanese culture."
- Look at the Japanese influence in Taiwan – most significantly on the form of government in Taiwan; there are also Japanese models of business/government relations.
- The United States and China have also had an impact on the pace of constitutional reform in Taiwan; the United States is only an influence/interested in Taiwan because of China.
- There is always a lot of internal wrangling with respect to China, as the China issue is a key way to mobilize political support.
- The KMT lost support when their leader, Lien Chan visited China following the passage of the *Anti-Succession Law* in China; this was seen, in Taiwan, as rubbing salt in the wound.
- There is a strong cultural foundation and legacy of Japan within Taiwan.

Reform and partisanship

- There are still areas within government that require reform, but even initiating the process is difficult because of extreme partisanship in Taiwan.
- The political parties must try to reach some consensus and circumvent partisan hostilities before starting the process for another round of constitutional reform; this seems unlikely in the current environment.
- There is no cross-party support to create a committee on large-scale constitutional reform (which is why reform has been more small scale/ incremental).
- The government is also trying to secure public support for constitutional reform and hope to get the public to "set the agenda" for further reform, however even this is problematic as the private sector is also largely divided along partisan lines.
- Many organizations within Taiwan are publicly funded and almost everything in Taiwan is political.

Minister Yao Chia-Wen, President, Examination Yuan

Interviewee's Experiences

- Minister Yao is currently President of the Examination Yuan, in the DPP government.
- The Minister received his education at Berkley Law, where he became interested in issues surrounding the plight of the poor. Mr. Yao brought the idea of legal aid back to Taiwan in 70s.
- Frustrated with the state of the law at the time, Minster Yao became an activist leader in Taiwan, to demand political and legal reform. Following a crackdown on activists, the Minister was arrested and spent 7 years in jail as a political prisoner (1979 – 1986).

Key moments/ influences in Taiwan's development

- In the case of Taiwan, there are two major forces that have shaped its development:
- Taiwan's international position: in relation to the US, UN and China; and
- Taiwan's history under Japanese, Chinese and KMT rule; much of Taiwan's history has lacked freedom.
- Two other key moments would include:
  1975: The death of Chiang Kai-shek
  1979: KMT was no longer recognized, internationally, as the government for all of China

Understanding Taiwan's history

- To understand development you have to understand tradition.
- Chiang Kai-shek was able to come over to Taiwan and impose martial law in1949 because of various international influences. Chinese forces provided money and government; the desire to overthrow the government on the Mainland justified the imposition of martial law.
- The US also gave its support to the KMT during the Cold War.

How Minister Yeh became politically active

- At Berkley, Minister Yao and his friends were social leaders, concerned with poverty law, housing and labour issues. The group was not initially anti-government, rather they were far more concerned with custody issues and labour issues for lower income families.
- Custody issues could not be won however, if the laws weren't strong enough. These social changes could not take place without legal reform.

(i) Initial concerns/ advocating for social justice

- Concepts surrounding social welfare and political party systems were learned overseas and brought back to Taiwan.
- Arguments for social issues were useless at the time, as the KMT were antagonistic and refused to accept any changes on these issues or others (such as environmental protection).

(ii) Initial attempts at legal and political reform: early-1970s

- The Minister had no success at his initial attempts at legal reform and felt that the only way to truly help society was through political activities. Minister Yao began to write articles and challenge the existing situation. He quickly began to advocate for: (i) the lifting of martial law; (ii) general elections to Congress; and (iii) constitutional amendments.
- Minister Yao began a series of public speeches in the mid-1970s. One of his articles in 1975 challenged the quota system for seats in government, based on provinces on the Mainland.
- Minister Yao and others thought electoral districts should be based on birthplace rather than ethnic belonging, as that could help to create a stronger sense of national identity.
- While the President was upset with Minister Yao at the time, ten years later he would declare, "I am Taiwanese."
- The only way to increase rights and promote ideas was to seek change through sedition.
- The only way to speak openly was to volunteer during election campaigns, where a small amount of free speech was allowed.
- Individuals were forced together as to speak at all, you had to be speaking for a candidate.
- At an international legal conference in Jakarta, the US, Canada and Hong Kong thought that ideas of radical reform in Taiwan had gone too far and that change had to go by existing laws. Lawyers from Indonesia and Korea supported the Taiwanese 'radicals'.
- Minister Yao did not think much of democracy at the time. It was simply a means to help the poor and seek justice. Lawyers couldn't help the general public with bad laws.

(iii) Becoming a political leader: mid-1970s

- Minister Yao quickly became a leader and began to fight for justice through peaceful means (speech, organization).
- Liberties were largely suppressed during this time and there were great controls placed on who could enter or leave the country.
- When the Tangwai came together, their only commonality was that they weren't the KMT. Members were diverse; some were pro-unification, others pro-independence. All were non-party.
- Minister Yao gave speeches to thousands - farmers, professors, businessmen and the poor.
- At the time, it was hard for the Tangwai to get into the aboriginal and military community.
- In 1978, Minister Yao was a candidate for the National Assembly in county, where there were 2 seats to represent a million people (out of 1100 seats in the National Assembly).
- People had not really talked about the 'issues' previously, as they were not allowed to challenge the ruling party. Minister Yao was talking, which led to his arrest in 1979.

International influence on the fall of the KMT

- When Nixon recognized the PRC as the legitimate government, the KMT began to dismantle somewhat, as they had lost their capacity to control society.
- Chiang Ching-kuo did not have the same reputation or control over the military as his father did; there was a greater awareness among the population than in the previous generation.

Changing perspectives

- Ideas began to flow as Taiwanese, living overseas, supported the Tangwai movement. People were influenced by international ideas, via education and television news. The transportation network also began to build up throughout the country, facilitating the flow of idea.
- People began to accept the idea of disbanding martial law, having elected members, amending the constitution, and rejecting Taipei's claim as the government of China.
- People in the early 80s began to believe that there were differences between the straits; the KMT still held to the idea of One China but those in Taipei began to advocate for 3 (Mongolia).

FORMER GOVERNMENT OFFICIALS: ABORIGINAL
Bajack Kao, Vice-President Taiwan Foundation for Democracy

Interviewee's Experiences

- Mr. Kao is currently Vice-President of the Taiwan Foundation for Democracy. Mr. Kao was previously a DPP activist, advocating for increased rights for indigenous groups in Taiwan.
- Mr. Kao was educated as a lawyer. His mother was the chief of his tribe (inherited position) and his father was an educated commoner, who held a position as a public servant in Taiwan.

Key factors/advocates of change for indigenous rights in Taiwan

- The advocacy work of the Church in support of indigenous issues.
- The mayor's support of the Commission of Indigenous People's Affairs, in Taipei.
- The movement in 1996 to clarify, solidify and reclaim 'aboriginal identity'.

Becoming politically active

- Mr. Kao was from a privileged caste and received exposure to public issues from a young age.
- His parents sent him to the city early for his education, which gave him a chance to integrate with non-aboriginals (Han ethnic societies).
- When Mr. Kao attended University in the 80s, he was first exposed to the opposition social movement. He later joined the Tangwai and became a speaker for indigenous peoples, to help secure name rights, land rights, labour rights and to fight prostitution.

History: indigenous people and colonization

- When the Dutch arrived, they only wanted trade; the indigenous people still felt like they were the masters of their lands.
- During the Chinese dynasties, aboriginals moved to mountain areas and lost partial control.
- During Japanese rule indigenous people were colonized and officially lost control over their lands; indigenous groups became quite isolated under the Japanese.
- When the KMT took control, they began a process of assimilation; the KMT created patronage positions and instilled fear through spying activities.
- Under the KMT, aboriginals began to lose their culture and the value of traditional ceremony; they were educated to become 'Chinese' and forbidden from speaking their own language.

The influence of the Church on aboriginal issues

- In the 70s and 80s indigenous people were not organ-

ized as a group. Rather, the Presbyterian Church became an advocate for their issues, through isolated grievances/ cases of abuse. The church ultimately mobilized aboriginals on individual or community based issues.

- Prior to the 90s there was no clear and definite "indigenous" status, but rather the Church would speak against issues such as: (i) graves being arbitrarily moved without consent; or (ii) government deceptively opening nuclear power plants in aboriginal communities.
- Each tribe had/have unique issues, based on their location, but all tribes have less education, are impoverished, have problems with prostitution and have been deprived of land rights.
- Many aboriginals have been isolated near mountains, making communication and consolidated effort difficult; minority status (2% of population) has also weakened aboriginals as a social group.

Tangwai movement and indigenous issues

- The *Alliance for Promotion of Indigenous People's Rights* was a clandestine organization that was led by the Church and included University students and strong links to international society.
- The Tangwai joined with indigenous people and used their issues as a tool to conduct the overall social movement; the DPP exploited or manipulated the minority issues for larger political gains.
- The Alliance was very important to the Tangwai because, although the Tangwai was diverse, the indigenous were the only people who had always been in Taiwan, thus their identity could not be challenged. Their presence also provided an emotional expression to highlight the larger social issues. Indigenous issues were the least "controversial" of those against the KMT.

KMT control in aboriginal communities

- 99% of indigenous people 'belonged' to the KMT party, during KMT rule; the party had tight control over the states. Key political positions were given to indigenous people for their support. The extent of party control stifled the development of aboriginal issues; this mentality of party control persists today.
- The KMT were able to retain control as some of their policies were designed to improve the living conditions of indigenous groups.
- As well, emotionally the indigenous did not like the DPP, as they were affiliated with Fujianese; also the DPP, while strong on promoting the social movement, did not stand to improve living conditions for indigenous persons.
- It was only through democracy that indigenous people could start to see the rights and powers they have as a group.

Local government in Taipei

- In 1996, Mr. Kao became Commissioner in the first indigenous government – Commission of Indigenous People's Affairs
- The mayor of Taipei supported and helped to implement the Commission, whose goal it was to change the living conditions of people living in Taipei city; the Commission was a good way to effect change, as many policies that were driven to the central government, went through Taipei.

International relationships/influences

- There has been a movement since the 70s, to encourage people to get involved with other Aboriginal communities as a means to find their own confidence.
- There is still a lot of UN/NGO work being done on behalf of indigenous people, which is important in bringing the issues to prominence before the international community.

Current Issues/ Policies

- Aboriginal issues remain focused on improving their own position (housing, education, employment); they

are less concerned with voting, political power and the bigger revolutions.
- There are still issues of isolation; there needs to be greater integration; a key strategy now is to help aboriginals understand their own history and their importance in Taiwan.
- The DPP is still only receiving 30% support in Taipei and less than 10% in the villages.
- Full enfranchisement makes officials at the local level more responsible to their constituents. A vast majority of money comes in from the central government and, unless local government officials work with their constituents, the central government will hold back project monies.

Ma Lai Ku Mai, Adviser of Interior Affairs Division, National Policy Foundation, Director of Yuan Hsiang Culture and Art Troupe

Interviewee's Experiences

- Mr. Ku Mai is currently an adviser with the National Policy Foundation; he previously served at the county level and as a member of the Legislative Yuan under the KMT (appointed and later elected positions).
- In 1975, he graduated from Taiwan National University.

Advocating for change

- Mr. Ku Mai was not involved in social movements, as he felt they were slow and ineffective.
- After he graduated, Mr. Ku Mai worked to promote aboriginal interests and clean their image at the 'grass roots' level, in his home county. The only channel, at the time, to engage in politics/issues was through local politics and the KMT party.
- Mr. Ku Mai spent two terms at the county level, but there was limited capacity for major change, so he opted to operate at the national level, again hoping to promote aboriginal issues.
- On reflection, Mr. Ku Mai may not have joined and participated in the KMT party, rather he may have gotten more involved in issues that the Church was speaking to.
- Elites in aboriginal communities (religious/ political) were less motivated by personal interest.
- Mr. Ku Mai thought it was next to impossible to effect change through the DPP. Aboriginals in the DPP weren't seeking political power (the party had none) but rather basic human rights. Elite aboriginals were unconcerned with the larger issues and rather used the DPP for their own causes.
- The Presbyterian Church was initially not too enthusiastic with the political movement, but joined with DPP supporters in the final years of the KMT leadership.

Perspectives on the opposition movement/ party

- At the height of the opposition movement, Mr. Ku Mai was in government at the county level.
- When he learned of the opposition movement, Mr. Ku Mai couldn't believe it; the local politicians were shocked at how much chaos there was at the central level of government and how much the KMT had lost control (politicians at the local level had been somewhat isolated).
- At the height of the opposition there were about 20+ members of the DPP, out of 400 in the Legislative Yuan, but they were able to make life very chaotic.
- Mr. Ku Mai campaigned for a seat in the Legislative Yuan when martial law disbanded; the KMT had allowed the opposition party because of the fragile condition of Chiang Ching-kuo.
- People in opposition were typically intellectuals who were active in social movements and who would appeal to aboriginal representatives.
- Until 1981, it was next to impossible to form any opposition at either the local or central level.
- Church leaders spoke to the aboriginal "issues" which included, most importantly: (i) return of land; and (ii) return of status/ family name (changed to help assimi-

late to Chinese culture).
- Key aboriginal issues were those surrounding livelihood, development; and economic growth; the DPP couldn't resolve most of these issues, as they had no power.

KMT and aboriginal support
- Before the change of government, the KMT had taken special care of the aboriginals; no matter what level of election (government), as long as you supported the party, you would be supported.
- Support for the KMT was over 90% within the aboriginal community; aboriginals were very suspicious of opposition, as they were thought to be either communists or illegal votes.
- This perspective was, in part, because at the time the Party was the State.

- The KMT had all of the aboriginal support at both the local and the state level, but it was still a VERY rare thing for aboriginals to be involved in government at the time.

Impact of KMT policies regarding aboriginal peoples
- When the DPP formed there was very little support among aboriginal communities.
- The KMT had created change for aboriginals, both before and after the DPP was created; the KMT had tried to "care" for the group, but had not addressed their issues.
- The policy of the KMT towards aboriginals had proceeded in two stages:
- Achieve unified sameness within the name/ culture (assimilation); and
- Integrate into the population.
- The KMT policy was to use the strong to abuse the weak.

Language and assimilation
- Language helps to keep self-dignity; it was not well preserved within aboriginal communities throughout the assimilation process.
- The impact of the assimilation process was enormous - self dignity was diminished and the social status of aboriginals within the community was denigrated by the mainstream.
- There were static impressions of 'aboriginal' people during the assimilation; their credit rating was downgraded at the bank and they were deemed a lazy people. These stereotypes persist today.
- When aboriginal people went to the city, they lost their aboriginal language and culture, and then could not become true leaders/ advocates for aboriginal issues. These individuals were no longer able to connect with their aboriginal communities.
- Most aboriginal elite believed that they needed to leave Taiwan and go global, in order to have their issues resolved; aboriginals needed to reach other cultures (including China).

Local issues
- Local elections were very necessary during the Tangwai movement.
- The DPP wanted to eliminate National Assembly, the Representative Assembly and lower levels of government (village politics); there would then be no venue to deal with the local issues.
- Voter turnout for elections to the National Assembly had, before it was disbanded, dropped to 26% because the population was so apathetic towards these elections.

Pace of change/ democracy movement
- The timing of democracy was unexpected. It was so fast (5 years) that a lot of people could not cope with the conception of the DPP and opposition.
- Aboriginals continue to blame KMT for bad policies, as they forget they're no longer in power.
- The pace of change could not match the pace of progress; aboriginal communities are still 'backwards' and the gap with the majority has become larger (economic issues persist).

- Democracy is a process that Taiwan is in the midst of; Mr. Ku Mai (and other elite aboriginals) had a sense of revenge; there is an enduring impact on their personal psychological make-up.

FORMER GOVERNMENT OFFICIALS: GENERAL

King-yuh Chang, Chairman, Foundation on International & Cross-strait Studies

Interviewee's Experiences

- King-yuh Chang is the Chairman of the Foundation on International & Cross-strait Studies.
- Prof Chang spent 30 years as a professor and was Chair of the International Law Diplomacy.
- In 1994, he was drafted by the KMT to serve as Minister of State without portfolio; in 1996 he became Chair of Mainland Affairs Council, and in 1999 he returned to academia.

History

- 1949: Chiang Kai-shek's relocation to Taiwan with 50,000 soldiers caused hyperinflation and instability on the island.
- At first there was agricultural reform; limits were placed on landholders and land was transferred to farmers; this led to a reduction of poverty in rural areas.
- 1950s - 1960s: the state encouraged light industry and secured foreign currency through exports.
- There was a boom in the economy, which led to greater levels of education.
- 1960s – 1970s: There was a focus on education; 80% entered college from high school.
- 1980s: Freedom of the press; for a true democracy, voters need to be aware of the issues; media had been controlled by the state for about two or three decades.

Transition to competitive elections

- It is hard to experiment with democracy, if there is a situation of national poverty.
- 1940s: KMT felt they would govern all of China; elections were only held on the Mainland.
- Elections started in cities and counties and then were held for the Legislative and Executive Yuan; people learned to cast their vote in elections for city, council and mayor.
- These early elections provided the base for national elections; this process was built up until the 90s, when the legislature was finally an elected body.
- In the early years, there was corruption and a number of bribes in elections.

(i) Political parties

- Up until the 80s there were few legal political parties; parties were not allowed to form under martial law (imposed continually because of the special security situation/ communist threat).
- Initially there was no chance to participate outside the KMT; couldn't even study social policies.
- [a] There was a lot of critique from outside the party; in 1987 the DPP party was also able to compete; the Tangwai would often win seats, but they gained far greater support on becoming DPP.

(ii) International influence

- International influence was important/ quite substantial; Taiwan's survival depended on the good will of other nations; if Taiwan was seen as reactionary by the US, Taiwan could lose support.
- Key Moment: When the PRC was recognized in the UN: this event acted as an inducement for change. Critiques against the KMT provided further pressure to change.
- The KMT realized that they had to keep national security, while still moving forward politically. The pace of change was very important; the KMT tried to ensure that change was gradual.

- After 1971 Taipei felt a growing sense of isolation and the country began to look outside for protection; by reforming, the party was winning support in the international community.
- 1980s: all senior officials in the KMT government had received their doctorate in the US and had brought back their views on democracy; these views still had to "fit" the Taiwanese people.
- Concepts of democracy were considered in the context of Sun Yat-sen and his 3 principles of the people: people's livelihood (economy); rights (democracy) and national / patriotism.
- These principles influenced students' minds but couldn't be implemented until the 80s and 90s.

(iii) KMT leadership and change
- The KMT had historically co-opted Taiwanese elite into the party and into the political process.
- Key Decision: Chiang Ching-kuo lifted martial law and decided not to crush the opposition; the leader allowed competitive politics to emerge.
- The question as to whether the President could make democracy 'work' depended on the people.
- There was much internal discussion, debate and assessment regarding Chiang Ching-kuo's decision not to crush protestors.
- The formation of the DPP in 1986 was a big surprise. The KMT had believed that they already had a form of democracy; there were elections and the Constitution was being followed.
- The party faced difficulties because of the "big opponent" on the Mainland; there was a constant struggle in people's minds between security and freedom.
- Senior members decreed that pace was the key to reform; change must not be forced, rather there must be a natural evolution. The party went along with the changes and the pace of reform.
- Any power that is in government for too long is good for a time and bad for a time.
- Changes under the KMT were both accidental and purposeful.
- The KMT didn't expect such a quick turnover. In 1996, the KMT felt the possibility for change was there and in 2000, the KMT fielded 2 candidates; because the party had split, the DPP won.
- Changes that were allowed under the KMT included: the lifting of Martial Law and restrictions on freedom of the press, allowing elections, and revoking senior elected officials from the National Assembly.

Prerequisites for a democratic society
- Freedom of the press: no political party / government should be able to intervene with the media; if the media is manipulated, it will not be a fair election.
- Political parties must be democratized so that there is not one person controlling the process.
- Full participation: Look to China where the leaders simply make all of the choices.
- Independent civil society: Taiwan should look to the example in the West of leaders within NGOs, that aren't state funded.
- People in Taiwan look too much to government. Everything is political; Taiwan still needs a more active civil society.
- Taiwan needs more time to educate its people to ensure these groups can have a larger impact.
- Democracy is a "way of life" – it is more than just politics. A country needs to practice democracy, rather than just talking about it.

On current issues in Taiwan
(i) On freedom of the press
- As the government affirms its belief in democracy, it affirms its commitment to a free press; people are now free to report on anything, which has attracted a lot of bad reporting/ information.
- People read and watch gossip trash so stations will produce these types of shows. Freedom of the press means that there will be sensationalism; you can't force people to watch public t.v.

(ii) On China/ military threat

- In earlier periods, China had a great impact on Taiwan due to the constant military threat.
- The military threat is still there, so Taiwan must continue to buy arms and invest in its military.
- Taiwanese society is getting stronger and the country is performing better economically; as such, only a small number of Taiwanese still want to govern the PRC.
- The nature of cross-strait relations since the latter parts of the 80s is more economic based (contacts, trade and investment); Taiwan is penetrating into the Mainland via the economy.
- Most people believe that as long as both sides don't use force, they can enter into constructive interactions. The ROC (Taiwan) has capital, technology and channels for trade with China.
- The economies can be complementary; because of these interactions, there is hope that there will be more openness on the Mainland.
- It is a good sign that China is joining the WTO and other international organizations.

Peng Ming-min, Senior Adviser to the President

Interviewee's Experiences

- Peng Ming-min is currently a Senior Advisor to the President; he was previously a law professor at the National Taiwan University.
- He was sentenced to ten years in prison for writing a manifesto for democratic elections.
- After 14 months under house arrest, Professor Peng escaped to Sweden with the help of Amnesty International and American missionaries.
- Professor Peng spent the next 23 years in the US advocating for change in Taiwan's government; he returned to Taiwan in 1992 and ran as the DPP candidate in the 1996 election.

Current issues with democracy in Taiwan

- Democracy can be defined in terms of institutions, such as regular elections.
- Taiwan's democratization after 400 years of authoritarian rule is a remarkable feat, but there remain many shortcomings.
- Taiwan "needs to be left alone" to improve its governance and its economy; China is the greatest threat to the island's democracy.
- Taiwan also requires membership to the international community.
- The "impartiality" of the public service is another major problem.
- The public service was built up by the KMT and many civil servants are unwilling to cooperate with the DPP (even within the presidential office where there are 300 employees, the DPP could initially only appoint 16 employees).
- This was a challenge, as the Taiwanese expected changes from the new DPP government.

Current DPP party

- Factions within the DPP are "survivors" of the KMT regime; while they are undisciplined, they can quickly unify when under pressure.
- The factions are not independent enough to split into different parties, yet do not yet know how to work as a team or unify themselves by any of the issues.

Local elections

- KMT controlled everything and had the power to recruit at the local level.

Identity

- The notion of "One China" died after the 2000 election.
- Taipei's mayor has branded himself "a new Taiwanese"; see the ongoing changes in Taiwanese identity; the evolution of the Taiwanese identity stems from the changes over recent years.

Lessons learned

- Democracy needs patience; it is an indefinite process of trial and error.
- Outstanding challenges remain such as foreign affairs, the public service and constitutional reform.

Madame Chou, Commissioner of Women's Rights, DPP

Interviewee's Experiences

- Madame Chou was trained as a social worker; she first ran for the National Assembly, after the Formosa Incident, when her husband was arrested and her family was stripped of its assets.
- Madam Chou received the highest vote count in the whole island when she first ran.
- Madam Chou currently serves as the Commissioner of Women's Rights for the DPP.

Madam Chou and the DPP

- When sitting as a member of parliament, Madam Chou was an advocate for reform to the National Assembly, whose members were elected in the Chinese elections of 1947 and served for life.
- Madam Chou documented membership to the Assembly, published her findings and then challenged the Assembly on the basis of legitimacy.
- The DPP was "formed" in her house on September 28, 1987.

Women in government

- Women wouldn't touch politics after the 2-28 Incident.
- Women now make up about one-third of the party members and seat holders within the DPP.
- The DPP is attractive to women because they have always placed a higher emphasis on social welfare issues.
- KMT's policies were always oriented towards the privileged few.

Current challenges

- The biggest challenges to Taiwan's democracy are: economic threats, Mainland China and the mass media, which has become too liberalized and whose influence is always negative.

ACADEMICS
Dr. Mignone Chan, Assistant Professor of Economics and Politics, Formerly with Taiwan Institute of Economic Research

Interviewee's Experiences

- Dr. Chan is currently a professor of political history and economics; she was formerly an analyst with the Taiwan Institute of Economic Research.
- Dr. Chan was educated in Taiwan and the United States.

Issues Facing Taiwan

(i) On China: economy

- The opening up of China's economy is affecting Taiwan's economy; the biggest impact is on tourist and fruit markets. There is also a great deal of Foreign Direct Investment in China.
- Taiwan needs to secure free trade and determine how best to use its budget surplus.
- There is no strong business lobby in Taiwan; rather, there is an ambiguous lobby and form of gentle diplomacy.

(ii) On China: political reform

- Taiwan achieved democracy through the growth of its civil society; any possible democracy in China will come through intra-party democracy (the civil society model of liberal, democratic countries versus that of the party reform model of Russia).
- The return of foreign educated Chinese will also likely catapult change.
- Talking out of the party system in China can be a problem

- Reform of the party system is required before any further reforms occur within that country.
- A distinction can be made between reform within the 'general public' and 'party reform'; Reform is needed on various levels.
- China needs to develop its NGOs and media to help keep the pressure up on the government.
- The country is not yet ready for substantial reform.

Political parties
- There is a lack of long-term vision by the DPP.
- It was a smart move for the KMT to go to China after the *Anti-Succession Law* was passed; this bolstered support for the KMT.
- There are still seniority chains and much debate about seniority within the KMT.
- Taiwan is generally very slow on party reform

Why reform happened in Taiwan
- Change in Taiwan started with civil society; these groups formed international links and put pressure upwards onto the government.
- Reform in Taiwan was largely the vision of Chiang Ching-kuo.
- The former leader allowed civil society to grow because of 'foreign' rule from the Mainland; the "Military KMT" came over to run Taiwan from the mainland in the 40s.
- The National Assembly was also brought over from Mainland China, which led to constant questions of legitimacy.
- The KMT ultimately had to promote a group of local Taiwanese that were educated (those who had a Ph.D from overseas).
- To overcome this lack of legitimacy, the KMT let civil society in and these groups started the process of reform.

(i) Impact of Foreign Education
- In Taiwan there is a meritocracy from abroad because of the high level of overseas degrees.
- The higher the percentage of foreign trained citizens, the greater the extent that democracy/ liberal ideas will flourish; this perhaps helps to explain why Taiwan allowed in other 'ideas' in the early years of the consolidation of its democracy.

(ii) The Order of Reform
- Civil society was developed, and helped to influence local government.
- Together these groups had an influence on the national government.
- Reform then came to the party system.
- Lastly, all of these reforms influenced the KMT, who were the last segment to reform.

Professor Yun-han Chu, President Chiang Ching-Kuo Foundation

Interviewee's Experiences
- Dr. Chu is President of the Chiang Ching-kuo Foundation, a grant-making foundation that supports the study of Sinology.
- Dr. Chu has been a professor for the past 17 years (National Taiwan University), and is well published both domestically and internationally (i.e. *Journal for Democracy,* with IDEA).

Recent work: studies on civic engagement
- Three years ago, Dr. Chu conducted public opinion surveys to look at the public understanding of democracy and various public institutions in eight Asian countries.
- The surveys found that regionally, there is growing disengagement and polarization; there is an overall feeling that the quality of democracy is decreasing.
- The criticisms of democratic governments were widespread.
- The professor also looked at the US and their disinte-

grating, ideology-based democracy and the impact that that has had, on the rest of the world.

Partisanship and civic engagement

- There was a high level of mobilization during the last presidential elections in Taiwan; in one rally alone both KMT and DPP got 2 million people out each; in another there were 2.7 million.
- Professor Chu saw the mass mobilization as the result of a hyperactive and emotional population; the population is emotive to an almost psychotic level.
- Politics are very divisive; relationships between co-workers and families have broken down because of political cleavages.
- Political struggle is seen as "life and death" and well beyond 'normal' partisanship.
- Both parties believe that stakes are high; the stakes relate to funding cuts, illegal monitoring (more past concern); and a concern that a dominant party could hold power for 10 years or more.
- Competition is "beyond" what is fair and is often not entirely democratic; there are questionable financing deals with business.
- The high emotional levels relate to the question of what Taiwan will "become" and how they will collaborate with China. Also questions remain as to whose 'version' of history gets written.
- While less than half admit it, upwards of 75% of the population are strongly partisan. Turnout was recorded at 81% for the last presidential election (closer to 90% with overseas votes).

Political parties

- Identity and economic integration are dominant issues.
- KMT: Accepts interdependence with China and the financial importance of China (Taiwanese people are losing out economically, with strained ties).
- DPP: Sees Taiwanese as having their own cultural identity and are concerned about retaining it (this issue appeals to the 27-30 age range).
- The DPP also appeals to farmers as this group feels they would be the loser, of getting too close to China. There are concerns about 'floodgates'; don't want to be under the influence of China.
- If one party moves too much to one side, there is a concern that others will be able to move in to take the political space left.
- 30% of Taiwanese believe in Taiwan independence above all; 17% are pro-unification and the rest are rational and state that independence would depend on the situation.

Pre-requisites of state building

- The factors discussed may not be sufficient for state building but they are necessary conditions.
- There can't be failed state: a fundamentally functioning state is required (need government bureaucracy based on meritocracy, a judicial system, etc).
- The Japanese lay the foundations for a functioning state in Taiwan.
- Local governance is necessary for a functioning state
- Taiwan had local elections for 40 years before they were a 'democracy'; China has started going along the same route.
- When an area is more diversified, it is harder to co-opt control, thus allow people to compete.

Taiwan's experiences with democracy

- Taiwan's democratization can be compared to a dance, "two steps forward, one step back".
- The natural life expectancy of the KMT was shorter than it should have been (by about 10-15 years) because of an internal split.
- Underneath the split, there was a national identity crisis; the party consensus broke apart.
- The Tangwai movement initially only wanted to make a coalition; they never wanted to form a true opposition, as there was a ban on new parties.
- The 1977 election was a turning point for the opposi-

tion movement; there was a rumour that the KMT tried to rig the elections and that led to some civil disobedience.
- The KMT then had a crackdown on protests in the late 1970s; this was because of the opposition's impressive victories in the 1977 election.
- In 1981, crowds got angry about the state corruption and began to mobilize; the KMT decided not to crack down. This was also a Tipping Point.
- The KMT sent someone in to negotiate with the protestors but the party was reluctant to use any oppressive measures. The situation exploded. In the end, only a dozen people were put in prison.
- The lack of force was seen as a weakness.
- Several years later, the Tangwai movement got together.

Mobilizing support

- The KMT was better at mass media, which had a big impact on the electorate
- The DPP sought greater pensions for the elderly in the countryside; these individuals listened to the radio, and this is how DPP mobilized support.

Dr. Lung-chu Chen, New York University, Chairman Taiwan New Century Foundation, President, Taiwanese Society of International Law, President, the Taiwan United Nations Alliance, President, New Century Institute (New York)

Interviewee's Experiences

- Dr. Lung-chu Chen is a law professor at New York University; he also spends part of his time in Taiwan working with Formosa TV; he has a column in Liberty Times and is also on the DPP government's task force for human rights.
- Dr. Chen graduated from New Taiwan University and went on, in 1957, to receive the highest score in all of Taiwan on his foreign-service exam.
- 1961: Law school at Northwestern; 1962: LLM at Yale; 1964: Doctor of Laws, Yale.
- Dr. Chen went on to co-author *Formosa, China and the United Nations* in 1967; he spoke out on behalf of Taiwan's cause, during his book tour.
- Dr. Chen had received a lot of publicity in Taiwan, because of his high scores on the foreign-service exams; he quickly went from being seen as Taiwan's great hope to a traitor.
- He was blacklisted from Taiwan and remained in the US until 1993.

On Formosa, China and the United Nations

- The book was written, as Dr. Chen and the authors realized that few people knew about Taiwan and its experiences with China; the book advocated for self-determination in Taiwan.
- Dr. Chen believed, even at the time (1960s), that the best way to resolve the issue of Chinese representation in the UN was to let China be representative of the PRC but not the ROC.
- Based on history and international legal standards, Dr. Chen believed that the best solution for Taiwan was an application of the principles of the United Nations.

Dr. Chen's experiences in exile

- In 1971, Dr. Chen wrote a book on *Independence and Nation Building in China*; the book proceeded in three parts: (1) the right of self-determination; (2) the transition to democracy; and (3) the task of nation building for sovereign rule.
- The book was addressed to the international community and was banned in Taiwan.
- Dr. Chen became less active with formal politics and more active in academia/ social activism.
- Dr. Chen wrote as a Taiwanese for the Taiwanese people; he felt that he was giving a voice on behalf of all of the people who couldn't express themselves, because they were still in Taiwan.
- Like many foreign students, Dr. Chen was very influenced by his professors and mentors, as well as with the American legal system and the activism in the US during the Vietnam War.

- 1971: Dr. Chen became politically active; he joined United Formosan Independence in America
- In the 1970s Dr. Chen also spoke before Congress, as he was becoming increasingly concerned with the state of US-UN-Taiwan–China relations.
- Dr. Chen wasn't willing to return to Taiwan to work underground for change so he turned his attentions to human rights and sought to make his contribution through academia.
- Up to the Formosa Incident, the secret police were still hassling people; Dr. Chen did not know entirely what was going on underground; he had little direct contact after 1979 or so

On Taiwanese in exile

- When the Japanese surrendered after WW2, Taiwan was not seen as being on the road to self determination; there was a saying: "The dogs are gone, but the pigs have been traded in".
- There was a lot of pent up frustration after the 2/28 Incident; by the time the Taiwanese realized the need for their own government, many survivors from 2/28 had gone abroad or underground.
- After the Korean War there was also a great suppression of people in Taiwan; Taiwanese who were calling for independence at the time had also largely gone abroad or underground.
- Few could get out of Taiwan in the 1960s while the movement for Formosa was crystallizing.
- For the Taiwanese, their talk of freedom and HR was undermined by their state structures.

On Taiwan in the UN

- The UN was not truly a world organization if Taiwan was not involved; there were many democratic, peace loving people with the same population as Taiwan that were in (unlike Taiwan).
- Many in the world community did not know that Taiwan was NOT a member of the UN (after 1971); Dr. Chen wanted to rectify this great injustice.
- The US and China were very opposed to Taiwan rejoining the UN; Dr. Chen tried to get civil society involved and inspire government to get involved but it was hard to move career employees.
- The PRC was seated in the UN by Resolution 2758 and became the only lawful representative of China (rather than the ROC). There was no resolution of the question of the legal status of ROC.
- There had been a strong independence movement among undergraduates; a lot of debate occurred in 1971 that proposed the creation of One China and One Taiwan.
- After Resolution 2758 passed, it was hard to revive the issue of independence; people were far more unsure of where and how to intrude.

On Taiwan's international status

- After Japanese colonization, Chiang Kai-shek illegally declared military law (1945 – 52).
- 1952–87: extended period of military rule without legitimacy; this was the start of Taiwan's undetermined status; there was an expectation that it would be resolved under the UN Charter.
- 1988: there was a "Taiwanization" of the ROC. All representation was Taiwan based; there were direct elections that allowed for a change of parties and a collective self-determination.
- ROC was still not a "normalized" state; there was no real name, constitution or UN recognition.
- The status of the ROC is still in dispute although Taiwan now has effective self-determination.
- China has never controlled ROC for a single day.

Taiwan's history and human rights

- The Formosa Incident was a landmark development for democracy, human rights and independence in Taiwan.
- The incident exposed the KMT's human rights violations to the world. Congressional hearings were held in

the US and international observers attended and reported on the trials in Taiwan.
- Change occurred quickly.
- 1980s: focus was on human rights. Those who had been tortured turned to political activism.
- 1986: the KMT was not sure how to respond to the opposition movement. There was some hesitation and some focus on the US; their support for human rights helped the DPP come to power.

Current issues facing Taiwan
- Dr. Chen returned to Taiwan in 1993, arguing that self-determination requires institutions reflecting the country's politics, economy and culture.
- Dr. Chen maintains that Taiwan should be in the UN, as well as other international organizations.
- Today, human rights are of key importance.
- Taiwan also needs to work for further constitutional reforms.
- Taiwan needs a greater commitment to continuing education as it is the best hope of realizing a truly free democracy.

Professor N.T. Wu, Academy Sinica

Interviewee's Experiences
- Professor Wu is a sociology professor at Academia Sinica.
- He became somewhat active in the opposition movement (now DPP) while studying at National Taiwan University in the 70s.
- Dr. Wu was involved in a movement that distributed materials during elections.

Formation and elements of the opposition movement
- Early in the 70s an opposition group came together called "Free China"; the leader of the movement was repressed.
- Student movement leaders emerged later during the 1970s, particularly with the establishment of the New Tide (movement was made up of young activists and intellectuals who were more ideological). This group was the Tangwai; they are still in existence and active.
- The second wave of political opposition came later in the 1970s; this group did not initially join the Tangwai as there was a lack of trust. Eventually a go-between brought this latter group into the Tangwai.
- This opposition group came from organizations such as the Union of Educators and the Writers Association for Public Policies. This first generation of leaders would later become politicians in the DPP.
- The activists thought that some of the organized intellectuals had hijacked the Tangwai movement.
- There were many "pushes and pulls" within the larger movement; some were unhappy that the movement had no formal rules and sought greater organization.
- The social movements were sporadic and generally unsustainable; some groups in the Tangwai were concerned with environmental issues, some feminist or human rights, etc.
- The Tangwai was somewhere between a social movement and a political movement, but they all accused the KMT of being non-democratic.

(i) Action by the opposition movement
- First collective action was in 1979, after the Formosa Incident.
- Elections were very important, as activists couldn't get a following without them; there were very few candidates in the early 1970s as nobody thought these few candidates could effect change.
- Between 1974–76 there was a growing momentum, with 21 members in opposition in the Provincial Assembly.
- 1980s: the New Movement magazine became part of the political movement; some of the 'intellectuals' felt they could only work for the magazine and less within the party. Again, there was conflict between the party activists.

- Many activists also did not want to get blacklisted, thus were not as active overseas.

Taiwan's transition to democracy

- It is hard to credit the KMT with Taiwan's democratization since many still believe that they "ruined" Taiwan for over 40 years, ruling and repressing the Taiwanese for four decades.
- Rather, it was other forces such as the influence of the US government that forced the KMT to open up. The US government advised the KMT to either open up or they would stop selling arms.
- The human rights/ democracy movement also started in the United States, where Taiwanese students would write about labour, equality and social movements.
- When the Taiwanese were liberated from "bondage", the atmosphere remained reluctant; politics were still closed.
- National identity issues were still looming and there remained some concern regarding Chinese reunification.
- These are some of the factors that forced President Lee to effect change.

ACTIVISTS /FORMER ACTIVISTS

Jou Yi-Cheng, Director, Taiwan Foundation for Democracy

Interviewee's Experiences

- Jou Yi-Cheng is currently the Director of the Taiwan Foundation for Democracy; previously, he was active in, and helped to organize, the student movement in the 80s and 90s.
- Jou has also been active in formal politics, having campaigned and worked at the level of local government and the legislature. He was a former deputy spokesperson of the DPP and a speechwriter for President Chen Shui-bian.

On becoming a social activist

- Jou took part in street demonstrations after the "lid was lifted" in the 80s; all activism came pouring out and all of the discontent came spilling out from a host of diverse groups.
- 1988: there was a big demonstration with chicken farmers; Groups were protesting that Taiwan's economic miracle had been built at the expense of the environment and farmers.
- Military police were out and there was a small crackdown; the conflict was shocking for student protesters who had great sympathy for farmers.
- The media did not report on the crackdown honestly. Jou then realized that it was not possible to realize social justice through journalism; he then decided to become a social activist.

The opposition movement

- The opposition movement was a popular struggle and had a diverse cohort, with a loose structure and many different factions.
- The same social movement contained activists from all backgrounds – both rural and urban; farmers, workers and students joined together to defeat the KMT.
- Some members were far left and joined because they were seeking institutional reform; others were more concerned with changing the social structure or the economic structure.
- 1980s: the student movement had some connection with international movements but was not ideologically aligned with any of the leftist movements in the West or parts of the developing world.
- All social problems were attributed to the KMT, because of their level of control in Taiwan.
- The DPP was seen as being representative of all of society outside of the KMT; some former-KMT members joined, but there was no direct recruitment of KMT members.

(i) The Moderates v. the Radicals

- There were many debates within the movement between the moderates and the radicals.
- The moderates were perceived as middle class. The politicians within the party did not want radical change; many moderates wanted to negotiate with the KMT.
- The student movement was part of a more radical wing that did not want to negotiate (more idealistic than realistic).

(ii) The DPP in power

- There were cleavages within the DPP between those who had power and those who did not; those who did not were skeptical that the "game" would be fair when the DPP took power.
- Ultimately, not everyone within the movement would take part in the power exchange in the 90s; only those that held power in the movement ultimately held power in the government.

- Only the DPP put forth an agenda for constitutional and legislative change/ state reform; the party became a major social force.

KMT party control

- Chiang Kai-shek was primarily concerned with controlling the military; other heads of the KMT restructured and reformed the party in the 50s.
- Every school had a military cell to train the youth and each campus had a KMT club (these clubs were dismissed in the late 80s and early 90s).
- Chiang Ching-kuo was head of the KMT Youth Elite; almost everyone who came into the KMT at that time served in the youth organization and most young, bright people joined.

(i) Crackdown on opposition movements

- There were moderates in the KMT that did not want to crack down on the stronger opposition movement post-1970s (when movements were fighting for the rights of the middle class).
- Gestures of the KMT were different during different periods; in the late 70s, the KMT were willing to negotiate.
- 1979: following the Formosa Incident/ crackdown, the trials had a strong impact on society.
- The opposition progressed in the next several elections and there were no major crackdowns after 1986-1987.
- There was a major march organized by the student movement in 1990, post-Tiananmen; 10,000 students conducted a 7-day sit in, at the President's office; Students still had minor concerns about a police crackdown, but there were no strong fears.
- The authoritarian leadership had become moderate; there was a self-transformation of the KMT.

Changes sought by the opposition

- The KMT had a democratic constitution but its human rights weren't being implemented.
- Institutional reform was a priority. Once Taiwan had a democratic legislative system, other problems could be solved one by one; but many only cared about the issues and not the politics.
- The opposition sought free speech for individual issues; realistically, the opposition needed to go the political route to speak to the individual issues.
- Before the 80s/ 90s, newspapers were censored on campuses; papers would be printed underground, kept away from the military sensors and distributed on campuses at night.

The opposition movement today

- NTU was seen as an advocate for elite rights/ recruiting ground for the political system; many other student activists were self-educated because schools couldn't teach revolutionary thought.
- The student movement is still a strong network; teachers are now returning with foreign educations and former activists are now Cabinet members, MPs, press, academia.

- There has been a general dissatisfaction with the DPP by social activists, since the party has been in power; members can't vote otherwise however, or KMT could return to power.

Jen-ran Chen, CEO Yam Digital Technology Co., Ltd.

Interviewee's Experiences

- Jen-ran Chen became involved in the student movement while a graduate student of sociology at the National Taiwan University; he assisted to write letters, deliver flyers and help core staff.
- Mr. Chen was arrested in 1991 and spent several days in jail.
- He is now among those leaders of the student movement no longer actively involved in the DPP or politics.

The student movement

- The movement was motivated by: (1) overthrowing the KMT; and (2) bettering the Taiwanese way of life. Outsiders perceived the movement as close knit, but it was in fact far more diverse in opinions and tactics (this remains true in the current DPP).
- Mr. Chen hosted study groups about changing values in Taiwan and helped to organize street protests.
- After one such study group in 1991, Mr. Chen was indicted on sedition charges (Article 101 ordered that anyone indicted on sedition be punished by death). His arrest was especially surprising because he was one of the more rational student leaders.
- While Mr. Chen was in jail, the student movement held sit-ins and organized the largest street protest ever held, advocating for his release; these continued for nine days until the government suddenly conceded that there was a "misunderstanding".
- Mr. Chen could not leave the country for more than two years after he was indicted, preventing him from returning to California to complete his Ph.D. at UCLA.
- Realizing that the media was still largely controlled by government he decided to open an internet server that promotes the exchange of ideas on-line (Taiwan's equivalent to 'Google'). This server offers technical advice to small NGOs wishing to get on-line.
- Mr. Chen is of the opinion that the goals of the movement have not been realized, such as the establishment of a social democratic regime.

W.S. "Peter" Huang
Advisor and former Chairperson, Taiwan Association for Human Rights

Interviewee's Experiences

- Mr. Huang pursued graduate studies in the US during the 1960s, motivated in part because all avenues for contestation appeared closed in Taiwan.
- He enjoyed the peace and democracy he found in the US, and became actively involved in the American peace movements as well as the World Union for Formosan Independence (WUFI).
- Mr. Huang is currently a political advisor to the President in the DPP administration.

Assassination attempt

- In April of 1970, Mr. Huang made an attempt on the life of Chiang Ching-kuo during his American visit.
- He hoped to prevent Chiang Ching-kuo's succession and kick-start a power struggle in the KMT that might open opportunities for change.
- Mr. Huang also wanted to send a signal to the world that the Taiwanese would not accept continued Chiang leadership.
- Poor students accumulated $190,000 USD to bail him out of jail, which he interpreted as an opinion poll in his favor.
- Meanwhile, the Taiwanese media tried to minimize the event, condemning it as a separatist attack.

- Peter would spend the next 25 years of his life in hiding throughout the world, during which time he remained active in the anti-war movement.

Return to Taiwan

- Mr. Huang was smuggled back into Taiwan in 1996 and spent the next year and a half traveling around the country.
- After a press conference announcing his release, he became active in the Taiwan Human Rights Association and eventually became its president in 1998.
- He is currently a senior advisor to the President.
- Peter believes that Taiwan's exclusion from the international community and its democratic process (being controlled by the formerly authoritarian KMT) are two peculiarities of Taiwan's democratization.
- Mr. Huang credits the KMT with controlling the direction and speed of change, but notes that they were also pressured by uncontrollable popular forces.

FURTHER INTERVIEWS
Dr. Wen-Chen Chang & Law Students, National Taiwan University

General impressions

- On the whole, the group was very much politically apathetic and people appeared somewhat reluctant to talk.
- We had been told previously that students born between 1975 and 1985 are often referred to as strawberries because they are "pretty on the outside and mushy on the inside"; it was thought that this generation did not have the same struggles as prior generations, enjoying a rich society and accessible opportunities.

Key issues for students

- Education, job opportunities, economics, mandatory military service and cost of living are key issues for students.
- Living expenses are on the rise but incomes haven't gone up; students are reportedly more concerned with 'survival'.
- Concerns were also raised about tuition fees and equal access for funding.
- Some concerns were raised regarding military service; the students want government to reduce the level of service and allow for a "stop out" (morale in the army is low, because there is no stop out).
- No major parties discuss tax reform; these discussions are between business interests and not legislators.
- Politics are simply not seen as a priority.
- Public law students felt that 'democracy' and politics were more relevant to their lives – but this was certainly not true of all law students.
- One student had been a youth member of the National Assembly that had recently voted the body out; the youth were partially mobilized through online voting.

General thoughts on Taiwan's democracy

- Before traveling, one student was disappointed with Taiwan's democracy; when he traveled, he learned that Taiwan was experiencing the same problems with globalization / reform as other countries (Germany).
- On a comparative scale, Taiwan's democracy is impressive given what has been done to date.
- Taiwan still has domestic problems; there are ethnic issues and ongoing problems with the Mainland.
- There was some consensus that the 2000 election was the point of consolidation for Taiwan's democracy; there was a peaceful transfer of power.
- There had been legitimacy to the system since the national elections in 1996.

On education

- Students mentioned that there had been significant brainwashing in their primary education.
- The schools taught reunification with China; the DPP had been personified as gangsters in at least some schools.

- Sun Yat-sen was emphasized on college entrance exams.
- The principles of Sun Yat-sen are still a required course in school, but they have been taken off of the college entrance exams.

General thoughts on changes in Taiwan/ democracy

- One of the most remarkable changes is the openness of television and the exposure of politicians.
- When Chiang Ching-kuo died, the parents of one student had the television off for days (out of respect and fear); now there is more freedom and the assassination attempt of President Chen was widely reported, without problem.
- The students were largely born in the 80s and had never experienced KMT dominance, thus thought of the group as "less strong".
- The students argue that they are only apolitical because they see little change happening in politics; some students spoil ballots, but most are disengaged and unhappy with all candidates.
- Students are more interested in candidates than any party or issue; people learn to vote against candidates not issues; they don't know how to make the distinction.
- Many don't know how to pick a party; people rather get together because they are against a candidate.
- Most of the younger generation does not want to reunite with the Mainland. They see some problems in China because of their lack of democracy; the students want to be free.
- There is some need to clarify the relationship between Taiwan and China (further constitutional reform is required).
- There is very little international news on television; rather the media is gossiping about the stars and this is part of the problem.

Taiwan Institute of Economic Research
Bih-jaw Lin, Professor of Diplomacy, National Chengchi University
David Hong, Acting President of Taiwan Institute of Economic Research
Johnny Chiang, Associate Research Fellow
Darson Chiu, Assistant Research Fellow, Division of Intern'l Research

Bih-jaw Lin

- Professor Lin teaches 'diplomacy' and is the Vice President of National Chengchi University.
- After teaching for 11 years he was recruited by President Lee and the KMT government to serve as the deputy secretary general of the NSC on foreign policy for cross straight relations. He later worked in the president's office and was able to 'watch' the process of democratization.

(i) Impact of foreign affairs

- There was little pressure from the international community to democratize during Professor Lin's time in government; most of the pressures were domestic.
- Most direction for change came from President Lee, who encouraged a gradual and natural democratization, emphasizing human rights; change was also propelled by the power of growth.
- Foreign sources endorsed /supported the pace of democratization, but did not exert pressure.
- The military threat from China enforced people's belief in democracy; the hardline position of China during the 1996 elections did not scare the population, rather it led to higher participation.
- The education of Taiwan's intellectual leaders overseas also played a role in facilitating the process of democratization.
- Taiwan's democratization has continued to be encouraged by: trade, investments and international interaction.

(ii) Watershed moments

- Taiwan was diplomatically isolated after it lost its seat in the UN in 1971 and Washington recognized the PRC in 1979. These events helped to start the process of democratization; the government needed the support of their own people.
- Taiwan did a lot of soul searching in the 70s; the government took a look at its policies and society began to move towards more peaceful and constructive ways.
- The establishment of the DPP in 1986 also necessitated the KMT leadership to respond and change. Chiang Ching-kuo was in bad health but he still approved policy to allow opposition groups.
- The succession of President Lee was also key to Taiwan's democracy; he ordered the completion of Taiwan's democratization. In 1989 President Lee brought about reform.
- Democracy was consolidated when an opposition candidate, President Chen, was elected in 2000 (President Lee had asked his administration to prepare for a regime change when it seemed possible in 2000).

(iii) United Nations

- It will be difficult to regain a seat in the UN since China has a veto.
- Nevertheless, the KMT started a campaign (a "moral crusade") in the early 90s.
- The natural outcome of democratization is a more educated population. As people learn more about international relations, they realize the unfair treatment by the UN and want to regain seat.
- The government has always known that regaining a seat in the UN is part of a long-term strategy; there are no expectations that they would see immediate UN membership.
- It might be more appropriate to call Taiwan's democratization a transformation rather than a transition; Taiwan transformed through foreign relations (i.e. international isolation), international trade, political structure, etc.
- You need to look at the entire process of Transformation and be careful not to put too much weight on watershed moments; change was the result of a cumulative series of events. The transition in the 1980s was part of a process that the entire country was experiencing.

David Hong

- David Hong is currently the Acting President of the Taiwan Institute of Economic Research.
- Mr. Hong studied in the US, where he was blacklisted for having appeared on television at a protest. He became a high-ranking civil servant in Minnesota before returning to Taiwan.

(i) Independence

- Independence is constrained by (1) economic ties to the PRC; and (2) political role of the PRC, which leads many to conclude that cross strait relations need to be normalized.
- Independence will only impose short-term costs on Taiwan.
- When Mr. Hong was in College, he would have given his life for his country; now youth are more concerned with avoiding war with China and improving the economy/ their own status.

General Group Discussion

- Taiwan is on the right path; democracy has become a lifestyle/ part of a value system.
- Many people in Taiwan have traveled and seen different systems of governance, which has served to reinforce their commitment to Taiwan's democracy.
- Taiwan's democratization has been helpful to their international position. Taiwan has increased its contacts and interactions with G8 countries because Taiwan is more acceptable to the West as a democracy (shared values). The process has been gradual.

On professors / intellectuals

- Professors play a role in facilitating change as they serve as intellectual leaders and introduce ideas.
- On Constitutional Reform: Professors asked the government to amend the Constitution, made suggestions and were engaged in debates on potential reform
- The government needed advice from professors to change the Constitution (although this 'change' was driven by society, as a whole).

Transition of power in 2000

- People were very surprised about the power transition in the early days; however, opinion polls as early as January suggested that it could be a DPP government.
- The government began to prepare for a potential transfer of power early and the transfer was ultimately very smooth and very peaceful.

The pace and source of reform

- There is hope that there will be greater constitutional reforms within the next two years.
- 1978: Protests started after diplomatic ties with cut: "Taiwan for the Taiwanese people".
- There were many protests overseas at the time; one in Minnesota had 200 people; the intellectuals dreamed of independence.
- Business thought that it was essential to first merge the markets; they were concerned that independence could create war in the short term. They sought normalization of relations with PRC.
- Business people from China and Taiwan kept a lid on their opinions. Everyone was simply hoping (and still do) that both parties would take one step back and avoid hostilities.

On national identity

- Taiwan sees their economic interest above all. Taiwan's political identity is a bit weak; it is much stronger than in the past, however.
- Taiwan's political identity has grown a lot since 1986; the subjective identity of Taiwan as a whole began to improve after 1986.
- There is a myth that Taiwan independence and Taiwanese identity are the same thing; they are however distinct. They are looking at different objectives.
- During times of political suppression political ideology was more important; now there is no real deep down ideology. Leaders are just using opportunity to publicize themselves; there is far more self-interest among political leaders.
- The opposition movement is no longer active as a movement *per se* as its political and social forces have fully split.
- There are very few strong political social movements. There is no strong ideology in Taiwan; society is more of a mushy open/ free society. It is now far more mainstream

Elections and democracy (Johnny Chiang)

- Government almost had to let more Taiwanese participate in higher levels of government; previously, about 85% of the population was managed by the other 15%.
- People did not previously make the link between 'democracy' and local elections; the idea of a one-party state was deeply ingrained.
- It was some time after local elections that people started to really fight for 'democracy'.
- Previously, elections did not necessarily equal democracy as the choice was very limited
- It was not until after martial law was lifted – beginning around 1986 – that there was a greater sense that elections could equal democracy; people could have an actual choice.
- People began to see the rights of an election were a core part of a democracy.
- When people started traveling to the Mainland and seeing the difference/ comparing rural communities, they gained a stronger sense of wanting a choice and a say

in government. Taiwan did not want to become like China.

Wellington Koo, lawyer, Formosa Transnational

Interviewee's Experiences

- Wellington Koo graduated from Taiwan National University in 1980; He then studied at NYU between 1987 and 1988.
- He was not involved in the student movement, as the movement was a "little before his time".
- Mr. Koo's firm acts for the current DPP administration; Mr. Koo represents President Chen in an ongoing legal action.

The Bar Association as an advocate for change

- The Bar Association had been a supporter of the DPP - less so since President Chen has been in power. Even after 12 years, the Bar Association is still a viable social movement.
- The Bar is actively pursuing judicial reform including calls for constitutional reform and the inclusion of a Bill of Rights.
- The Bar Association had been anti-KMT/ quite critical in their calls for reform
- The legal climate changed when martial law was lifted; after that time, people got together and became involved in reform initiatives for women's rights, human right, the environment, etc.
- The Bar Association is still seeking changes in the areas of constitutional reform, stricter evidence rules, strengthening of due process, improved criminal procedures (there have been some changes), women's rights (changes in property laws for married couples) and the environment.
- Most lawyers are more closely aligned to the DPP and have long been in 'opposition'; the situation is now changing.
- In the 1990s, many lawyers in Taipei sought judicial reform. Some have since switched gears, become political and joined the legislature.

Judicial reform

- The judiciary had been very politicized, favoring the governing KMT.
- 1999: The National Judicial Reform led to some conclusive changes on how to: (i) select judges; (ii) ensure they are qualified; and (iii) generally make the judiciary more independent.
- Previously, a student could pass an exam at age 25 or 26 and become a judge.
- There are still some concerns regarding complete judicial independence and whether judgments are impartial and free from corruption.
- The Bar Association wants to reform the structure of the judiciary to make it more in line with that in the US.
- The Supreme Court should be put into the branch of the Judicial Yuan and all high courts should be within the judiciary; this will help to solidify Taiwan's democracy.
- People must also believe that the judiciary is independent; its quality must be trusted.
- There are arguments that changes to the judiciary are a long term issue; Taiwan is now closer in structure to the Japanese system.

(i) Constitutional reform:

- The government has already abolished the Control Yuan and the Executive Yuan.
- Taiwan now has *de facto* independence; the Bar Association is still urging for a new Bill of Rights in the Constitution.

(ii) Changes for the future

- In 1979, lawyers had no real influence on the legal system; changes were happening with the political system. Now activist lawyers are prominent in the DPP and seeking judicial reform.

- There is a different conception of change from past 'generations'. Without democracy, there could be no judicial reform; you can't have independence without democratic structures.
- Agents for change don't need to sacrifice as much as in past generations.
- The legal system is key. In a democracy, you can't rely as much on leaders, rather you must rely on the rule of law.
- There is still a need to separate power structures, limit the powers of government and generally conduct further constitutional and judicial reforms.
- A judicial system should have the trust of the people. Taiwanese do not yet have complete belief in government; there are still outstanding issues of accountability.

Rong Fu-Tien
Vice President, Eastern Television

Interviewee's Experiences
- Mr. Rong is Vice-President of Eastern Television.
- He was previously an editor with various different newspapers, such as the United Daily (13 years) and the China Times (9 years).

Democratic Change
- There are three important elements of Taiwan's democratization:
  1. Institutionalization of democracy (i.e. in political parties)
  2. Harmonization of different races
  3. Stabilization of cross-strait relations
- Taiwan has only achieved 1 _; 2) and 3) remain uncompleted, the third being the most critical.
- Responsibility for the harmonization of different races rests with the political parties, who maintain appeal based on identity.
- Political parties also exploit cross-strait relations.
- These issues will only be resolved in 50 to 60 years time.

Role of the International Community
- International support has been limited and unreliable. The US and Japan have been the only solid supporters, which stem from their strategic positions.
- Despite little support, Taiwan will endure until China democratizes.

Democratization in Asia
- There are clearly two types of democracy: Taiwan's style of democracy or Singapore-style democracy (minimize conflict but sustain economic growth)
- China is following Singapore's lead since it provides an easier way to resolve problems.
- Taiwan is still struggling to construct the social and cultural structures that will help fulfill its democratization
- The current strategy is to reinforce an identity although, to date, Taiwan has failed to achieve a consensus as what it means to be Taiwanese.
- The problems Taiwan suffers from are likely common to all mature democracies.

Traditional role of the media
- The media was tightly controlled under martial law era (government owned 100% of the shares in the three media outlets).
- The media has since learned to exert its own function of enlightened democracy.
- This was particularly important after the Formosa Incident, as the government's self confidence was diminished and Chiang Ching-kuo became attentive to commentary about the KMT (since he was blind, he was read the newspapers daily).
- Newspapers used the Tangwai voice, but converted it into KMT friendly wording (the Tangwai would push forward two steps after the newspaper's one step).
- In turn, Chiang Ching-kuo began to use the papers to

test possible national secrets to keep the public abreast of what he was thinking; there was this interplay between the Tangwai and KMT elites through the media.

Current role of the media

- New government provisions provide that media licenses will be reviewed every six years; the policy is designed to have a warning effect on the media.
- Conflicts between the media and the government are only going to intensify, as the preliminary reviews have been biased in the media outlets favouring DPP coverage.
- Under martial law, the media played an important role in educating the Taiwanese socially and in spreading democracy.
- The current profit motive of the media threatens its social role; it has become overly commercialized and serious journalism suffers.

Evolving relationship between Taiwan and China

- Taiwan should integrate its economy with that of the PRC.
- To consolidate Taiwan's democratization, the island cannot separate itself from the Mainland; only a poor society threatens to isolate itself (e.g. Cuba and the US).
- Unfortunately, the tension is only going to escalate because of the views of the DPP; two-thirds of the media is opposed to the DPP's refusal to cooperate with the Mainland.

Appendix "C"

Key Findings: Roundtable Discussions on "Democracy in Taiwan"

Ottawa, Ontario. October 4, 2005

Participants:

Mr. Bajack Kao, Vice President, The Taiwan Foundation
Dr. Lin, Cheng-Yi, Academcy Sinica
Mme. Chou, Ching-Yu
Dr. Huang, Tung-Yi, Cheng-Chih University
Dr. Nai-Teh Wu, Academy Sinica
Dr. Tsai, Chia-Hong
Dr. Shiao, Chyuan-Jeng, National Taiwan University
Boris Voyer, Foreign Ministry
Bo Tedards, Coordinator, World Forum For Democratization In Asia
Dr. Anne Hsiao, The Taiwan Foundation
Mr. Russell Hsiao, The Taiwan Foundation
Echo Lin, The Taiwan Foundation
Ms. Pei-Xin Wang

On October 4, 2005, the Centre for the Study of Democracy (CSD), Queen's University, in cooperation with the office of Hon. Don Boudria, convened a roundtable at the Parliament of Canada, Ottawa, to discuss democratic transitions in Taiwan. Participants in the discussion included approximately twenty members of Parliament, as well as academics, Canadian democracy assistance experts, officials from the Taipei Economic and Cultural Office, Canada, and members of the Taiwanese-Canadian community.

1. Importance of Democratization in Taiwan from a Canadian Perspective

The members of Parliament (MPs) were particularly interested in the subject of democratization in Taiwan due to a private members bill being advanced by MP Jim Abbott referred to at the meeting as the Taiwan Association Bill.

The meeting was well attended by MPs, including members from all political parties represented in the House of Commons. Tom Axworthy presented an overall summary of the case study approach, as well as providing a historical and political context for discussion.

MPs were very engaged in the discussion, and were knowledgeable on the subject of democratization in Taiwan and drew connections to its relevance for Canada and the cause of democracy worldwide. Many MPs were interested in the China-Taiwan dimension and a discussion emerged around how best to support democratization efforts in Taiwan.

Tom Axworthy suggested that Taiwan could serve as a model for a generally peaceful transition to democracy for the region and could ultimately influence China to become more open and democratic in some respects. A debate around this issue ensued, with many MPs arguing that Canada could take a principled approach and provide recognition to Taiwan's democratic transformation.

Other MPs were concerned that if Canada semi-formally or formally recognized Taiwan's statehood, it could bring Canada into conflict with China – thus affected trade and diplomatic relations negatively.

2. The Case Study Method: Practical Applications for Studying Democratic Transition in Taiwan

The discussion concluded with presentations by David Donovan and Grant Holly discussing two case studies prepared by the Centre for the Study of Democracy: Local Elections and the formation of the Democratic Progressive Party (DPP). The presentations provided historical context and discussed how Taiwan's experience with local elections and the creation of an official opposition party influenced, and were influenced by, the democratic transition which has occurred in Taiwan.

Follow-up questions took place following the case study presentations. The MPs were appreciative of the case study method as it made reference to the principles of democratization discussed by Axworthy in relation to practical and historic cases, in which the lessons learned could be applied to other countries undergoing democratic transitions.

The MPs and democracy assistance experts agreed that the case studies would make a valuable contribution, both politically in relation to activities in the House of Commons around the Taiwan bill, as well as for the democracy assistance community, and the general public, by providing insights into Taiwan's democratic transition which could be applied to other democratically transitioning states.

Taipei, Taiwan: October 27, 2005

On October 27, 2005, the CSD followed-up on its meeting with Canadian experts and MPs by attending a meeting with academics and experts from Taiwan hosted by the Taiwan Foundation for Democracy (THE TAIWAN FOUNDATION).

1. Gaining a Deeper Understanding of Taiwan's Democratic Transition

The meeting in Taipei served a different purpose than the Ottawa meeting in the Parliament of Canada. The Ottawa meeting focussed on gaining support for the Queen's Taiwan project within the Canadian political and democracy assistance communities, as well as providing knowledge to participants about Taiwan's democratic history, and engaging them in ways to better assist democratic development in the region.

The Taiwan meeting was designed to receive input on the case studies prepared by the CSD through discussion with Taiwanese academics and activists who witnessed democratic transitioning first-hand. The meeting ensured that the CSD's case studies were well informed by local experts as the case studies were scrutinized for both factual and analytic accuracy.

2. The Case Study Method from the Perspective of Taiwanese Experts

While the case studies are written for a general and non-expert audience, the input from experts was essential in gaining perspective on our analysis. Experts at the Taiwan meeting provided valuable insight on how the CSD might alter certain theoretical approaches and suggested additional research sources to provide additional insight into the papers.

The CSD incorporated this knowledge into the draft case studies that were presented at the meeting to create a finalized product. The THE TAIWAN FOUNDATION provided excellent facilitation for this meeting which proved to be a great benefit in writing final editions of the case studies.

The CSD was particularly encouraged by the Taiwanese experts to include an appendix section to summarize the key findings of the interview process that was designed to

inform the case studies. It was felt that adding a dimension to the papers which would tell the stories of those who lived through and wrote about Taiwan's transition to democracy would add a great deal to the scope of analysis provided by the case studies.

3. Topics for Further Review

After the discussion around the current case studies concluded, it moved towards possible areas of study for new cases on democratic transition in Taiwan. It was agreed that democratization has many facets, and it would be worthwhile to expand the CSD's case study initiative and look at additional influences on Taiwan's transition to democracy, including the role of the courts, outside pressures from the international community, the role Taiwanese expatriates in the opposition movement, among others.