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台灣政治重建的論爭: 1992-1997 年  
憲政改革的研究

The Push and Pull of Reform on Taiwan:  
A Study on Constitutional Amendments from 1992-1997

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## Chinese Abstract

台灣人民一直以來都嚮往民主，而在經濟蓬勃發展下，人民則進而渴望得到更多的自由。海峽另一岸的中華人民共和國距離台灣不過咫尺之距，位於北京的人民政府更虎視眈眈地等待每一個可以應其主張，一統台灣非法政權的機會。台灣的菁英份子對於這個迫切的時局卻相當覺醒，因而促進了和國民黨的「一中政策」持相反意見，支持「台灣獨立」的民主進步黨的成立。雖然兩方對於民主的走向和未來發展有所對立，但面對中華人民共和國的崛起，他們對於一強而有力的政府才能有效捍衛台灣當前得來不易的自主，這項觀點的認知卻不謀而合。西元 1992 年至 1997 年間的改革正是基於這項認知下，國民黨與民進黨，兩方相互做出的妥協才得以促成。民進黨藉由凍省，得以將台灣朝完全獨立推進一步，而國民黨則能夠保有執政權力，並在海峽兩岸的協商中進行主導。<sup>1</sup>

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<sup>1</sup> The translation of my abstract would not have been possible without help from 蘇上婷.

## Abstract

The need for a powerful president to match the growing power of China led reformers on Taiwan down a unique path. Factors outside the control of the ruling Kuomintang party created a precarious situation, one which its leaders had to navigate in a delicate fashion. Many on Taiwan longed for democracy. As the country's economy flourished, the people desired greater freedoms. The solution to this desire was not so cut and dry. The People's Republic of China lay only a few miles away across the Taiwan Strait. Beijing was eagerly awaiting the opportunity to reunify with what it claimed to be a part of the mainland run by an illegitimate government.<sup>2</sup> The stark reality was not lost to the party elites and people on Taiwan. The newly founded Democratic Progressive Party, stood on the side of Taiwanese independence, a clear break with the KMT's "One China" policy. Although both sides disagreed about the direction of democratization and what it would mean for the future of Taiwan, they both realized a powerful government was still necessary in maintaining the nation's hard fought autonomy in the presence of the People's Republic of China. The reforms made in the period of 1996-1997 were based on compromise. Both the KMT and the DPP surrendered parts of their platform to reach an agreement with the other side. The DPP was able to inch Taiwan closer towards independence with the abolition of the Provincial government, while the KMT was able to hold its power within the executive effectively giving the party complete control over cross-strait negotiations.

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<sup>2</sup> Copper, John F, Taiwan: *Nation State or Province? Fifth Edition* (Boulder: Westview Press, 2009), xi-xii.

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## Acronyms

AA- Additional Articles

CPC- Communist Party of China

DPP- Democratic Progressive Party

EY- Executive Yuan

KMT- Kuomintang

LY- Legislative Yuan

PRC- Peoples Republic of China

ROC- Republic of China

TASLG- Taiwan Affairs Small Leading Group

UN- United Nations

USA- United States of America

WTO- World Trade Organization



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# Chapter 1

## 1.1 Introduction

It has been said that the people on Taiwan have always been used to a powerful executive. The tiny island was once a colony of Japan. During that time period, the people enjoyed limited political rights. During the Chinese Civil War, Chiang Kai-shek's Kuomintang Party was locked in an intense struggle against Mao Zedong's communists. Unable to withstand the communist's advances, Chiang retreated to Taiwan effectively moving the Republic of China government from Nanjing to Taipei. Chiang ruled Taiwan with an iron fist. He claimed the war had yet to be won, extraordinary circumstances called for drastic measures. Despite the democratic nature of the ROC constitution, basic civil liberties and political rights were suspended under temporary provisions.<sup>3</sup> Some may view this as unjust, especially in light of the democratic ideals set forth within the ROC constitution, yet others argued the necessity of a powerful executive. The purpose of this study is not to examine on moral grounds the necessity of a strong executive in a democratic government, but to understand why those who enacted, supported, and took part in such administrations did so in the face of China and a growing domestic opposition movements. While examining the past is important, the focus of this study lies in the heart of the early reforms on Taiwan. By 1992 Taiwan had already undergone massive changes since the KMT first established a foothold on the island and declared nationwide martial law.

Former Taiwanese President Lee's initiative to push for reform, first in the legislature and then in the executive were a direct response to the actions of Beijing. In the literature review I will briefly introduce the evolution of Beijing's approach to Taiwan. Starting from the post Mao era of Deng Xiaoping's "Open door" policy, leaders of the PRC took a more calculated shift than before. Communist Party leaders at that time, most of which had little experience in fighting the Civil War abandoned

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<sup>3</sup> Officially referred to as, The Temporary Provisions Effective During the Period of National Mobilization For the Suppression of the Communist Rebellion, were provisions of the Republic of China Constitution effective from 1948-1991. The provisions curtailed certain political and civil liberties granted under the ROC constitution. Copper, John, F. "Taiwan's Recent Elections: Progress Toward a Democratic System." *Asian Survey* 21, 10 (1981) : 1031. JSTOR. Web. 22 June 2017. <<http://www.jstor.org/stable/2643972>>.

ideology for a more practical approach. The move helped Beijing internationally and created a complicated situation for Taiwan.<sup>4</sup>

While Beijing initiated its “peaceful unification” plan in the early 1980’s, Taiwan was undergoing political, economic, and societal shifts. By that time the Taiwanese had enjoyed years of strong economic growth. Taiwan, one of Asia’s Tigers was shifting economically from a labor intensive to knowledge intensive country. This shift was important, as people on both sides of the strait looked to capitalize on the increasingly globalized world. Chinese business began to grow, while Taiwan’s internal political struggles started to unfold.

In the following literature review I will begin with policy initiatives from Beijing starting in the post Mao era of the early 1980’s up until the 1997 election of Lee Teng-hui on Taiwan. This will provide a backdrop to the motives behind reformers on Taiwan and paint a picture as the two interpretations of circumstances by officials in Beijing. The literature will continue with a brief yet necessary background of opposition politics on Taiwan and their influence on reform. Lastly, I will focus on the second era of constitutional reforms on Taiwan from 1995-1997. Downsizing or abolition of the provincial government directly relates to the DPP’s push towards independence, while the creation of a dual-executive system strengthened the powers of the president.

## 1.2 Purpose

The purpose of this study is to uncover the nature of Taiwan’s reforms from 1992 to 1997. During that time, politicians on Taiwan undertook the task of reforming and reshaping presidential powers and the Provincial government. Taiwan is not unique in the sense that it must also consider other countries when shaping domestic policy. From Chiang Kai-shek to Lee Teng-hui, each leader of Taiwan has had to face the reality of a hostile PRC government across the strait. Creating a narrative around this situation will better paint a picture as to why reformers on Taiwan choose to give

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<sup>4</sup> Deng Xiaoping became paramount leader of the PRC once Mao Zedong had passed away. Deng’s “open door” policy was an economic initiative to liberalize the Chinese economy, slowing opening certain sectors to the rest of the world in an effort to bring China into the future. Naughton, Barry. “Deng Xiaoping: The Economist.” *The China Quarterly* 135 (September 1993): 491-514. JSTOR. Web. 20 June.<<http://www.jstor.org/stable/654099>

greater power to the executive branch while simultaneously compromising with a small yet growing opposition party at home.<sup>5</sup>

Cross-strait policy as executed by the PRC government still plays an important role in the policy decisions of Taiwan's current politicians. Thus, understanding the nature of the PRC influence during a time of historic reform is of great importance to this study. PRC policy and posturing certainly played a role in shaping presidential powers on Taiwan. Scholarship on Taiwan's constitutional reform during this period tend to focus on the internal struggles between Taiwanese political actors. Interparty struggles along with a population eager for change, the purpose of this study is not to ignore those factors but to examine them under a different scope. By creating another narrative around this specific time period, I aim to uncover the principles which lie behind the intentions of Taiwanese reformers, most notably those within former President Lee Teng-hui's inner circle and the opposition Democratic Progressive Party. With every action there is a reaction, political systems are not fixed structures but responses to ongoing circumstances.

The early to mid-1990's were a pivotal time for Taiwan's democratization. For the first time in decades both sides of the Taiwan Strait were openly searching for means to create legal, institutionalized exchanges. On Taiwan, a growing opposition movement finally had space to work out in the open, the debate for independence had never been livelier. Some looked on at this development with new found hope, while others remained skeptical. The purpose of this study is to understand what the intentions of the PRC were during this time period and how that in turn influenced reformers on Taiwan. A narrative must be created on both perception and practice by Beijing. This study will be divided into various sections, each attempting to explain and expand in greater detail the variables which helped create the political system used on Taiwan post 1992 reforms. The importance of this study rests on the notation that political systems are in many ways reactionary. Yet those involved in shaping the politics of a particular country attempt as best they can to mold the system to their advantage. Political structures do not simply exist or function because of some universal norm which dictates them to do so. Instead, players within certain political systems must make

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<sup>5</sup> Lin, Jih-wen, *Taiwan's Semi-Presidential System Was Easy to Establish but is Difficult to Fix: A Comparison Between the Constitutional Reform Efforts* (Taipei: Taiwan Journal of Democracy, Vol 12 No. 2, 2016), 46

calculated moves in order to achieve their stated goals. Much analysis has been done on intentions of the KMT and Lee Teng-hui during the initial phases of democratization, further analysis remains to be done about the influence of the Communist Party of China and DPP on reform in Taiwan. Post-authoritarian theory will be used to understand how countries transition from single-party states to democracy. As a country in transition I feel it will be vital to frame the reforms around this type of theoretical framework. Furthermore, it has been argued that Taiwan is a semi-presidential system. This study will examine the reforms to presidential powers within the context of semi-presidential systems.

By using these methods and theories the studies hopes to shed new light on democratization in Taiwan. The islands transition has been studied and written on to a great extent, but much of the focus, especially of western scholarship tends to be how democratization lead to a multi-party state free from the shackles off authoritarianism. Furthermore, many scholars have focused on what has come to be known as the Taiwan miracle.<sup>6</sup> No doubt Taiwan's rapid economic growth has played a huge part to the nations success but for this study that aspect of the nation's development will only be mentioned briefly. For this study mentioning the increasing economic integration will also be helpful, but the primary focus is political and not economic.

I aim to focus on the history leading up to the reforms to demonstrate why politicians choose certain systems. Political actors react to their circumstances and plan accordingly. Certainly, history has shown that the American Revolution and subsequent ratification of the Constitution was a response to monarchy. Similarly, Taiwan's reforms were a response to both domestic and external events. By conducting this research I aim to show how certain reforms and powers entrusted to politicians are influenced by their historical context.

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<sup>6</sup> The Taiwan Miracle as it has come to be known in academia refers to the economic boom Taiwan experienced from the 1960's to early 1980's. Standard of living increased and through a mix of private and state sponsored economic initiatives. To read more on this subject refer to, Tasi Pang-long. "Taiwan's Economic Miracle: Are the Revisionists Right?" *A Journal of Policy Analysis and Reform* 6, 1 (1999) : 69-82. JSTOR. Web 20 June.<<http://www.jstor.org/stable/43199017>>.

### 1.3 Research Question

How did the historical development of Taiwan's democratization lead additional articles in the constitution? In what way did those additional articles mirror the ideas of reformers and how did they solidify certain powers in the president?

### 1.4 Method and Theory

This study focuses on two important actors, China and Taiwan. I attempt to uncover the nature of Taiwan's response to Beijing policy toward the island. More specifically, my study focuses on constitutional reform related to presidential powers and the downsizing of the Provincial Government. Viewing the question through the lenses of a realist perspective will be helpful in creating a theoretical framework for understanding how different actors influence one another. Realism rests on the notion that the international system is anarchic. The state is the ultimate actor within this system. Finally, the primary goal of a state is its ultimate survival.<sup>7</sup> Within Taiwan's political system, both the KMT and DPP were acting in a way that would secure their eventual political triumph via future elections. Although the study will focus on additional articles and the history leading to those reforms, it is important to highlight the process in which the DPP and KMT collaborated with each other. This will be reserved for one chapter about the coalition building between Lee camp and Hsu moderates. Through evidence this will show how both sides, although opposed on certain issues, could find common ground especially when reforming presidential powers.

With this brief introduction, the actions of each actor which pertains to this study will become more evident. Although the PRC and the ROC view themselves as the representative of China, for the purposes of this study I will consider each to be a sovereign state. In order to consider a state sovereign, it must have clear national borders within which it has the sole authority to govern. Furthermore, a state is usually considered sovereign if it has recognition from other sovereign states. This second part proves problematic for Taiwan, as its international space is quite small in comparison to China. The ROC has many overseas unofficial offices, yet it lacks formal ties with most

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<sup>7</sup> Donnelly, Jack, *The Ethics of Realism, The Oxford Handbook on International Relations*( Oxford: Oxford University Press, 2008), 150

nations. The nations which have or had official relations with the ROC since Chiang Kai-shek decided to leave the UN are considerably small nations, most of which have little international clout. Yet the first principles of sovereignty apply to Taiwan. Since the KMT's retreat to the island, the PRC has never held administrative or judicial power over the Taiwanese people. The same can be said for the PRC, despite decade long claims by the KMT government to be the sole representative of China, reality has been quite different.<sup>8</sup> Direct presidential and legislative elections on Taiwan have proven this to be true. As this study will show, although the PRC attempted to influence Taiwanese politics via policy and a show of force the effects were contrary to their goals. In this way, Taiwan as represented by the ROC constitution was and is a sovereign political state.<sup>9</sup>

Both Taiwan and China are rational actors. This study focuses on a narrow era of interaction between both sides of the strait, from the post Mao era up until 1997. The time period of 1980-1992 serves as the historical backdrop to the constitutional reform era of 1992-1997. The purpose of this study is to first uncover the reasoning behind the policy initiatives from Beijing in order to form a complete understanding of what constitutes their self-interest. Second, the study will examine the effect of internal pressures on the Taiwanese reforms to confront the question of independence. As states seek survival in an anarchic world, actors take what they deem to be necessary actions in order to gain the upper hand from their rival. Certainly, the relationship between the PRC and Taiwan was not always antagonistic and with increased dialogue brought more stability to the region, but as this study will show both sides of the strait remained far more skeptical of each other than optimistic. Uncovering the behavior and mindset of both states leaders is important to determine why certain policies were implemented in a particular fashion.

For the purposes of this study, Chinese and Taiwanese policy act as independent variables and constitutional reform the dependent variable. Policy makers in Beijing shifted post Mao. The shift did not come as a direct response to the situation on Taiwan, but was more an initiative already embedded in the new administrations ethos. This

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<sup>8</sup> Blanchard, Marc F, Hickey Dennis V, *New Thinking About the Taiwan Issue: Theoretical insights into its origins, dynamics, and prospects* (Oxon: Routledge, 2012), 190-192.

<sup>9</sup> Baogang, He. "The Question of Sovereignty in the Taiwan Strait: Re-examining Peking's policy of opposition to Taiwan's bid for UN membership." *China Perspectives* 34 (March-April 2001): 7-8. JSTOR. Web. 20 June. <<http://www.jstor.org/stable/24050860>



push toward a less hostile and ideological relationship in dealing with Taiwan became even greater once Deng stepped down from power in 1993. The conditions external to China were favorable, and the Communist Party capitalized on the world's new-found optimism for the country. The PRC took the initial steps in initiating dialogue and relations with the ROC, this was an important step because it gave Beijing the chance to set the tone for the nature of future exchanges.

Taiwan is also an independent variable as political reformers crafted the environment necessary for change. The politicians on Taiwan were certainly influenced by factors outside of their control, such as policy coming from Beijing. However, the rapid change starting in the 1980's to Taiwan's political environment took on a life of its own. Even in the face of external threats and not far removed from remnants of an authoritarian states, the political climate on Taiwan was lively and full of debate.<sup>10</sup> As the 1980's came to an end it was apparent that the flow of capital, the exchange between people, and unofficial relations between both sides of the strait were increasing. Lee attempted a few policies, such as his southbound and go slow be patient policy. Both of which failed. What Lee and the ruling Kuomintang could control was the process and outcome of constitutional reform on Taiwan. The purpose of this study is to show how presidential powers were increased through reform.

Constitutional reform acts as the dependent variable. By the 1990's martial law was lifted but much work had to be done if Taiwan was to become a democracy. Taiwanese politicians wondered and debated about which type of democracy the country should be. Certainly not all democratic countries are the same in both structure and practice. The very nature of reforms on Taiwan is a reflection of the political actors who ratified and promulgated the new additional articles. Reforms happened because these actors were able to come together. Once the political system became more competitive, following legislative elections the KMT did not control a super majority in the legislature and thus had to work with the DPP.

Within this theoretical framework, I assume that both the KMT and the DPP act competitively while trying to find common ground. Within Taiwan's democratic system, both parties are fighting for their right to govern and implement their platform.

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<sup>10</sup> Harrison, Selig, S. "Taiwan after Chiang Ching-Kuo." *Foreign Affairs* 66, 4 (Spring, 1988): 796. JSTOR. Web. 20 June 2017.<<http://www.jstor.org/stable/20043483>>.

As the nation democratized the political climate became more competitive. With more options Taiwanese shifted their identification.<sup>11</sup> In a competitive environment actors are farsighted. They see how current policies will set them up for future action under a similar or shifting political landscape. This study will also focus on the intent of the DPP and the KMT. Both parties placed value on different policies which they believed were of the utmost importance to their country future success.

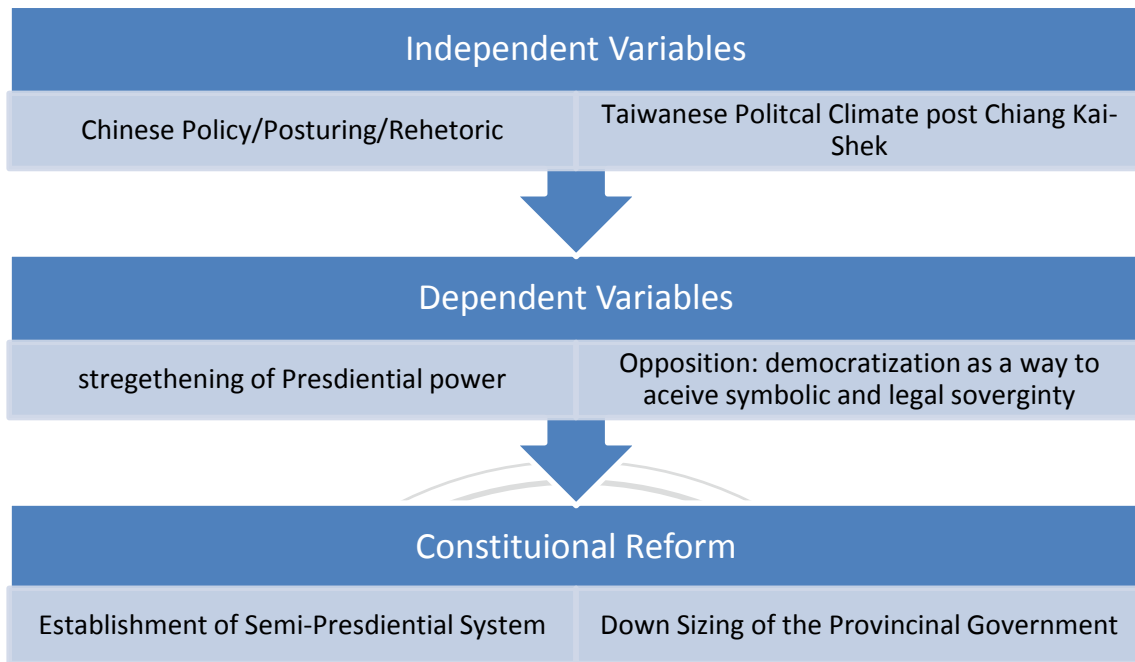
When coming to a compromise politicians often link certain policies or reforms together. Through this method, a much broader coalition can be formed. Despite the linking of different policies and reforms not every politician gets exactly what they want. As this study will show both parties often had varying stances on similar issues. The issue of Taiwan's Provincial Government was one such instance. The push for a declaration of sovereignty by the opposition camp, and the KMT's need to shore up power in the executive came to a head during the 1996 reform debates. Politicians will often times willingly give up or compromise on their own issues in order to see reform to the end. Each side accomplishes something, but it is not what either wanted in totality. Politicians package certain issues together in an effort to avoid gridlock. History is important when understanding why each party brought their issue to the table. Below is the theoretical framework, in the table I break down the independent and dependent variables to show how these factors lead to constitutional reforms.

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<sup>11</sup> Fell, Dafydd. "Inter-Party Competition in Taiwan since the 1990s: Despite the Change in the Ruling Party in 2000, most of the salient issues of the 1990s remain on the political agenda." *China Perspectives*, 56 (November-December 2004): 4. JSTOR. Web. 20 June.<<http://www.jstor.org/stable/24051936>>.



Figure 1.1 Theoretical Framework



Source: Myers, Ramon H. "A New Chinese Civilization: The Evolution of the Republic of China on Taiwan." *The China Quarterly* 148 (1996): 1072-090. JSTOR. Web. 5 May 2017. <<http://www.jstor.org/stable/655517>>

The process of transitioning from a single party state to a democracy is often long and arduous. Post authoritarian regimes often have a high probability of backsliding on their democratic promises.<sup>12</sup> As mentioned in the previous sections of this essay, the lifting of martial law and the Temporary Provisions laid a groundwork for democratic transition.<sup>13</sup> A key piece of reform which Taiwanese argued for during the National Development Council was the direct election of the president. This was to be the true test of Taiwan's democratization. The constitution had called for the direct election of the president, but during the martial law period the Chiang family enjoyed unrivaled control of the country's top position. President Lee Teng-hui proved to be reformed minded. Some political observers believed he argued for direct elections because it strengthened his position, while Lee himself argued it was the major move necessary to bring Taiwan closer towards its democratic future.

<sup>12</sup> Opello Jr, Walter, C. "The Transition to Democracy and the Constitutional Settlement as Causes of Political Instability in Post Authoritarian Portugal." *Luso-Brazilian Review* 27, 2 (Winter, 1990): 78-79. JSTOR. Web. 20 2017.<<http://www.jstor.org/stable3513355>>.

<sup>13</sup> Jacobs, Liu 382.

Lee Teng-hui's break from the conservative faction was an important moment in Taiwan's political transition as it marked a point in which observers recognize the change from authoritarianism to democracy. There are a number of important factors when discussing post authoritarian regimes. The historical development of politics and civil society are considered while also addressing the likelihood a transitional regime might face a crisis, both internal and external. A certain set of criteria exists in determining whether or not a country has transitioned to democracy. The essential change must first come from a constitution. The constitution must either be created or reformed upon.<sup>14</sup> In case of Taiwan, the ruling party had the advantage of pushing for reform within the ROC constitution. Although the DPP expressed its will to create an entirely new constitution, this received little support and was viewed as an impractical way of achieving reform within the limited timeframe at hand.

Many scholars who study Taiwan are quick to note its vibrant election environment. Small trucks blaring campaign slogans, people out and about handing leaflets are just a few pictures that come to mind. A major factor for transitional regimes is the creation of fair and free elections. Taiwan certainly has a unique history when it comes to elections. Even under colonial rule the people on Taiwan were granted some, if not very limited voting rights. This has certainly played an important part in Taiwan's politics but is not of importance to this study. Post authoritarian studies have often focused on the ability of transitional regimes to create a competitive space in which opposition parties can actually have a legitimate chance of securing votes. One major issue during Taiwan's transition to democracy was the KMT's continued uneven influence over the election process. By the 1990's the KMT had amassed a fortune and created far reaching relationships both of which served the party quite beneficially come election day. Here analysis focuses on not only the creation of institutions but its function. In the case of Taiwan, the historically entangled development of the party and politics could not so easily be washed away in the first wave of democratic changes on Taiwan. Still the reforms brought about direct elections for both the legislative and executive branches of government, they served the short term, but further analysis is required on long term effects of such reforms.

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<sup>14</sup> Davis, Michael C. "East Asian after the Crisis: Human Rights, Constitutionalism, and State Reform." *Human Rights Quarterly* 26, 1 (Feb, 2006): 126-129. JSTOR. Web. 20 June 2017. <<http://www.jstor.org/stable/20069719>>.

Authoritarian regimes are characterized by their leaders.<sup>15</sup> Often strong and unforgiving, political observers often remember powerful men such as Joseph Stalin or Mao Zedong. While the role of the chief executive remains important to a democracy, it is the creation of a truly representative legislature that lies at the heart of reform. A key component of a functioning democracy is proper checks and balances. The concept dates back to enlightenment thinker Montesquieu, who believed power vested in the hands of one branch would cause corruption. Creating a truly representative legislature was difficult on Taiwan. Those within the KMT who held onto the eventual goal of unification wondered how representation for the mainland should work. The DPP pushed for legislative elections, it was in their benefit to gain experience at the legislative level if the party was ever going to secure the presidency.

The legislative elections of 1992 and public support for president Lee gave him a popular mandate, one which influenced his decision to move ahead with strengthening the office of the president. Lee and his supporters realized the constitution would allow for either a parliamentary or presidential system. Yet there appeared to be a third way, one which could mirror that of the French 5th Republic.

French political scientist Maurice Duverger coined the phrase semi-presidential system when defining the new constitution of the French 5th republic.<sup>16</sup> In order to meet the criteria for a semi presidential system a country must follow three rules. First the president must be elected via a popular vote. This was the first hurdle Lee would have to overcome in the initial reforms of 1994. Lee was confident that he would win any future election and new the DPP would support his push for a popular vote. This position was challenged by the non-mainstream faction of the KMT. They supported an indirect vote through the National Assembly.<sup>17</sup> It was their belief that a popular vote would inch Taiwan closer to an opposition victory and vote of independence. Lee was successful in passing additional Article number 2. Which allowed for a presidential vote

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<sup>15</sup> Huntington, Samuel P, Betts, Richard k. "Dead Dictators and the Rioting Mobs: Does The Demise of Authoritarian Rulers Lead to Political Instability?" *International Security* 10, 3 (Winter, 1985-1986): 112. JSTOR. Web. 20 June 2017.<<http://www.jstor.org/stable/2538944>>.

<sup>16</sup> Roper, Steven D. "Are All Semipresidential Regimes the Same? A Comparison of Premier-Presidential Regimes." *Comparative Politics* 34.3 (2002): 255. JSTOR. Web. 5 May 2017.<<http://www.jstor.org/stable/4146953>>.

<sup>17</sup> The National Assembly was a legislative body brought over from China by the KMT. In the 1990's many of its powers were transferred to the Legislative Yuan. In 2005 the National Assembly was disbanded. Long, Simon. "Taiwan's National Assembly Elections." *The China Quarterly*, 129 (March 1992):216-228.JSTOR.Web. 19 June 2017.<<http://www.jstor.org/stable/654605>>.

by the population on free area. The second criteria used to define semi-presidential systems is whether the president possess extraordinary powers. Post authoritarian regimes which face both internal and external crisis are often prone to moments of giving power to the hands of the executive to mitigate any potential danger to national security. Under the Article 36 the president is the head of national security, and acts in a similar capacity as the US president as commander and chief. Additional articles allow the president to issue decrees during times of national security. During the martial law period the president of the ROC was able to suspend basic civil liberties and forbid the formation of political parties. These specific powers are not explicitly expressed in the additional articles passed by the reform committee but it can be imagined during a time of crisis the president might want to utilize them.

The last aspect of a semi-presidential system is a separate office of premier, which heads the executive branch. According to Duverger's checklist Taiwan would meet the criteria for a semi presidential system.<sup>1819</sup> Yet these classifications are not enough to define Taiwan's political system, a deeper analysis is necessary to prove Taiwan's system is more prone to a strong man type government. Luckily the scholarly work on post-authoritarian systems is wide ranging. With the fall of the Soviet Union many scholars have written on the subject of democratic transitions. Many of the post-communist states faced similar crisis and conditions following the dissolution of the single party state. Matthew Shugart and John Carey focused on classifying in greater detail regime type. Their classification system was based not only on the type of institutions but how much power each institution actually wielded in the given country's political environment.<sup>20</sup>

Shugart and Cary's analysis is important to this study because it will help clarify Taiwan's political regime post reform. If in fact the reformers on Taiwan created a semi-presidential system headed by a strong chief executive the office of the president would meet the criteria based on Shugart and Cary's analysis. According to their study constitutions can have potential relations property's but these must be checked on actual

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<sup>18</sup> Kaminsky, Elijah Ben-Zion. "On the Comparison of Presidential and Parliamentary Governments." *Presidential Studies Quarterly* 27.2 (1997): 223. JSTOR. Web. 5 May 2017. <<http://www.jstor.org/stable/27551727>>.

<sup>19</sup> Albert, Richard. "The Fusion of Presidentialism and Parliamentarism." *The American Journal of Comparative Law* 57.3 (2009): 533. JSTOR. Web. 15 May 2017. <http://www.jstor.org/stable/25652657>

<sup>20</sup> Roper, 257

political realities to deem whether or not they are effective enough. Dissecting and analyzing a country's regime type is important because it directly affects democratic consolidation. It has been argued that certain systems lead to instability which could adversely affect democratic consolidation and confidence in a country's political institutions. Semi-presidential systems are most common in Eastern Europe, yet there are examples within Western Europe as well, most notably France. It should be noted that comparison between France and Eastern European countries must be taken into historical context. Western democracies such as France have had time to mature compared to Eastern European countries which attempted to create democratic societies in a post-communist world wrought by economic strife.

The question remains, how does Taiwan fare in Shugart and Cary's detailed analysis of semi-presidential systems. Their analysis rests on the previous three criteria mentioned in Duverger's original study but expands to legislative and non-legislative powers, regime type and cabinet stability.<sup>21</sup> Two types of semi-presidential systems exist, premier presidential and president parliamentary. Taiwan falls under the premier-president lexicon. It is argued that this system creates more cabinet stability but lacks the ability to create an environment of cohabitation.<sup>22</sup> This occurs when the president and the majority party within the legislature differ from each other. Certain countries can function within this environment, Taiwan did not experience this until president Chen Shui-Bian won the 2000 presidential election. Under that administration, the limits of the 90's constitutional reforms came under majority scrutiny as the legislature faced serious gridlock.

The distinction between legislative and non-legislative power is important. In certain countries, the President may have little institutional mechanism to shape policy yet still play a major de facto role in the process. The authors cite France as an example and Taiwan would certainly fit this. Although Lee Teng-Hui lacked the necessary mechanisms to initiate policy he played an important role in supporting legislative initiatives. Once such an example would be his, "be patient, go south policy."<sup>23</sup> Shugart

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<sup>21</sup> Roper, 258.

<sup>22</sup> Richard, 555.

<sup>23</sup> Jacobs, Liu 382.

and Cary's scale ranges from 0-4. If the power is given a 4 then the president wields significant power, a 0 would mean power primarily rests in the hands of the legislature.

Various democratic constitutions give the president the veto power. This falls under the category of legislative powers. The United States is one example of a country in which the president has the power to veto legislation. Veto power is considered an important check on a legislature's power. If, for example the president and the majority of the legislature are from different parties then the power to veto bills allows the president to exercise the mandate given to him by the people. A 4 on this scale would mean the president has absolute power to deny a bill's passage. Under the ROC constitution, the president does not have the power to veto. Under additional Article 3, section 2 the Premier does have the power to send a bill back which the office deems to be difficult to execute, if the bill passes again it must be signed by the premier. Although not completely similar, the French president has only suspensive veto power. This means, the president can suspend a pending bill from passing and have the legislature vote again, however if the vote passes for a second time the president does not have the power to override the bill's passage.

Without the veto power the ROC president cannot thwart legislation without the help of law makers. However, the president is allowed to issue special decrees which may give him or her certain powers given the circumstances. Previously following the retreat of the KMT to Taiwan Chiang Kai-shek initiated Temporary Provisions which gave the president a wide range of extraconstitutional powers. Yet Shugart and Cary claim that there can be limits to those powers. If the president has the ability to issue emergency decrees and the passage of such decrees does not have to be confirmed by the legislature then the president's power is at a 4 on the scale.<sup>24</sup> According to Article 2 of the additional articles of the ROC constitution, "The president may, by resolution of the Executive Yuan Council, issue emergency decrees and take all necessary measures to avert imminent danger affecting the security of the State or of the people or to cope with any serious financial or economic crisis, the restrictions in Article 43 of the Constitution notwithstanding. However, such decrees shall, within ten days of issuance, be presented to the Legislative Yuan for ratification. Should the Legislative Yuan withhold ratification, the said emergency decrees shall forthwith cease to be valid." The

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<sup>24</sup> Roper, 258



wording in Article 2 of the Additional Articles differs from the original text of article 43 which only states, “In case of a natural calamity, an epidemic, or a national financial or economic crisis that calls for emergency measures...” Inclusion of the line, “imminent danger, affecting the security of the State,” is important to this study as it realties not to some natural calamity but military threat. Furthermore, the article states that during such a period, as stipulated by law the president would be allowed to form a national security council.

Lastly the study of presidential-premier regimes looks at the president’s power to initiate referendum. Up until the presidency of Chen Shuai-Bian, referendum was never initiated on Taiwan. As stipulated in the constitution under Article 136, “The exercise of the rights of initiative and referendum shall be prescribed by law.” Furthermore, under Article 170, “The term “law,” as used in this Constitution, shall denote any legislative bill that shall have been passed by the Legislative Yuan and promulgated by the President of the Republic.” All legislative power rests in the legislature, while the president is limited to simply promulgating the law. This power is non-legislative in nature, under the current criteria the president referendum power would be a 0.

It would appear that the ROC president lacks major legislative powers. This however does not mean the chief executive is without actual power. According to his paper entitled, *Are All Semi-Presidential Systems the Same? A Comparison of Premier-Presidential Regimes*, author Stephan D. Roper maps out in great detail various European regimes presidential powers. France, thought to be most similar to Taiwan has a total score of 1 when all three categories of Veto, decree, and referendum are added. Although legislative powers are able to push policy forward, the author argues non-legislative powers can be equally if not more powerful within the context of a countries political reality.

Taiwan’s political reality is inexplicably linked to cross-strait relations. Thus the powers of the president and premier to not only guide policy but also safeguard Taiwan can be interpreted as broad and far reaching.<sup>25</sup> Non-legislative powers have been a major focus of semi-presidential systems as they lead to coalition building. One of the paramount powers of a president is his or her ability to name cabinet members. Many

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<sup>25</sup> Kucera, 66.

constitutions call for the nominating to be done by the president with consent of the legislature. Originally under the 1947 constitution as stipulated in article 55 the president has the ability to choose a premier at the consent of the legislature. This however was eventually changed with the passage of the 3rd additional articles. Appointment of a premier is crucial as this position acts as the head of the executive department, and is the liaison between the president and the legislature. It would be in the president's best interest to have a premier who is like minded, although critics would argue that this might produce nothing more than a yes man, incapable of objectively critiquing the president's policies.

Roper notes proponents of semi-presidential systems claim under the particular system there is an increased likelihood of cabinet stability. Yet upon further research, Roper finds that in many Eastern European countries the opposite seems to persist. This is because the president not only has the power to choose his or her cabinet but also retains the right to dissolve them. If approval of the government is low or the president deems it necessary to sack someone who is not fulfilling their duties they have the right to do so. Scholars of semi-presidential systems argue that this creates more government instability as cabinets are at constant risk of reshuffling.<sup>26</sup> This leads to the conclusion that semi-presidential system such as that of Taiwan are very much strong-man governments. Roper points to Russia as an example of this, and evidence can be found of major cabinet reshuffles under their current leader Vladimir Putin. On Shugart and Corey's scale, the ROC president's powers to appoint and dismiss are at a 4.

Theoretically Taiwan certainly falls under a semi-presidential system.<sup>27</sup> When compared to other countries which have transitioned from single party states it is clear that a number of factors contribute to the formation of specific regime types being created in post authoritarian world. History has played a major role in determining regime type on Taiwan. Taiwan's unique history since the end of WWII has led to a top down approach at democracy. At the forefront of reform have been the elites. Elites have come from both sides of the isle, from within the ruling party and the opposition movement.<sup>28</sup> The following sections detail the history behind reforms starting with the

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<sup>26</sup> Shoemith, Timor-Leste. "Divided Leadership in a Semi-Presidential System." *Asian Survey* 43, 2 (March-April 2003): 232-233. JSTOR. Web. 16 June 2017.<<http://www.jstor.org/stable/as.2003.43.2.231>>.

<sup>27</sup> Furst, 48.

<sup>28</sup> Myers, 1087



post Mao era up through the 1990's. History will show that the 1980's saw a policy shift from Beijing, while not openly hostile the threat of force still existed and this played into the hands of reformers like Lee Teng-hui. The 1990's saw a cooling of relations leading to the most serious cross-strait event in decades known as the Third Straits Crisis.

Political theory is also integral to this study, a simple explanation of the results using constitutional theory is not enough. In the mid 1990's Taiwan was in a precarious state. Relations across the Taiwan strait were tense. Although the Chinese side was willing to allow Taiwanese certain benefits for investment, they would not allow a democratic system or opposition party to oppose their single party state. On the other side of the strait, the KMT was dealing with a much more aggressive opposition. This situation created a situation that was not so cut and dry. Although reforms such as allowing the direct election of the president have normative values attached, the issues were much more complex than that. The opposition represented by the DPP leaned toward the side of independence. The KMT, in the early 1990's was split by those who supported president Lee and those who did not. To better understand how the triangular relationship between the president, premier and legislature was created the study will focus on how different groups emerge from post authoritarian regimes to form coalitions and enact constitutional change.<sup>29</sup>

After the initial phase of reforms, questions still remained about how certain government institutions would function and be shaped by future reforms. The earlier passages laid the groundwork for the historical background to the reform era. In recent scholarship post-authoritarian theory has been utilized to understand constitutional change on Taiwan. The focus of this chapter is to add scholarship to previous attempts to explain this era using that methodology. The previous chapters which laid bare the background to reform are important in understanding the motives behind certain actors.

In emerging democracies, such as Taiwan in the mid 1990's it is not beneficial to examine institutions based on their stability given the fact that certain government institutions were not fully executed to their constitutional ends during the martial law period. This makes the study more complex, and gives reason as to why a historical

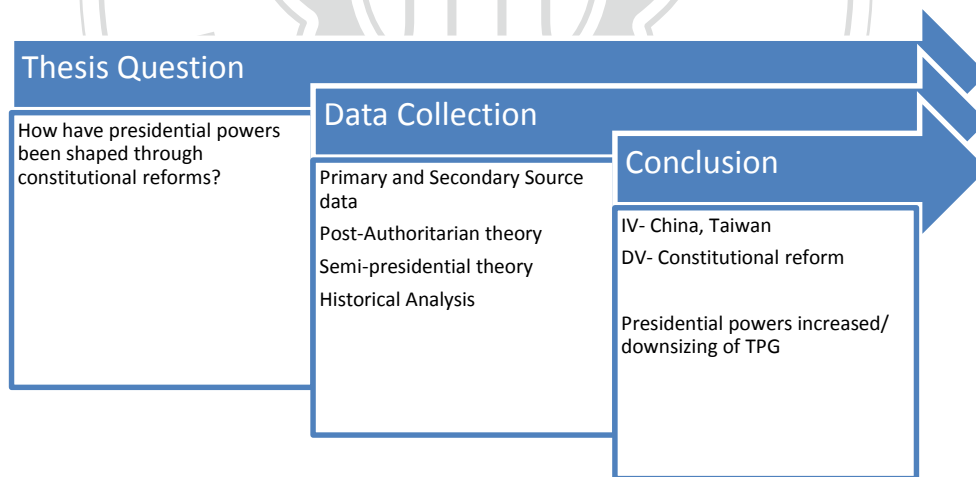
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<sup>29</sup> Weh-lin, Jin, *How are the Powers of the President Decided? Vote Trading in the Making of Taiwan's Semi-Presidential System*, (Taipei, Academia Sinica, 2016), 4-5

background is necessary in which all actors motives can be clearly stated. Instead, vote trading theory suggests that certain issues unrelated to each other will be linked together in order to reach some type of consensus. The important actors within democracies are those with veto like powers, these players are called the, “pivot.” Understanding the significance of each issue can provide us with insight into how certain reforms took shape. The pivot in this situation is the president.

In an effort to better understand the motives behind the 1996-1997 reform period an understanding of Taiwan’s political history from the 1980’s onward is essential. Historical institutionalism is a vital method for our understanding of the reform period. Institutions take shape over time, the litmus test for a constitution is whether or not it can produce a stable society which follows uniformity of laws and procedures. Yet upon closer examination, the Republic of China constitution is quite unique from others which share a somewhat similar semi-presidential system. To better tackle the motives of each actor involved in reform, this study aims at creating a historical narrative.

Figure 1.2 Methodology



This study is a work of history. As such the information collected in this study comes many from primary and secondary sources. It is important in the field of history to examine past interpretations of circumstances through secondary sources, but as time progresses a fresh perspective can prove to be a necessary endeavor. I have gathered a plethora of secondary sources for the library of National Cheng Chi University and the universities Online database. Perspective is important, authors form different walks of

life always have varying opinions about similar topics. While gathering secondary sources, I was sure to choose from a wide variety of authors from a multitude of backgrounds. Government publications have also proved helpful as they provide official interpretations of the circumstances related to this study. In terms of party affiliation, most of my sources come from the Pan-blue camp, this could prove problematic in the long run, and poses as a potential space for improvement and balance.

Primary sources are essential to any work of historical analysis. First, a reading of the ROC constitution was necessary as it was the basis of this study. Next, in order to better understand policy from Beijing I examined various speeches and policy proposal's which were available online. The speech's provided the direct text and language used by Communist Party leaders, which gave my research insight into the tone being set for future policy. The NCCU library as well as the online database JSTOR have proven to be an immensely important tool in my research. Furthermore official government websites of both the PRC and ROC have provided valuable primary sources. Constitutions, additional articles, official speeches all provide immense insight into this topic.

### 1.3 Chapter Structure

The following chapter contains the literature review. In it, I discuss already existing knowledge about the subject of reform on Taiwan. The literature review will also briefly mention the Third Taiwan Straits Crisis in a more general fashion. Further analysis of the crisis will be added in later chapters. Understanding in the general sense what Beijing's intentions were post-Mao and the political climate on Taiwan up until reform is needed. The literature review will also cover a summary of Taiwan's political environment before reform. The focus of this study will not go beyond the 1980's but it is important especially to those who have little knowledge of Taiwan's history to get a brief summary of the islands development.

Chapter 3 will focus on the development of the opposition party and coalition building. As mentioned in previous passages the KMT and DPP worked together to achieve constitutional reform. This chapter will focus on the main political actors, and each party's goals for reform. The goal of this chapter is to first show how in a post-authoritarian country various political actors emerge from the single party state to enact

change. There will be focus on issues and to a certain extent factionalization of each party as this played a significant role during the reform process.

Chapter 4 is an analysis of the additional articles. I have included a timeline of all constitutional reform although this study only focuses on a certain number of those reforms. The Chapter will include a detailed analysis that pars the additional article next to the previous articles it replaced. The main focus of this chapter is to provide the reader with the exact wordage of the Additional Articles. In this chapter I provide analysis to the additional articles as I attempt to put them into greater context for the study. Lastly Chapter 5 will contain my conclusion.



## Chapter 2 Literature Review

The 1970's saw a significant chain of events which lead to future policy shifts from Beijing. United Nations Resolution 2758 on October 25, 1971 officially declared the People's Republic of China as the sole representative of the Chinese people. The resolution infuriated then ROC leader Chiang Kai-shek, prompting him to abandon the UN. The move struck a severe blow to the ROC's international standing.<sup>30</sup> A few years later Chiang would pass in 1975 only to be followed by his rival from across the strait, Mao Zedong in 1976. The passing of these two figures marked an important event in cross-strait history, one that would affect policy over the next two decades. Before their death, both leaders enjoyed almost unrivaled authority. They were staunchly committed to unifying China, under their own interpretation of what China would look like.

The death of Mao had a greater effect on Chinese policy than the death of Chiang on Taiwan. Chiang's son, Chiang Ching-Kuo assumed power on the island, largely following in his father's footsteps.<sup>31</sup> Following Mao was another larger than life revolutionary figure, Deng Xiaoping. Deng differed from Mao. The Cold War was beginning to thaw just as he took power, and new dynamics on both the international and cross-strait stage were beginning to form. As China increased its international space and opened its economy to the world, Deng saw an opportunity to initiate his newfound "peaceful unification" plan.<sup>32</sup> Beijing's new Taiwan policy set itself apart from the past. Official's took a less aggressive and ideological stance. The fight between both sides of the strait was no longer about "liberation" or "class struggle." Instead, Deng and other key members of the Communist Party sought to reconcile differences and bridge gaps through rhetoric first, policy second.<sup>33</sup> The policies Beijing attempted could only have gone into effect with the okay from Taipei, and this is precisely why they made the first move. By reaching out the hand of cooperation, China would again appear to be the pragmatic actor in an ever-changing situation.

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<sup>30</sup> Herschensohn, Bruce. *Taiwan: The Threatened Democracy* (Los Angeles, World Ahead Publishing, 2006), 16-18

<sup>31</sup> Jacobs, Bruce J., and I-hao Ben Liu. "Lee Teng-Hui and the Idea of Taiwan." *The China Quarterly* 190 (2007): 378. JSTOR. Web. 25 May 2017. <<http://www.jstor.org/stable/20192775>>.

<sup>32</sup> Cabestan, Jean-Pierre. "The Relations Across the Taiwan Strait: Twenty Years of Development and Frustration." *China Review* (2000): 107. JSTOR. Web. 5 Apr. 2017. <<http://www.jstor.org/stable/23453363>>.

<sup>33</sup> Wei-Chin Lee, T.Y. Wang, *Sayonara To The Lee Teng-Hui Era Politics in Taiwan, 1988 to 2000*(Laham: 2003) 283-284.

The shifting atmosphere was certainly in the back of Beijing's minds when the Standing Committee of the National People's Congress released, "A Message to Compatriots in Taiwan," on New Year's Day, 1979. The tone of the message was important. Far from the ideological rhetoric of the Mao era, the speech showed Beijing's new approach to Taiwan. Within its text, the speech covers a number of issues on the minds of both sides of the strait. Economics development, end to military hostilities, and person to person exchanges were all important subjects to the people of Taiwan and China.<sup>34</sup> Interestingly, the speech also briefly mentions China's international rise, certainly a strategic placement in order to get the audience thinking about Taiwan's own international standing. Beijing's message ends by stating reunification as the ultimate goal for both sides of the strait, "The bright future of our great motherland belongs to us and to you. The reunification of the motherland is the sacred mission history has handed to our generation. Times are moving ahead and the situation is developing. The earlier we fulfil this mission, the sooner we can jointly write an unprecedented, brilliant page in the history for our country." Although Beijing's "Message to Compatriots in Taiwan," was purely political rhetoric it served the party's initial purpose. It provided context for Beijing's future moves, set the tone, and allowed Taiwan to make the next move.

Following the message to Taiwan, a few more official policy proposals were put forth by the Communist Party during the mid-1980's in an effort to be more specific on the nature of cross-strait negotiations, conditions, and eventual unification. A few years later Chairmen of the National People's Congress, Ye Jianying delivered a public statement entitled, "Policy on Return of Taiwan to the Motherland and Peaceful Reunification, the speech which was administered through Xinhua News agency later came to be known as Ye's Nine Point Proposal. Chairmen Ye proposed (1) more, "exhaustive exchanges" between both the Communist Party of China and the Kuomintang. (2) Both sides of the strait longed for cooperation in an effort of people to reconcile and reconnect with relatives, loved ones, and acquaintance. (3) The people of Taiwan would enjoy a high level of autonomy, including administrative and armed forces. (4) Taiwan's socio-economic system would be left intact, property rights and foreign investment would be respected. (5) People on Taiwan will be allowed to

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<sup>34</sup> Lee, Peter Nan-shong. "Jiang Zemin versus Lee Teng-hui: Strained Mainland-Taiwan Relationship." *China Review* (1997): 110. JSTOR. Web. 23 Apr. 2017. <<http://www.jstor.org/stable/23453119>>.

actively participate in the National government. (6) China would aid Taiwan in times of financial difficulty. (7) The people of Taiwan are welcome to relocate to the mainland. (8) Business interests will be respected under the law and investment will be encouraged. (9) The reunification of China and Taiwan is the responsibility of all Chinese people. It was this proposal that Deng Xiaoping used to state his “one country, two systems” theory in January of 1982.<sup>35</sup>

The “Message to Compatriots in Taiwan” and Ye’s “9 Points” were the initial foundation, the bedrock, to the Communist Parties new policy toward Taiwan. During the mid-1980’s the Communist Party was undergoing an important change. As many revolutionary leaders began to pass away or simply step down from official posts due to failing health, a new group of party cadres took the helm. Although Beijing’s Taiwan policy remained under a centralized hierarchy, the new faces within the policy making structure of the Communist Party provided fresh eyes to a decades old problem. Lacking revolutionary experience, the new class of policy shapers were groomed through the bureaucratic process, from across the strait it seemed as though Beijing had become less Hawkish in its approach.<sup>36</sup> During the era of Mao and even Deng, many policy decisions came from one single man. Once the paramount leaders were gone, the rhetoric became increasingly inviting and cooperative in nature. It was during this era of transition that the Communist party began taking advice from outside the party. The CCP began consulting various academic institutes, which were often closely linked to the party.

Before making official statements related to policy initiatives the Communist Party established the Taiwan Affairs Leading Small Group in 1978. The TALSG’s role changed over time. Initially it was created by CCP central committee to conduct research on Taiwan. As time went on it would become the cornerstone of Taiwan policy. Deng retained paramount power over the group during the 1980’s but by 1993, as his health declined, Jiang Zemin became the head of TALSG. Although Jiang sat at the top of the TALSG he did not enjoy absolute power and needed to consult various

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<sup>35</sup> Jianying, Ye. Message to Compatriots in Taiwan, China News, <http://www.china.org.cn/english/taiwan/7943.htm> (accessed December 16, 2016).

<sup>36</sup> Tasi Kevin G, *Cross-Taiwan Straits Relations Since 1979 Policy Adjustments and Institutional Change Across the Straits*. Waterloo. University of Waterloo. 2011. 220-221.



senior leaders from both the political and military sections of the CCP. This would later effect policy, as Jiang became more Hawkish during the presidency of Lee Teng-hui.<sup>37</sup>

As China's "Open Door" policy began to show signs of success, Taiwan was undergoing major political reforms. In 1987 under Chiang Ching-kuo martial law was lifted, effectively giving citizens the personal and intellectual freedoms they lacked over the past few decades. Instead of panic, China reacted with calm. Despite their lifting of martial law, the international world still shunned Taiwan and stifled any attempts to gain more space. The KMT controlled government attempted to enact laws limiting personal and economic contacts for security reason, but this had limited effect. Business and people simply found round about ways, such as flights through Hong Kong as means to an end. China bided its time, if it were not going to use force then patience was the only option.<sup>38</sup>

In January of 1995 Jiang made his famous "8 Point" proposal to the people of Taiwan. The context was more complex than ever before. The Taiwanese had successfully completed the first round of political reform by giving its people the right to vote for their legislature. President Lee lifted the, Temporary Provisions for the Suppression of the Communist Rebellion, which was met with optimism from across the straits. The outcome of initial legislative elections also gave the Communist party hope for future reunification as the KMT won a majority of seats, leaving the opposition Democratic Progressive Party to rethink its strategy.

Jiang's speech entitled, "Continuing to Strive Toward the Reunification of China" or "Eight Points" also came at the cusp of Taiwan's second reform, one which would see the Taiwanese people choose their president through popular election less than a year later. The success of Taiwan's first phase of democratization was fresh in Jiang's mind and many within the Communist Party believed the second round would be successful. Beijing still had a hand to play. Despite such historical gains, Taiwan was losing international space, most notably the loss of recognition by South Korea in 1992. Jiang's, "Eight Points" exemplify a more precise Chinese policy direction in the face of Taiwan's upcoming second phase of reform. Jiang opens his statement with a brief

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<sup>37</sup> Tasi Kevin G, Cross-taiwan straits relations since 1979 policy adjustments and institutional change across the straits, 224.

<sup>38</sup> Harrison, Selig S. "Taiwan After Chiang Ching-Kuo." *Foreign Affairs* 66.4 (1988): 795-96. JSTOR. Web. 3 May 2017. <<http://www.jstor.org/stable/200483>>.



history lesson. He attempts to refute any opposition to the idea that Taiwan is or ever was an independent country, “Taiwan's early development by the Chinese people has been recorded in many historical books and documents. The Chinese governments through the past ages set up administrative organizations to exercise its jurisdiction over Taiwan.” Beijing’s rhetoric is important for multiple reasons. By talking about Chinese history and the idea of a unified China, Beijing shares a common historical understating of the situation with the KMT. By using historical and resorting to grandiose language, Beijing was also making it clear to the international community that the issue of Taiwan was one internal to the Chinese nation.<sup>39</sup> By pushing Taiwan further outside the realm of international relations, Beijing confines Taiwan’s democratic reforms to a matter of simple domestic consequence.

In his speech, Jiang’s tone was once again inviting and conciliatory. (1) Jiang reiterates the concept of One China. (2) Taiwan has the ability to join economic and cultural international organizations, but must refrain from doing so as an independent nation. (3) consultations on an equal footing mean that Taiwan will recognize the October 1992 talks and the conclusions reached at that time. (4) No use of force, not a liberation but a peaceful reunification of Taiwan to the motherland. (5) Further investment between both sides of the strait will help increase competitiveness and prosperity in the coming century. (6) The 5,000 year history of China is the bedrock of unification. (7) Through unification people on both sides of the strait can search for a more prosperous future together. (8) Government officials from Taiwan are able to visit the mainland, but only in the appropriate capacity.<sup>40</sup>

Although short, there is much to be said about Jiang’s speech. The first point sets the context of the entire speech. By restating the importance of “One China” Jiang made it clear, whatever the future of reform holds for Taiwan it must be undertaken through Beijing’s framework. Points two and four backup Beijing’s concept of peaceful unification. Until that time, the world could rely on China to not provoke the situation across the straits. Even after the Tiananmen incident and initial reforms on Taiwan, China remained calm and calculated. If the Communist Party created waves it could have meant a dramatic shift for the success of their policy. The second point is

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<sup>39</sup> Herschensohn, Bruce. Taiwan: The Threatened Democracy, 50.

<sup>40</sup> Zemin, Jiang. Continuing to Strive for the Unification of China, China News, <http://www.china.org.cn/english/taiwan/7955.htm> (Date accessed, December 17 2016)

important as it reiterates the understandings reached in talks between both government in Singapore. The meeting was a historic event which brought together Wang Daohan and Koo Chen-fu. Koo Chen-fu represented Taiwan through the quasi-governmental Straits Exchange Foundations. His counterpart, Wang Daohan represented the People's Republic of China through the Association for Relations Across the Taiwan Straits. They came to an understanding that there was only one China, with each differing in their interpretation of China. The meeting was a landmark in cross-strait diplomacy.<sup>41</sup>

Point 5 is significant because it reminds both sides of the strait how important each other is in terms of economic growth. As the world became more globalized, business's in Taiwan needed to seek lower production costs if they wanted to remain competitive. Jiang's reiteration of this and reassurance that investment would be respected with rule of law is an attempt to show the important nature of Taiwan and China economically symbiotic relationship. Lastly, points 6,7, and 8 restate the importance of person to person connection across the straits. By invoking history Beijing policy makers are painting a more glorious picture for the future prospects of Taiwan's unification.

The speech was a brief but important synopsis of China's Taiwan policy moving forward. Jiang began his speech by reiterating the One China principle. A declaration of Taiwanese independent would not be permitted. Furthermore, the government in Beijing would not accept the ROC's claim to legitimate rule over a prolonged period of time. The wording is general, but its urgent and conveys the message that the subject of cross strait relations is time sensitive. While Taiwan would not be allowed to have official diplomatic ties with other countries, Beijing reassured that it would not interfere with the nations acceptance and participation in certain international organizations. Under the name Chinese Taipei, Taiwan would be able to remain a part of the Asian Investment Bank and continue to attend the Asian Pacific Economic Cooperation Forum.

By 1995 it was clear that the DPP had made major inroads within Taiwanese politics.<sup>42</sup> They not only had seats in the legislature but even more importantly their

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<sup>41</sup> Wong, Timothy Ka-ying. "Changing Taiwan's Foreign Policy: From One China to Two States." *Asian Perspective* 24.1 (200): 31. JSTOR. Web. 8 May 2017. <<http://www.jstor.org/stable/42704247>>.

<sup>42</sup> Ferhat-Dana 34.

influence at the local level was growing stronger. Jiang proposed all parties to be present in negotiations related to unification, this was however predicated on the acceptance of the One China principle. Without this starting point, nothing could be accomplished. By claiming that Taiwan could still join international organizations Jiang was letting those weary of unification know the terms of the agreement. Beijing would let Taiwan remain autonomous in certain respects. Socialism would remain the main economic method of the mainland while Taiwan could continue to run its capitalist economy. This was mentioned not only for the common Taiwanese people but the business class. By the mid 1990's globalization had created a much more competitive world. In an effort to shore up profits the Taiwanese business men would have to invest in China which had a larger labor pool and a much cheaper investment environment.<sup>43</sup> If Taiwanese were reassured that their business ventures and investments would be protected they might have been more likely to view unification in a more favorable light. China worked towards courting the top companies from Taiwan. These companies, such as Formosan Plastics were vital to Taiwan's economy. The Chinese focused on incentives for companies focused on infrastructure, power, and high technology.<sup>44</sup> If these companies jumped ship and joined the pro unification side others might follow suit.

By issuing the 8 points, Jiang created a situation in which Taiwan would have to respond. The Chinese strategy was to bide time and wait out president Lee. Jiang was testing Lee's commitment and resolve. The Chinese wondered if Lee was fully committed to furthering Taiwan's international presence and democracy for the sake of his own presidency. Jiang believed he could influence the Taiwanese electorate and move the people's sentiments more in line with Beijing. Lee promptly responded to Jiang with 6 clearly stated points. The 6 Point reply was released on April 5, 1995.<sup>45</sup> The first point similar to Jiang provided the starting point to which Lee wanted all future negotiations to be founded upon. Lee stated that since 1947 Taiwan and mainland

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<sup>43</sup> Keng, Shu, and Gunter Schubert. "Agents of Taiwan-China Unification? The Political Roles of Taiwanese Business People in the Process of Cross-strait Integration." *Asian Survey* 50.2 (2010): 289. JSTOR. Web. 20 May 2017. <<http://www.jstor.org/stable/10.1525/as.2010.50.2.87>>.

<sup>44</sup> Jacobs, Liu 388

<sup>45</sup> Teng-Hui, Lee. "Document 4: President Lee Teng-Hui, "Six-Point Reply," 8 April 1995." *Asian Affairs* 26.2 (1999): 101-02. JSTOR. Web. 25 Apr. 2017. <<http://www.jstor.org/stable/3012774>>.

China had been governed by two separate entities both with sovereignty. Until this historical fact was recognized unification would not be possible.

Since the 1980's China constantly reiterated the shared culture and history of both people across the Taiwan Strait. This was done in an effort to create a hegemonic sense of identity between the two peoples. Lee's second point claims that China and Taiwan could create lasting bilateral negotiations based off of their shared culture. It could be argued that by the 1990's Chinese culture was better preserved on Taiwan than it had been in China. The tumultuous times of the 60's, 70's which culminated to the cultural revolution saw a major backlash of Chinese culture in the PRC. Under Mao's regime students were encouraged to damage cultural sites and reject Confucius teachings. Taiwan, under Chiang Kai-shek had promoted Chinese culture. Calligraphy, poetry, art all flourished on Taiwan. Although this was the reality, many on Taiwan saw themselves as distinctly different from China. Taiwanese accepted and celebrated the Chinese aspect of their identity while also shaping something new.<sup>46</sup>

Following Jiang's points, President Lee stated that both sides of the strait should participate in international organizations. APEC was the only organization mentioned specifically but Lee was certainly thinking about other organizations such as the WTO and UN. The insistence on international participation was seen as crucial to gaining leverage on Beijing. Without support from internal partners Taiwan's plea would fall on deaf ears.

Beijing's shift in policy towards peaceful unification under the context of "one country two systems, had until the 1990's been simply rhetoric in relation to Taiwan. If the politicians and the people on Taiwan were going to be convinced of the benevolent PRC agenda then they would have to see it in action.

The 1995-1996 straits crisis came at a critical time for three reasons. First, the direct election of the president of the ROC was set to take place in 1996, second formal talks between both sides had gone without major conflict and third the PRC was in the process of taking back Hong Kong from the British. Hong Kong-Taiwan relations were extremely important to the PRC. Although not talked about during the Wang-Koo

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<sup>46</sup> Dawley, Evan D. "The Question of Identity in Recent Scholarship on the History of Taiwan." *China Quarterly* 198 (2009): 449. JSTOR. Web. 20 June 2017. <<http://www.jstor.org/stable/27756461>>.

meetings, it was understood that eventually both sides would have to address the nature of Taiwan-Hong Kong relations under the new circumstances.<sup>47</sup>

Chinese scholars such as Milton D Yeh, argue that Hong Kong was important to Beijing's overall strategy of peaceful unification.<sup>48</sup> and policy makers in Beijing understood that Taiwan had very little maneuverability during the process. Furthermore, the concept of one country two systems was recognized under the 1984 Sino-British Joint Declaration, giving it significant legal backing and internal recognition.<sup>49</sup> If properly implemented then the case against it who decrease and the push for an independent Taiwan might lose steam.

By the mid-1990's Hong Kong served both the Chinese and Taiwanese economies. At that point, there was no other location for Taiwan to turn to. Hong Kong offered an economically liberalized, inviting and international city with which to conduct business. More importantly HK served as a link between Taiwan and China. Lee Teng-Hui was not willing to open the three links, as he thought of it as the nation's most important bargaining chip. The three links between Taiwan and China were direct postal links, air travel, and shipping. Up to that point during Lee's presidency HK served as a link between the two nations. Due to the economic importance of HK it was imperative that Taiwan attempt to retain the status quo. This would mean working with PRC officials to retain economic ties between the two sides.

Around the time of the Hong Kong revision, President Lee had made known his new approach to Taiwan-PRC relations. With full confidence Lee believed cross-strait relations should be conducted under a state to state formula. With his election, Lee was riding the coattails of new found Taiwanese nationalism. This was evident in the rise of the DPP and the localization of the KMT party. By the mid-1990's even the KMT were speaking in local dialects to gain votes and despite some criticism of Lee it was apparent that even the most hardline pan blue supporters did not want to give up Taiwan's democratic system. The New Party stood directly opposed to the DPP on the

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<sup>47</sup> Chu, Yun-han. "The Challenge of the 1997 Hong Kong Handover for Taiwan." *Pacific Affairs* 72.4 (2000): 554. JSTOR. Web. 8 May 2017. <<http://www.jstor.org/stable/2672397>>.

<sup>48</sup> Yeh, Milton D. "Forecasting Relations between Taiwan and Hong Kong." *China Perspectives*, 6 (July-August 1996): 49-50. JSTOR. Web. June 20 2017.<<http://www.jstor.org/stable/24050235>>.

<sup>49</sup> Wong, 28.

issue of unification but, even they did not want unification without the promotion of a Taiwanese style multi-party democratic system.<sup>50</sup>

As president Lee was tasked with being the nation's top diplomat. Diplomatically China was doing everything in its power to shut out Taiwan from internal space. However, by the early 90's Taiwan had increased its representative offices overseas. These offices were not official diplomatic buildings but served as cultural and economic centers for Taiwanese affairs overseas. As president Lee understood that Taiwan's relationship with the United States was of the utmost importance. Democratization was one way Taiwan could present its value on the world's stage, but cooperation within the greater context to Sino-US relations was equally important. The Taiwan Strait was long considered a major flashpoint for conflict, and only second to the demilitarized zone between the North and South Korea.

Taiwan's relationship with Washington was critical to the survival of Taiwan for a number of reasons, but most importantly arms sales. Under Article 36 of the constitution, the president of the ROC acts as the commander and chief. As Taiwan's diplomatic isolation increased fewer countries were willing to provide Taiwan with weapons. PRC policy stipulated that official ties with Beijing had to come at the acknowledgment of the one China policy and the end of any arms sales to Taiwan. US commitment to Taiwan remained despite its exit from the UN and the cutting of official ties. On the campaign trail Ronald Regan assured the Taiwanese that would remain committed to their cause, yet once in office rhetoric was toned down. At first the US did not want to anger China as it saw the Cold War coming to an end, China was seen as a partner against the Soviet Union.<sup>51</sup>

Despite this in 1982 the Regan administration signed the six assurances. These assurances stated that the US would continue to sell defensive weapons to Taiwan and that they would not interfere with relations across the strait. The 6 assurances also stated that the United States would not force either side to negotiate with each other, and that it respected the sovereignty of both entities and its people to create dialogue.

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<sup>50</sup> Chu, 557

<sup>51</sup> Hickey, Dennis Van Vranken. "U.S. Arms sales to Taiwan: Institutionalized Ambiguity." *Foreign Affairs* 26, 12 (December, 1986):1327-1328. JSTOR. Web. 27 June 2017.<<http://www.jstor.org/stable/2644550>>.



In the post-soviet world, Taiwan lost its position as a major contributor to security in the region. Containment was no longer an issue and as China liberalized its economy many in the western world believed it would be only a matter of time until they politically opened up as well. Washington was supportive of Taiwan's democratization but they were weary of the opposition DPP party. By the 1990's it was clear that the DPP was not going away, and although small significant section of the Taiwan electorate was supportive of an independent Taiwan. Taiwan independence was a thorny issue for Washington. Policy makers understood that any direct declaration of independence could result in a major conflict with the PLA.

When Bill Clinton became president of the United States he was thrust into one of the tenses forging policy situations since the cold war. Tensions across the strait were cooling as President Lee beefed up his rhetoric regarding the ROC's status as an independent political entity.<sup>52</sup> Washington's understood that Lee was the lesser of two evils. He would not capitulate under pressure from either China or America but he was calculated enough to not start a crisis.<sup>53</sup> Without the Soviet Union, America enjoyed a uni-polar world, one in which it would have liked to see its political system employed in every country. Respect for human rights was one such issue which America took up criticism with China.

Under the Clinton administration, the TRA was amended for the first time in almost 10 years. The amendment allowed for the sale of weapons on a need basis. More importantly Taiwan was able to purchase better weapons systems. This included the purchase of patriot missiles. The weapon, produced by US defense company Raytheon was one of the most advanced at the time. Although defensive, the purchase was certainly made with China in mind, as the missiles were more than capable of deterring threats from Chinese aircrafts.

America's strategy was one of ambiguity. This has influenced the decisions coming from the president's office in Taipei. During the 1990's Lee wanted to show the world

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<sup>52</sup> Freeman Jr, 8.

<sup>53</sup> Hung-mao, Tien. "Taiwan in 1995: Electoral Politics and Cross-Strait Relations." *Asian Survey* 36.1 (1996): 36. JSTOR. Web. 5 May 2017. <<http://www.jstor.org/stable/264553>>.

how different the ROC was politically from the PRC, yet he could not outright declare the ROC as Taiwan.<sup>54</sup>

Although the ROC military had the hardware to match the PRC no one on Taiwan wanted a war. The Taiwanese had grown unwilling to retake the mainland by force and saw military spending as wasteful. This sentiment did not distort the reality that Beijing created. The Taiwanese especially those within defense circles knew of China's growing military prowess and advanced technology. In little more than a decade the Chinese had modernized their military to match that of many Asian powers. Although Jiang stressed a de-escalation of military buildup across the strait the Taiwanese were weary of this promise. Lee stated, "to use foreign interference and Taiwanese independence campaigns as an excuse to maintain a military solution is to ignore and distort the ROC's nation building spirit."<sup>55</sup> Since the rise of the opposition DPP party the PRC had used the notion of separatist activity as a reason to use force against Taiwan. The rise of a Taiwanese identity was seen as a major threat to the Communist Parties ability to persuade through peaceful means the eventual unification.

Two significant events happened in 1996. First President Lee Teng-hui visited his alma mater Cornell to give a now controversial speech entitled "Forever in my Heart." He stated that relations between both sides of the strait ought to be conducted through a state to state framework. This infuriated China, causing for the first time a significant escalation of tension in the form of military exercise, deployments, and drills in the Taiwan strait.<sup>56</sup>

Overall, Beijing's strategy was a success up until the Third Straits Crisis. Taiwan's economy was becoming increasingly integrated with China, for many policy makers in Beijing, time was on their side. Yet when given the opportunity, Lee backed away from the PRCs "One China" framework. This caused a different reaction from Beijing, which feared any deviation from their stated goals would surly mean independence. Deng and his cadres began with simple rhetoric. By making the first move, Beijing was sure to have the upper hand. Communist Party policy set the tone for dialogue and were greatly rewarded when Taiwan first opened it economy to the mainland. While political

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<sup>54</sup> Wong, 13.

<sup>55</sup> Lee Teng-Hui 101.

<sup>56</sup> Wei-Chin Lee, T.Y. Wang, *Sayonara To The Lee Teng-Hui Era Politics in Taiwan, 1988 to 2000*, 12-13.



struggles ensued on Taiwan, the PRC enjoyed previously unprecedented growth. Biding their time and waiting for the right moment appeared to be the key for Beijing's success. Despite the prospective benefits of closer relations, the first round of reforms on Taiwan created a troubling situation for the PRC. It has been decided that the next president would be chosen by the people, something Beijing feared could tarnish the CPC integrity, commitment, and legitimacy to not only rule but prove it could back up its rhetoric.

A common theme among transitional states is crisis.<sup>57</sup> During the 1990's post authoritarian regimes such as Russia experienced times of internal social and political crisis. While conflict did exist internally on Taiwan, the major crisis which the country had to face as it transitioned was external. The People's Republic of China was adamantly opposed to the idea of an independent Taiwan. Democratization can often be threatened by crisis. This depends on certain powers and how they are distributed within the government. During a period of crisis, a government might be more apt to initiate special provisions which suppress democracy. During the American Civil War Lincoln suppressed the right of habeas corpus and freedom of the press. He believed the circumstances permitted his government to limit liberty for the sake of the nation. In the face of Chinese aggression following the Chinese Civil War, the KMT suspended large portions of the constitution for the sake of domestic security. During the mid-1990's tensions across the strait were reaching dangerous levels. This posed a potential threat to the democratization of the island. Regimes can often utilize crisis to justify harsh anti-democratic measures.<sup>58</sup>

The flare up of tension across the Taiwan strait had been happening for some time. During Lee's first term as president, the nation sought greater international space. This angered China, policy makers in Beijing viewed this as a move towards independence. For decades' countries began to abandon the ROC in favor of diplomatic relationship with the PRC. The United States, while not retaining its official diplomatic relationship did remain as Taiwan's most important ally. As stipulated in the Taiwan Relations Act

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<sup>57</sup> Suzuki, Yuji, and Yuji Suzuki. "Democratization and Localization in Post-Authoritarian Asia." *Indian Journal of Asian Affairs* 15.1 (2002): 126. JSTOR. Web. 25 May 2017. <<http://www.jstor.org/stable/41950432>>.

<sup>58</sup> Svobik, Milan. "Authoritarian Reversals and Democratic Consolidation." *The American Political Science Review* 102.2 (2008): 153. JSTOR. Web. 18 Apr. 2017. <<http://www.jstor.org/stable/27644508>>.

the United States continued to sell weapons to Taiwan, something China vehemently opposed.

The Third Taiwan Straits Crisis happened in the run-up to the 1996 elections. It was an accumulation of various missile tests and exercises which were used by Beijing to coerce the Taiwanese electorate. This study will go into greater detail of those events in later chapters as it was an important test for Taiwan's newly formed democracy.



## Chapter 3 Opposition and Coalition Building for Reform

When China experienced internal struggle such as the Great Leap Forward and Cultural Revolution, it often lashed out at Taiwan. As China opened up to the world, it was clear that the aggressive policies of the past were largely ineffective.<sup>59</sup> Politicians on Taiwan experienced a similar shift in circumstances after the nation's paramount leader, Chiang Kai-shek passed away in 1975. Chiang had been tirelessly dedicated to "reclaiming" the mainland. He believed it was his destiny to unify all Chinese people. Following his death and the 1979 "Message to Compatriots in Taiwan," policy makers began to rethink their strategy. Aggression could no longer work. As the space to operate within the international community dwindled, the only plausible option for stability across the strait was negotiation.

People on both sides of the strait wanted peace. That notion was especially true for the people on Taiwan. The island had enjoyed decades of economic growth,<sup>60</sup> the thought of war was far from people's minds. Pragmatic diplomacy was needed, yet it would not find its champion until 1988. Chiang's successor, Chiang Ching-Kuo was equally weary of Beijing's new policy shift towards peaceful unification. The ROC constitution gave Ching-Kuo the legal authority to rule over China.<sup>61</sup> Yet, given Taiwan's expulsion from the UN few countries now recognized the ROC government as legitimate.

As Ching-Kuo neared the end of his tenure, the probability of "retaking the motherland," faded. Ching-Kuo and the ruling KMT party sought to reform Taiwan from the inside out, by doing so they could reshape the ROC's image. Long before Ching-Kuo, politicians on Taiwan and abroad had referred to the ROC as "free China." Certainly, a loose definition of free, as the island was under strict martial law. Yet, during the Cold War as part of the west's global fight against communism, the ROC represented a glimmer of hope for a government which rested on western democratic institutions. Instead of responding to Beijing's initial calls for talks based on Deng's "One China" policy, Ching-Kuo's administration undertook the task of democratization

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<sup>59</sup> Isaccas, Arnold R. "After Mao: China Reconsidered." *The Wilson Quarterly* 10, 2 (Spring 1986): 163-165. JSTOR. Web. 18 June 2017. <<http://www.jstor.org/stable/40257013>>.

<sup>60</sup> Copper, Taiwan: Nation State or Province?, 166.

<sup>61</sup> Yang Winston I, Brown Deborah A, *Across the Taiwan Strait: Exchanges, Conflicts, and Negotiations*, 40-41.

instead. By first allowing the formation of official opposition parties and second lifting martial law in 1987 Ching-Kuo laid the initial stages of constitutional reform on Taiwan.<sup>62</sup>

According to the literature review and theory the initial stages of democratization are extremely vital to the overall process. Taiwan much like many other authoritarian states had severely limited the rights of its people. According to political theorists, Chong-Pin Lin and Man-Jung Taiwan under Chiang Ching-Kuo was governed by a soft-authoritarian system. One of Chiang's first initiatives was to declare the end of his family grip on politics and to allow the formation of the opposition DPP party. Soft-authoritarian systems differ from hard-authoritarian systems which allow no room for competitive politics.<sup>63</sup>

The efforts made by Ching-Kuo's administration are important for this study because they help create a historical narrative and timeline for constitutional reform. By lifting martial law, the KMT finally allowed greater respect for basic political rights. More intellectual space was created which would allow the Taiwanese people to forge their path toward democracy. The late 1980's saw an increase in both opposition politics and intraparty struggle. Within the KMT there were two factions, one of which supported newly chosen president Lee Teng-hui and the other which stood opposed to him. The non-mainstream faction was made up of those who sought to keep control of the government in the hands of the KMT.<sup>64</sup>

Much like other single party regimes, the KMT on Taiwan retained a tight grip on the military. During the martial law period the public had no mechanism for civilian oversight of the military. The National Security Council's decisions rested solely in the hands of the executive branch and the military was more an armed wing of the Kuomintang than a protector of the people.<sup>65</sup> Those who supported the direct election of

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<sup>62</sup> Nathan, Andrew J, Ho, Helena V.S. *Chiang Ching-Kuo's Leadership in the Development of The Republic of China on Taiwan, Chaing Ching-Kuo's Decision for Political Reform* (Lanham, University Press of America, 1993), 34-35

<sup>63</sup> Lin, Chong-Pin, Chan Mingnon, Man-Jung. "Taiwan and Mainland: A Comparison on Democratization." *World Affairs* 155, 3 (Winter, 1993): 123-124. JSTOR. Web. 18 June 2017.<<http://www.jstor.org/stable/20672351>>.

<sup>64</sup> Wei-Chin Lee, T.Y. Wang, *Sayonara To The Lee Teng-Hui Era Politics in Taiwan, 1988 to 2000*, 228.

<sup>65</sup> The National Security Council under Martial Law was headed by the president, it oversaw the security apparatus of the ROC. Shambaugh, David. "Taiwan's Security: Maintaining Deterrence amid Political Accountability." *The China Quarterly*, 148 (December 1996):1288. JSTOR. Web. 18 June 2017.<<http://www.jstor.org.stable/655525>>.

the president also argued for the head of state to act as commander in chief. This would effectively give civilian control over the military. In Taiwan, during the early years of reform in the 1990's some worried about a potential military coup. The situation was certainly not unthinkable considering military coup's already compromised other countries path toward democracy. If Taiwan was to make the leap, its military would have to heed to the wishes of the public.

On the eve of Taiwan's initial push for legislative reform in 1992, most of the nation's lawmakers where in the twilight of their lives. In his book, *Road to Democracy*, Lee Teng-hui states his task at reform was difficult for two reasons. Lee had to first get the legislature to pass reform allowing for the direct elections of legislators, and second ask the legislators to step down from their positions. It was evident that Lee was a deal making and a cunning political calculator. Beijing observed Lee's power plays with great suspicion. Some argued that the president was simply initiating a slow creep toward Taiwan independence. Fears from Beijing subsided in in 1993 when both sides of the Taiwan strait meet for the first time, to discuss the future nature of cross-strait negotiation and interaction. The fears of Beijing would only increase in the coming years, as President Lee began to work with the opposition DPP during the reform period.

The Republic of China constitution was ratified in 1947 on mainland China. For the purposes of this study it will be essential to first discuss the duties of the presidential office as stipulated within the ROC constitution. Under Chapter IV Article 35 the President of the ROC is tasked with handling foreign relations. Much like the presidential office of other democratic nations, the executive is the head representative of the country. This was a position Lee took quite seriously. During his tenure, he attempted to gain more international space for Taiwan. Lee's pragmatic diplomacy was an attempt to gain support in the international community. His efforts proved futile, as many countries began to abandon the ROC in favor of the PRC. Lee's position on international relations stood in direct contrast to what Beijing wanted. After the initial phase of constitutional reform Lee sought to change the paradigm in which cross-strait relations could be viewed. As mentioned in the previous section of the literature review, Beijing never veered from the concept of, "One China."<sup>66</sup> The idea of two systems did

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<sup>66</sup> Myers, Ramon H. "A New Chinese Civilization: The Evolution of the Republic of China on Taiwan." *The China Quarterly* 148 (1996): 1073. JSTOR. Web. 5 May 2017. <<http://www.jstor.org/stable/655517>>

not mean two countries. Lee's shift to state to state relations was alarming for Chinese policy makers. Lee's search for international allies in the early to mid-90's fell on deaf ears; his pragmatic diplomacy was nothing more than rhetoric.<sup>67</sup>

Other than being the head diplomat, the president of the ROC, as stipulated in Chapter IV Article 36, retains the position of commander and chief. The president possessed and exercised this power before the constitutional amendments of 1994-1997. The security apparatus was executed by the National Security Council, with the president at its head. During the initial phases of cross-strait exchanges, officials on Taiwan were especially weary of over dependence on China. Many within Lee's circle viewed the threat of economic integration in the same light as military action from Beijing. As president Lee was able to promulgate laws passed by the legislative Yuan which limited investment to and from China. The risk lay not only in the hollowing out of industry but also the potential for China to gain innovative technologies and push Taiwan out of the global market place. During the early 90's Taiwan was riding on the coattails of an impressive economic boom, what leaders feared was an economy which might become overly dependent on a not so trustworthy neighbor.<sup>68</sup>

Consolidating his power was essential for Lee. If he were to have control over certain policy he would need to first get the mandate of the people. It was not unknown to the Taiwanese leadership that companies were pouring large amounts of investment into China, some of which made its way through third party shell companies. As president Lee believed he could refocus Taiwan's economy, southward or at least slow investment down. By 1990 it was apparent that many major Taiwanese companies had their eye on the mainland. Wang Chien-shein, who served as Minister of Economics in 1990, gave an interview about the prospect of Y.C. Wang's Formosa Petrochemical Company leaving for the mainland. Wang was not optimistic stating, "If Wang follows suit, there is not much prospect of industry thriving in Taiwan." This was a sentiment felt by many on Taiwan, and was one major issue on the mind of President Lee Teng-

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<sup>67</sup> Kuo, J Julian, *Assessing the Lee Teng-hui Legacy in Taiwan's Politics, Cross-Strait Relations: Buying Time Without Strategy*, 216-218.

<sup>68</sup> Lin, Wen-Cheng, Lin, Cheng-yi Lin, *Assessing the Lee Teng-hui Legacy in Taiwan's Politics, National Defense and the Changing Security Environment*, 246-247.



hui as he sought to consolidate his power in the upcoming wave of constitutional reforms.<sup>69</sup>

By 1994 the legislature could be elected by the people of Taiwan. The ROC constitution was interpreted in various ways. Its articles gave power to both the legislature and the president but it was unclear whether the system should be presidential or parliamentary. In times of great crisis many governments, from Rome to Taiwan have sought to consolidate power in the hands of what are hopefully benevolent leaders. As tensions flared due to Lee's controversial rhetoric, those within his circle sought to give the executive branch increased power. By July of 1994 10 additional articles had passed, while previous ones repealed. Arguably the most significant was Article 2, Section 1 which allowed for the direct election of the president in the "free area" of the ROC.<sup>70</sup>

The next question raised by opponents of Lee was what to do about the triangular relationship between the president, premier and the legislature. In most parliamentary systems, the premier is subject to a vote of no confidence by the legislature. This allows the legislature some check on the power of the executive branch. In 1997 Lee Teng-hui was elected president by popular vote. Following the election, the KMT along with the DPP worked toward achieving a clearer picture related to the triangular relationship. Article 3, Section 1 of the additional articles stipulated that the Executive Yuan would be subject to the checks of the legislature. Yet additional Article 3, Section 2 gives power to the executive to call into question, through reconsideration any resolution related to statutory, budgetary, or treaty passed by the legislative Yuan. Grounds for reconsideration are considered if the executive branch finds the resolution, "difficult to execute." This article gives immense power to the president and premier, and diminishes the Legislative Yuan's power to check the executive. Furthermore, Article 3, section 2, Clause 3 gives the legislature power to remove the premier through a vote. Yet, once the premier is removed, he may request the president to dissolve the legislature. With the threat of losing their seat it seems unlikely for members of the Legislative Yuan to give the premier a vote of no confidence.<sup>71</sup>

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<sup>69</sup> *ROC Tycoon's Decision Could Breed Trouble for Taiwan* (Taipei: Free China Journal, 1990), 34-37

<sup>70</sup> Tang, Dennis Te-chung, *Constitutional Reforms in Taiwan in the 1990's* (Taipei: Academia Sinica, 1999), 105.

<sup>71</sup> Tang, Dennis Te-chung, *Constitutional Reforms in Taiwan in the 1990's*, 106-108.



The additional articles passed between the years 1995-1997 were in many ways groundbreaking. In the eyes of many international observers Taiwan deepened its democracy and gained legitimacy in the eyes of developed nations around the world. Yet this was not enough to gain support from the international community. The situation across the strait became even more tense after President Lee's visit to his alma mater Cornell. Lee gave an impassionate speech entitled, *Forever in my Heart*. Following his speech, China responded with force.<sup>72</sup> The People's Liberation Army conducted live fire drills and large scale military exercise for 9 months in the hope of influencing the future reform of Taiwan's constitutional system. The show of force did not work, as Lee was eventually elected president. The developments on Taiwan reflect the leaderships attitude toward policy in Beijing. The Taiwanese had little space to maneuver and were left looking for legitimacy within their own political system to achieve their goal of reform.



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<sup>72</sup> Scobell 231.

Figure 3.1 PRC Policy and Posturing Timeline

Chinese Posturing/Rhetoric/Policy	Taiwanese Response
1978 Deng's "Open Door" Policy	Chiang Ching-Kuo "3 No's policy"
1981 "Taiwan's Return to the Motherland and Peaceful unification" Ye's "8 Points"	Continuation of "3 No's policy"
November 2, 1987 "family reunion" policy	1991 National Guidelines for Unification
1992 ARATS Chairmen Wang Daohan and SEF Chairmen Koo Chen-fu have meeting	Come to the agreement of "one country, with different interpretations"
January 30 <sup>th</sup> 1995 Jiang's "8 Points"	April 8 <sup>th</sup> 1995 Lee Teng-hui 6 Point Reply
July 21 <sup>st</sup> 1995- March 23 <sup>rd</sup> 1996 Third Taiwan Straits Crisis	1996 Presidential Election go as planned, Lee Teng-Hui elected as President

Sources: Fu, Kuen-chen. "The Legal Aspect of the New Relations between Taiwan (ROC) and its Former Communist Rival Neighbors." Proceedings of the Annual Meeting (American Society of International Law) 87. (March, 31-April, 3, 1993):64-69. JSTOR. Web. 19 June 2017. <<http://www.jstor.org/stable/25658710>>.

Sautede, Eric. "The Republic of China Elects its President: Birth of a Nation?" China Perspectives, 5 (May-June 1996):35-39. Web. 19 June 2017. <<http://www.jstor.org/stable/24050194>>.

China was engaged in what is known as coercive diplomacy. This requires calculated efforts to achieve goals. The Chinese did not want to engage in an all-out war with Taiwan or the United States. The goal was to lessen America's relationship to Taiwan and squash what they believed to be a push towards Taiwan independence. The threat of a direct election of the president was on the minds of Beijing policy makers. If the people on Taiwan were able to vote for their leader then it might give legitimacy to the idea of their sovereign independence. China had already begun coercing Taiwan by shrinking its international space. The United States acted via deterrence diplomacy. It was not so much that the United States supported Taiwanese independence as they needed to uphold their regional security agreements. Policy makers in Washington wondered what would happen to the United States image and reputation if they backed down from China. The 1990's marked the immediate aftermath of the Cold War Period.

Many countries looked to the United States for assistance and security. For leaders in Washington, upholding their reputation was of the utmost importance.

Tensions increased when Lee Teng-hui was given a visa to travel to the United States. Lee was invited by his alma mater Cornell to deliver a speech.<sup>73</sup> This came as a surprise to the Chinese. They had been previously reassured by a representative from the president's office that Lee would not obtain a visa. However, congress opposed the denial of a visa for Lee. Both the House of Representatives and the Senate unanimously voted to give Lee a visa. In the minds of the Chinese this was the final instance of capitulation.<sup>74</sup>

The first step the Chinese took was to cancel top level official trips to the United States. Defense Minister Chi Hao hu, State Councilor Li Guixa both cancelled trips to the United States. The PRC then cancelled bilateral talks with the United States. Long accused of abusing human rights and arms proliferation, the Chinese saw this opportunity as a perfect time to halt what they believed to be hypocritical judgement on their domestic and foreign policy. All of these were aimed to make Washington reconsider its position. By ending the bilateral talks the US decision was not affecting the world. On July 18th, Chinese media announced that the People's Liberation Army would launch a series of tests and military exercises from July 21-28. The PLA fired 6 surface to surface missiles, in its largest show of force against Taiwan in decades. Taiwan remained stubborn.<sup>75</sup> President Lee continued to push for direct presidential elections and reassured the electorate that they would not be swayed by Beijing's actions.

In May of 1992 the second round of reforms were aimed at the executive and Control Yuan. Most importantly Article 12. Sec. 1 called for the direct election of the president in the free area of the Republic. Although some had argued for a system which mirrored that of the United States electoral college, most believed allowing the public a direct vote would be conducive to Taiwan's democracy. President Lee believed the people would support him in a popular election. Furthermore, the move to support a

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<sup>73</sup> Freeman Jr, Chas W. "Preventing War in the Taiwan Strait: Restraining Taiwan And Beijing." *Foreign Affairs* 77.4 (1998): 8. JSTOR. Web. 8 May 2017. <<http://www.jstor.org/stable/20672343>>.

<sup>74</sup> Qimao, Chen. "The Taiwan Straits Crisis: Its Crux and Solutions." *Asian Survey* 36.11 (1996): 1059. JSTOR. Web. 25 May 2017. <<http://www.jstor.org/stable/2645635>>.

<sup>75</sup> Yu, Taifa. "Taiwanese Democracy Under Threat: Impact and Limit of Chinese Military Coercion." *Pacific Affairs* 70.1 (1997): 15. JSTOR. Web. 3 May 2017. <<http://www.jstor.org/stable/2761226>>.

popular vote rather than a system based on the electoral college was a move of political calculation. Although the people had voiced their concerns on the street, the KMT still enjoyed its vast connections and resources within the government.<sup>76</sup> Lee wanted to steer reform in the direction he saw fit. Taiwan's democratization until 1996 was molded by a group of elite Taiwanese who had been in the world of politics for some time and had gained the connections necessary to influence change. If Lee had argued for an electoral college system it might appear that he was continuing the legacy of the KMT by creating an illiberal democracy still ruled by the political class.

China viewed the direct election of president on Taiwan as a threat to its stability and legitimacy. Since Deng's Open Door Policy, China put its best effort forward to join the international community. Western countries were quick to criticize China for its disrespect towards democracy. Human rights abuse and government corruption were frequent talking points with every US administration. After the collapse of the Soviet Union, Washington believed China could liberalize. All over the world, countries were experiencing great democratic upheavals. The United States hoped China would follow the trend. This was shot down in 1989 when students took to the streets in what is now one of China's most widely discussed instances of political suppression.<sup>77</sup> Chinese students were demanding political liberalization. Although the reforms of Deng's era had brought economic growth and prosperity, many in China felt democratization would finally bring the fruits of labor back to the people. Beijing responded with force. The People's Liberation Army crushed the movements and any hope of a democratic China. The memory of Tiananmen was still in the minds of Chinese and Taiwanese alike. Jiang Zemin believed a free election in Taiwan could threaten the Communist Party's ability to justify its rule. Although the prospect of a DPP victory was low, their participation in the election further enraged Chinese officials.

China viewed the growing participation of the DPP as a subtle yet more dangerous threat than outward independence. For decades, talk about Taiwanese independence was outlawed. Many pro-independence advocates were locked up or had fled the country for their safety. With the KMT firmly in power the CPC believed unification would

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<sup>76</sup> Pao-Min, Chang. "The Dynamics of Taiwan's Democratization and Crisis in the Taiwan Strait." *Contemporary Southeast Asia* 18.1 (1996): 3. JSTOR. Web. 3 May 2017. <<http://www.jstor.org/stable/25798317>>.

<sup>77</sup> Abas, Melaine, and Jeremy Broadhead. "The Tiananmen Square Massacre." *British Medical Journal* 299.6693 (1989): 269. JSTOR. Web. 4 May 2017. <<http://www.jstor.org/stable/29704802>>.

eventually happen. As the 1990's approached Beijing began to witness the political environment change on Taiwan. The party which once stood on the side of unification had been overcome by local Taiwanese cumulating with the nomination of Lee Teng-hui. In March of 1992 Article 100 of the Criminal Code, which allowed for the imprisonment of anti-state actors was amended. People would no longer be jailed for promoting Taiwan independence.<sup>78</sup>

When the senior legislators finally gave up their positions of power, it was apparent that the local factions would take over. Numerically speaking the locally born Taiwanese outnumbered the mainlanders, it was only a matter of time before the party became theirs. Fear began to rise in the ranks of the Communist Party after the 1992 and 1994 elections.<sup>79</sup> In 1992, the DPP secured about 28% of the vote in legislative elections. The party shifted its focus and downplayed its independence stance. In 1994, they secured seven seats in the provincial assembly. In the cities of Taipei and Kaohsiung the DPP secured three seats respectively in the municipal government. Most importantly the party was victorious in the Taipei mayoral election. Long a stronghold of the KMT, the victory came as a shock to the Chinese. It was widely accepted that the mayors position was a potential starting block towards the presidency. The DPP won in a decisive fashion capturing 43% of the popular vote. The KMT was shaken by their defeat as they placed third behind the New Party.<sup>80</sup>

The election loss had a ripple effect on the pan-blue coalition which further irritated China. Taiwanese had become more grounded in their search for identity. According to the Daily news poll more people began to shun the idea of national unification. Due to the shifting nature of the Taiwanese electorate the KMT began to shift its focus and align itself fully with the ideals of President Lee. This angered China, the KMT had long been thought of as the bridge between both sides of the strait. At this critical junction, they were repositioning themselves for better outcomes in future elections. Democracy proved dangerous to the Communist Party because it was unpredictable. Due to the liberalization of the political system the Taiwanese were free to debate ideas once thought to be taboo. A shift towards a more Taiwan centric platform was evident

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<sup>78</sup> Leng, Lin 832.

<sup>79</sup> Copper, 74

<sup>80</sup> Kau, Michael Ying-mao. "The Power Structure in Taiwan's Political Economy." *Asian Survey* 36.3 (1996): 300. JSTOR. Web. 8 May 2017. <<http://www.jstor.org/stable/2645693>>.

in many aspects of the KMT during this time period.<sup>81</sup> Most notably was the speaking of Taiwanese or Hokklo. Mainlanders such as James Soong had learned the language and used it to their advantage on the campaign trail. To Beijing this subtle gesture had large implications. It was a display of the Taiwaneseization of the party, something the CPC could not agree with.

Lee was the figure head of the party and his actions leading up to the 1996 presidential elections had a major impact on Beijing's switch in policy. Before his visit to Cornell, Lee had made a number of political calculations which Beijing looked on at with suspicious eyes. Replacing Premier Hau Pei-tsun, a mainlander with native born Lien Chen caused a stir, amongst the Chinese elite.<sup>82</sup> Long had the minority mainlanders enjoyed the most influential offices within the ROC government. With Lee at the helm, it appeared this policy would change. President Lee's administration also launched efforts at transitional justice. He called for a special investigation of the 228 incidents, which occurred on Taiwan in 1947. A moment of great historical importance to Taiwan. An argument broke out between a street vendor and the police, which resulted in a small crowd gathering to watch. Police, unable to disperse the crowd, fired shots, killing innocent bystanders. The following years, known as the white terror brought massive suppression of political rights. Calling a special investigation to uncover the truth behind the incident and seek justice for the victims was Lee's way at distancing the KMT from the CPC, which would put every effort forward to suppress and censor its own party's historical missteps.<sup>83</sup>

Taiwan's bid to rejoin the United Nations and foster better relations with foreign countries via Lee's pragmatic diplomacy was controversial in the eyes of Beijing. China was willing to give Taiwan the ability to participate in international organizations, but only if they did so under the one china framework.<sup>84</sup> By 1993 Lee was seeking to gain a seat at the UN. He further engaged Beijing by continuing referring to the island as

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<sup>81</sup> Teng-Hui, Lee. "Understanding Taiwan: Bridging the Perception Gap." *Foreign Affairs* 78.6 (1999): 13. JSTOR. Web. 5 Apr. 2017. <<http://www.jstor.org/stable/20049528>>.

<sup>82</sup> Lin, Tse-Min, Yun-Han Chu, and Melvin J. Hinich. "Conflict Displacement and Regime Transition in Taiwan: A Spatial Analysis." *World Politics* 48.4 (1996): 459. JSTOR. Web. 8 May 2017. <<http://www.jstor.org/stable/25053978>>.

<sup>83</sup> Shih, Cheng-feng, Cheng, Mumin. "Taiwanese Identity and the Memories of 2-28: A Case for Political Reconciliation." *Asian Perspective* 34, 4 (2010):85-87. JSTOR. Web. 21 June 2017.<<http://www.jstor.org/stable/42704735>>.

<sup>84</sup> Wong, 32



Republic of China on Taiwan. For the policy makers in Beijing, words had meaning. Rhetoric played an important role in the ideological battle and international perception of cross-strait affairs. A year earlier Lee had conducted an interview with a Japanese magazine. His comments were seen as leaning towards separatist sentiments. He mirrored the DPP's long standing claim that the KMT was a forging regime on Taiwan. The very idea implied their rule as illegitimate, and suggested the future of Taiwan might not include the KMT. Furthermore, Lee gave a speech in which he spoke the local Taiwanese dialect. It was a monumental moment considering none of the president had done this before. The cumulation of these events reached its apex with the Cornell visit. By then the seeds of suspicion had been planted. Beijing only needed a major event to justify harsh action against its neighbor. The CPC supposed grip on the island was slipping, having exhausted their options, a show of force was the logical next step.<sup>85</sup>

Despite repeated calls to end what Beijing deemed separatist activity, the pan-green movement was growing. Upon Lee's election, the Taiwanese government promised to seek more international space and potential vie for a seat at the United Nations. The signals to Beijing were clear, the Taiwanese electorate was in power and would not be swayed by rhetoric or economic integration.

Taiwanese politicians shifted their electoral strategy in the runup to legislative and presidential elections. Talk about independence was toned down. Instead the candidates focused on China's military posturing.<sup>86</sup> By pointing out China's aggression Taiwanese politicians were attempting to show how unwilling the Chinese were at cooperating with their neighbors across the strait. China's strategy to coerce the Taiwanese electorate into accepting their model for unification. It was apparent that Beijing's strategy was not working as support for unification remained low.<sup>87</sup> Although the KMT had lost support, China's strategy wasn't fully to blame. The New Party, which was formed by ex-KMT politicians favored unification. They were able to pick up support from the mainlanders. However, mainlanders only compromised 15% of the population

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<sup>85</sup> Pao-Min, 8.

<sup>86</sup> Lee, 118

<sup>87</sup> Hayes, Willian-Arthur, Sobel, Richard, Zheng, Yu. "Trends-Taiwan-Public Opinion Trends 1992-2008: Exploring Attitudes on Cross-Strait Relations." *The Public Opinion Quarterly* 74, 4 (Winter 2010): 783-785. JSTOR. Web. 16 June 2017.<<http://www.jstor.org/stable/40927167>>.



and their single-issue platform did not appeal to other demographics.<sup>88</sup> Growing support for the DPP also siphoned away votes from the KMT, but did not make major gains in the elections of the early 1990s. Yet the party was showing stability, and that it would have lasting power to weather through electoral defeats. Beijing wanted nothing more than a fractionalized opposition, it was their hope that the DPP inexperience would be its eventual downfall. Their slow ease into governing created an environment in which they could learn and adapt their party's ethos from a protest party to one which governs.

The DDP candidates for president also differed in their approach to the Chinese threat. Peng Ming-ming, Hsu hsu-liang, and Chen at times took opposing viewpoints on issues like economic integration and counter military measures. Peng was skeptical of America's commitment and believed the only deterrence against Chinese aggression would be a strong Taiwanese military. He was in support of increased spending and procurement of the more advanced weapons. Support shifted from Hsu to Peng when the missile tests were conducted in 1995. Hsu took a more moderate approach on cross-strait economic integration. By the mid 90's many Taiwanese business had shipped plants across the Taiwan strait to take advantage of low labor costs and a favorable business environment.<sup>89</sup>

Hsu favored more bilateral agreements between the two sides. China was running a trade deficit to support its commitments to Taiwan.<sup>90</sup> Peng, like many others argued that eventually integration would lead to overdependence on China. The missile crisis showed the first signs of just how sensitive Taiwan's economy would be to a Chinese attack. Capital outflow and plummeting stock market alarmed Taiwanese politicians.<sup>91</sup> Not until the government stepped in with an injection of cash did the economy fully recover from the crisis. Peng However miscalculated the intentions of the Taiwanese electorate. Claiming that Lee's stance on independence was too ambiguous, Peng's overly definitive and rigid policy prescription for the nation's sovereignty proved inflexible. Pre-election polls showed that Lee still enjoyed a large margin of victory. This further adds to the notation that overall the Taiwanese electorate was more sympathetic to moderate, pragmatic approaches rather than radical ones.

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<sup>88</sup> Wong, 26.

<sup>89</sup> Yu, 9.

<sup>90</sup> Freeman Jr, 8.

<sup>91</sup> Wong, 30.

The Third Straits Crisis had implication for triangular relationship between Taiwan, China and the United States. Under the Taiwan Relations Act the United States continued its weapons sales to Taiwan and was committed to regional stability. A crisis such as the one which was unfolding before the 1996 presidential elections would risk destabilizing the region. Furthermore, if the United States did not back up its security commitments then it would look weak or unwilling to do so in the future to its allies in the region. In the post-Cold War era, the US was the world's dominant super power. When China conducted its final round of missile tests and war games, United States President Bill Clinton ordered carriers to the Taiwan Strait. In March of 1996 two carrier groups. Carrier group 7 lead by the USS Nimitz and carrier group 5 lead by the USS Independence. The Nimitz sailed through the Taiwan strait, the moment was pivotal to US, Taiwan and Chinese relations. China's aggressive posturing towards Taiwan was met with an equally aggressive reaction from the US. This proved cross-strait relations could not be totally dictated by China.

Despite China's position as provocateur, all three parties in Taiwan stood behind their country. Threats from China did not divide or pit them against each other. Although the New Party and DPP were extremely opposed to each other's stance on national unification they set aside those differences to promote the stability, peace, and resolve on Taiwan. In this sense, the act of cohesion could have an adverse effect on the Taiwanese. Lee remained defiant in the face of Chinese aggression. He confidentially shook the balance of stability by aggravating Beijing with his rhetoric. Lee proved to be capable of playing the role of strong man. He read the reactions from the Taiwanese as a show of support for his platform. This caused him to pursue the next round of reforms with even greater conviction.

China had no leader to match Lee. Even Jiang Zemin was weary of fully committing to military escalation on the Taiwan Strait. People's Liberation Army generals were quick to call the political leadership weak. Jiang and other members of the CPC were hoping the rising sense of nationalism would create the right conditions for unifications. The phrasing of the leadership shows how the Taiwan issue was one related to national territory and dignity. China would not be split by the west nor by separatist forces. Long had the ideologies of Marxist Leninist theory fell out of favor for the growing

commitment to a greater, unified China.<sup>92</sup> Chinese citizens agreed with their government, but nationalism was rising on both sides of the strait. By supporting Lee and the KMT the Taiwanese were rallying around the core of their leadership. By rallying around the ROC flag and name, the parties formed a loose yet symbolically important sign of solidarity.

Lee's victory was a mandate to follow through with his proposed next round of constitutional reforms. The Third Taiwan Straits crisis as it has come to be known showed Lee the true nature of Taiwan's situation. Taiwanese were not so easily coerced or scared by the threat of China.<sup>93</sup> Lee remained provocative throughout the entire process, not backing down or capitulating to the Chinese.<sup>94</sup> He believed the Taiwanese respected him for that. The people had also not punished him for being somewhat ambiguous with the question of Taiwan independence. Certainly, Lee had run on a platform of an Independent Taiwan, one legally represented by the ROC constitution. Once he claimed victory, many believed he would switch from Independent Taiwan to a Taiwanese independent policy. Either way, the issue of Taiwan independent was sensitive and Lee released outward support or reform on that issue might cross a line he was not willing to risk. In those times of crisis, Lee saw the executive branch as the captain steering the ship. Strengthening the powers of the executive would be his number one pursuit during the reforms.<sup>95</sup> The fractioning of parties within the legislature created a sense among Lee and his supporters that if this path continued the legislature could fall into a stalemate, unable to move policies forward.

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<sup>92</sup> Wong, Timothy Ka-ying. "The Impact of State Development in Taiwan on Cross-Straits Relations." *Asian Perspective* 21, 1 (Spring-Summer 1997): 194. JSTOR. Web. 15 June 2017. <<http://www.jstor.org/stable/42704124>>.

<sup>93</sup> Yu, 8.

<sup>94</sup> Pao-Min, 10.

<sup>95</sup> Cabestan, Jean-Pierre. "Constitutional Reforms Taiwan Moving Towards a French Style Semi-Presidential System?" *China Perspectives* 14 (1997): 41. JSTOR. Web. 4 June 2017. <<http://www.jstor.org/stable/24050500>>.

Figure 3.2

Dates	Third Straits Crisis
April 5 <sup>th</sup> 1975	Paramount leader of ROC Chiang Kai-shek passes away
April 1979	Chiang Ching-kuo states his “3 No’s Policy”
1994	President Lee Teng-hui denied Visa to United States during layover in Hawaii
May 1995	Congress overrides President Bill Clintons denial of Visa with a 91-1 vote in favor of Lee Teng-hui
June 9-10 <sup>th</sup> 1995	Lee Teng-Hui visits his alma mata Cornell, Beijing responds by criticizing US policy and calling Lee a traitor
July 18 <sup>th</sup> 1995	Beijing announces missile tests to be conducted within 90 miles off northern Taiwan
July 21-23 <sup>rd</sup> 1995	PLA launches 6 DF-15 missiles
August 1995	PLA conducts 10 days of live fire drills
March 1996	Beijing announces another round of missile tests to be conducted 50 miles from Taiwan
March 8 <sup>th</sup> 1996	PLA launches 3 DF-15 missiles launched from bases on mainland China
March 12 <sup>th</sup> -15	PLA conducts live fire drills and war games off the coast of Fujian Province

Source: Zhao, Suisheng. “Military Coercion and Peaceful Offensive: Beijing’s Strategy of National Reunification with Taiwan.” *Pacific Affairs* 72, 4 (Winter 199-2000): 495-512. JSTOR. Web. 17 June 2017. <<http://www.jstor.org/stable/2672394>>.

Lee Teng-hui is considered an excellent politician for his ability to navigate a difficult situation during the 1990’s. In the previous sections the influence of the PRC on KMT policy was discussed in an effort to show how changes took place in response to the unfolding situation between both sides of the strait. President Lee had another group to consider when enacting reforms in the period of 1996-1997. The opposition movement was at the forefront of the push towards independence. It was argued that both members of the Taiwan public and policy makers in Beijing believed Lee was pushing for some form of independence. While the Republic of Taiwan was not declared during his tenure it can be argued that certain reforms, most notably the downsizing of the Provincial Government were compromises made with the opposition

which furthered the legitimacy of Taiwan's self-determination and independence under the constitution of the ROC.<sup>96</sup>

Understanding the origins of the opposition movement is vital to this study. Before the formation of the opposition Democratic Progressive Party, the loose association of Taiwanese who opposed the single party KMT state were known as the Tangwai, literally translated as outside the party. After the death of Chiang Kai-shek many within the Tangwai movement believed a new era of politics was emerging, there was hope that the heavy hand of the single party state would be lifted in favor of democratic reforms.<sup>97</sup>

Early on the Tangwai<sup>98</sup> movement was highly factionalized.<sup>99</sup> There were members in the movement who were conflicted about how to achieve goal of self-determination. Many of the older members, most notably a group of lawyers known as the Formosan faction believed that Taiwan was already independent under the ROC constitution, and working within the system would eventually lead to greater reform and recognition as an independent nation. Members of the more radical New Tide faction were not so convinced.<sup>100</sup> They believed mass movements and shows of strength through protests would bring about real change by putting pressure on the administration. New Tide activists did not want to be in the pockets of the KMT. When the Democratic Progressive Party was officially founded in 1986 the New Tide faction won a surprisingly large number of seats. This proved problematic for the Formosan faction. Moderate DPP members feared the radical side of their party. Moderates believed talk of outright independence without mentioning the ROC could potentially distance their party from the mainstream public.

Moderates were right to fear the New Tide, but nevertheless the DPP gave the reins over to the radical faction in the lead up to the first nationwide legislative elections in 1989. It was a win-win for the moderates. If the New Tide candidates won, they would have more political say, if they had lost then it meant the moderates could retake the

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<sup>96</sup> Lin, Jih-wen, *Taiwan's Semi-Presidential System Was Easy to Establish but is Difficult to Fix: A Comparison Between the Constitutional Reform Efforts*, 47

<sup>97</sup> Myers, 1079.

<sup>98</sup> Tangwai is translated from Chinese means outside the party.

<sup>99</sup> Myers, 1082.

<sup>100</sup> Rigger, Shelly, *From Opposition to Power: Taiwan's Democratic Progressive Party* (Boulder, 2001),

party and initiate their more nuanced reforms. The Taiwanese electorate responded with a resounding no to the idea of Taiwanese independence. The KMT won the legislative elections handedly and remained in power.

Yet, there was still a small but growing section of Taiwanese society that agreed with the idea and concept of an independent country. The moderate faction within the DPP reanalyzed their strategy.<sup>101</sup> They believed constitutional reform would further the legitimate claim to Taiwan's independence. The provincial government still existed which to many seemed perplexing. The ROC had not controlled mainland China for decades and many of the functions of the Provincial Government could have been done by the executive branch. If the Provincial Government was done away with or downsized the question on Taiwan's status as part of a larger China would come into question, as lawmakers would have once and for all made the decision that Taiwan was not a province but a nation under the constitution of the ROC.<sup>102</sup>

The 1996 Presidential elections were a watershed moment for Taiwan. After years of struggle the people finally had the ability to choose their own leader. Foreign news outlets were quick to point out that this was the first free elections ever in the Chinese speaking world. Securing 54% of the popular vote, Lee was able to once again govern the island. The election was seen as a referendum on Lee and his reform program. The election happened at a time when circumstances had not been so good. Tensions were growing with China, the once miracle economy had come to a halt and the government was being accused of being too burdensome and corrupt.

Upon winning the election, Lee promised the people he would continue to work towards reform on Taiwan. Although it appeared Lee was finally in control of the reform process, the situation had changed. The KMT no longer held a large majority within the legislature. Furthermore, party infighting and the creation of the New Party threatened pan-blue cohesion. The New Party also differed from both the KMT and the DPP in support of a parliamentary system over a presidential one. After the May 20th victory, Lee began preparatory work for the next phase of democratization. Having promised to listen to different members of society, Lee created a committee headed by then Vice President and Premier Lien Chen. The committee was comprised of 33

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<sup>101</sup> Rigger, *From Opposition to Power: Taiwan's Democratic Progressive Party*, 16

<sup>102</sup> Cabestan, 43-44



people from across the political spectrum. Members were to discuss issues and then decide on the agenda for the National Development Conference. Focus was placed on three key issues, the constitutional system, economic development, and cross-strait relations. In November of that same year, the Minister of Interior, Mainland Affairs Council and the Economic Development Council hosted a few public meetings to go over what the committee had been discussing.<sup>103</sup>

Figure 3.3 Policy Stances Among Taiwan’s Factions

<b>Policy Issues</b>	<b>KMT (Conservative Faction)</b>	<b>KMT (Mainstream Faction)</b>	<b>Democratic Progressive Party</b>
<b>Election of President</b>	Continuation of current methods	Direct election	Direct election
<b>Taiwan independence</b>	Unification based on 92 meetings	Support independent ROC, work toward unification if PRC liberalizes	Push towards Taiwan independence
<b>Parliamentary or Semi-Presidential System</b>	Presidential	Presidential	Presidential
<b>Status of Provincial Government</b>	Continuation of current structure	Downsize/streamline	Abolish

Sources: Source: Ferhat-Dana, Samia. "The Democratic Progressive Party and Independence: An Issue on the Back Burner?" *China Perspectives* 19 (1998): 30-36. JSTOR. Web. 8 May 2017. <<http://www.jstor.org/stable/24050658>>.

Hood, Steven J. "Political Change in Taiwan: The Rise of the Kuomintang Factions." *Asian Survey* 36.5 (1996): 468-82. JSTOR. Web. 20 June 2017. <<http://www.jstor.org/stable/2645494>>.

<sup>103</sup> Chao, Linda, Ramon H. Myers, and James A. Robinson. "Promoting Effective Democracy, Chinese Style: Taiwan's National Development Conference." *Asian Survey* 37.7 (1997): 669-82. JSTOR. Web. 26 Apr. 2017. <<http://www.jstor.org/stable/2645515>>.



It was decided that the NDC would happen from December 23rd to the 28th. The conference included 170 people from all walk of life on Taiwan. All major political parties were represented as was academia and civil society. The political decisions made at the conference were the most important. Economically, little was done beyond talking about liberalization of the economy and the privatization of state owned companies. By 1996 Taiwan had fully free legislative elections and was just coming off the coattails of their first presidential election. The president's relationship via the legislature was the most important issue at that time. KMT and DPP politicians argued for a strong presidency. Both parties saw the presidency as a means to an end. Competition increased with each election. Although the KMT was still the country's most popular party their days of decisive victories was coming to an end. Securing the presidency was a way in which both parties saw a means to achieving policy goals. As the DPP gained more seats in the legislature and factions split the KMT, it was clear that legislative deadlocks might become more common place. Both parties believed this could be overcome if they controlled the executive branch.

China's military tests conducted in 1995 sent a clear message to the Taiwanese people. If they choose the path leading away from Beijing's policy there would be consequences. Lee was confident that the majority of Taiwanese wanted to maintain the status quo. He felt that most Taiwanese recognized their cultural or historic roots in China but saw Taiwan as a solely different political entity. Military exercises played right into the hand of Lee and his supporters. The moment proved critical for Taiwan's post authoritarian transition. For over a decade, especially since the death of Chiang Kai-shek the threat of real military action from China was non-existent. Violent conflict seemed far from reality as the two sides warmed to each other leading up to the famed cross-strait talks held in 1992.<sup>104</sup> At this critical juncture, when the Taiwanese were to elect their president, it appeared the threat was still there and more powerful than ever.

Lee wanted the office of the president to have more power than that of the legislature. He believed the Taiwanese people would also support this move, as they understood the need for a strong executive in the face of an assertive China. Having lost ground in the legislature, the KMT had to compromise. Luckily then DPP president Hsu Hsin-liang was also willing to work with the KMT to see Taiwan and his political

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<sup>104</sup> Hsiung, James C, " Shadow Boxing or Real Movements? Cross-Strait in 1998." *China Review* (1991): 91. JSTOR. Web. 18 May 2017.<<http://www.jstor.org/stable/23453314>>.

position through the next reforms. Hsu was similar to Lee in the sense that he had a very colorful political history, one which saw him as both member and enemy of the ruling KMT. Like Lee, Hsu was a native-born Taiwanese who favored a more cautious approach to China while fighting for Taiwan's continued de facto independence under its current name and constitution.

As support for the DPP began to grow, there was one hurdle which seemed almost impenetrable. Being inexperienced in higher positions and at odds with the KMT members of the DPP lacked the ability to ascend to cabinet level positions. At the present moment securing the executive was not a possibility given the likelihood of Lee's reelection. Instead Hsu believed the DPP's recent victories which weakened the overall clout of the KMT gave his party leverage to work with the KMT in hopes of fostering political connections. The connections would in turn give the DPP an increased chance at cabinet level positions in the event of coalition government. The move angered many party hardliners who wanted nothing to do with Lee's strong man politics or the party they had come to despise. Ideological differences caused a split with some DPP members breaking off and forming the Taiwan Independence party. At that moment, each parties radical factions had split, leaving the DPP and the KMT more room to work with each other and meet in the middle.<sup>105</sup> Lee and Hsu were a good match, they appealed to the average Taiwanese voter, and without mentioning independence outright still stressed the importance of sovereignty with they clever rhetoric.

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<sup>105</sup> Furst, Rudolf. "Taiwan - A Maturing Chinese Democracy." *Perspectives* 24 (2005): 42. JSTOR. Web. 5 May 2017. <<http://www.jstor.org/stable/23616044>>.

## Chapter 4 Analysis of Constitutional Reform

Figure 4.1 Timeline and Breakdown of Constitutional Reform

Reform Date	
<b>June 1 1947</b>	Republic of China constitution promulgated on mainland China
<b>April 1948</b>	National Assembly passes the Temporary Provisions for the Suppression of the Communist Rebellion
<b>April 22 1991</b>	First extraordinary session of the National Assembly held to discuss the termination of the Temporary provisions
<b>May 1<sup>st</sup> 1991</b>	Temporary provisions terminated
<b>1<sup>st</sup> round of Additional Articles</b>	<ol style="list-style-type: none"> <li>1) Elections for the Legislative Yuan and National Assembly</li> <li>2) Authorization for the president to issue emergency decrees</li> <li>3) Stipulate rights and obligations between both sides of the strait regulated by law</li> </ol>
<b>May 27<sup>th</sup> 1992 2<sup>nd</sup> round of Additional Articles</b>	<ol style="list-style-type: none"> <li>1) Election of National Assembly and State of the Nation Address</li> <li>2) Direct Election of the President and Vice President</li> <li>3) local self-governance, election of provincial government and municipal mayors</li> <li>4) Examination, Control, Judicial Yuan heads nominated by president</li> <li>5) Focus on fundamental national policies</li> <li>6) Formation of tribunals by Judicial Yuan to dissolve political parties</li> </ol>
<b>July 4<sup>th</sup> 1994</b>	4 <sup>th</sup> extraordinary session of National Assembly
<b>August 1<sup>st</sup> 3<sup>rd</sup> round of Additional Articles</b>	<ol style="list-style-type: none"> <li>1) Speaker/Deputy speaker of NA</li> <li>2) Direct election of president and vice president, recall through NA and vote by the people</li> <li>3) Office head removals by president must be confirmed by NA without the counter signature of primer</li> </ol>
<b>June-July 1997 4<sup>th</sup> round of Additional Articles</b>	<ol style="list-style-type: none"> <li>1) President of executive appointed by president without the consent of the legislature</li> <li>2) 10 days after a vote of no confidence of the premier the president may dissolve the legislature</li> </ol>

	<ul style="list-style-type: none"> <li>3) Power to impeach rests in legislature and can only happen for high treason or rebellion</li> <li>4) Reconsider bill's difficult for the executive to execute</li> <li>5) Legislature 225 members</li> <li>6) Composition of Grand Justices</li> <li>7) Independence of Judicial Budget</li> <li>8) Provincial elections suspended, governor and members chosen by president</li> <li>9) economic assistance to Small/medium enterprises</li> <li>10) termination of minimum amounts dedicated to science, culture, and education</li> </ul>
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Source: "Republic of China Constitution." Office of the President Republic of China (Taiwan), June 19 2017, <http://english.president.gov.tw/Page/93>.

Additional Article three consists of 10 paragraphs. The first paragraph deals with the direct election of the president. The decision had been made, President Lee and the DPP were able to secure votes through popular election as opposed to an electoral college type system which would have most likely seen a vote through the National Assembly. A victor would be chosen by a simple majority or plurality vote. Most importantly the writers were sure to explicitly state the location of the election would happen in the area of, "free China." After the subsequent legislative elections, it was clear the majority of people still supported the ROC and were not ready to even consider a new name, flag, or constitution no matter how attainment the DPP was. However, creating the distinction of a free and unfree China was a message to the PRC that the government in Taipei was deviating from the, "One China" framework.<sup>106</sup>

As stipulated by Duverger one of the three criteria a political system must met in order to be considered semi-presidential is direct elections. Allowing for the direct vote of the president would give the office a mandate. Certainly, Lee Teng-hui was riding on the coattails of early reforms and felt he would not lose the election.

Paragraph 2 of additional article three states, "Presidential orders to appoint or remove from office the president of the Executive Yuan or personnel appointed with the confirmation of the Legislative Yuan in accordance with the Constitution, and to dissolve the Legislative Yuan, shall not require the countersignature of the president of

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<sup>106</sup> Wong, 23.

the Executive Yuan.” The new article negated Article 37 of the original constitution, which required legislative consent of the presidential nominees to office of premier. Lee Teng-Hui’s faction along with the DPP was in favor of this Additional Article, as it would strengthen the presidents influence over the Executive Yuan. This article also prevents the formation of cohabitation. In parliamentary systems, cohabitation exists when the president and majority in the legislature are from different parties. This can be mitigated with the appointment of a premier who can act as a bridge between the chief executive and lawmakers. Under the new article the president may choose a premier of his or her liking who may conflict instead of cooperate with the legislature.<sup>107</sup>

In the literature review and theory I mentioned the importance of both legislative and non-legislative powers. Paragraph 2 of additional article 3 falls under the category of a non-legislative power.

As mentioned in a previous passage one of the more important articles added falls within the third paragraph of Additional Article three. Previous under article 43 the president was allowed to issue emergency measures in the case of, “a natural calamity, an epidemic, or a national financial or economic crisis.” In the new article the wording is slightly changed to, “The president may, by resolution of the Executive Yuan Council, issue emergency decrees and take all necessary measures to avert imminent danger affecting the security of the State or of the people or to cope with any serious financial or economic crisis, the restrictions in Article 43 of the Constitution notwithstanding.” Although the PRC made no recent threat against Taiwan, reformers were certainly references their neighbor from the across the strait when they wrote, “imminent danger.” The change in wording was made to broaden the situation in which the president would be able to utilize his emergency powers. Surprisingly even after the third Taiwan Straits crisis, president Lee did not initiate any emergency powers.<sup>108</sup>

Paragraph 4 of Additional Article three states that in a time of emergency the president is allowed to form a national security council and subsequent national security bureau. Organizational structure would be stipulated by relative laws. Following the chain of command the NSC would be chaired by the president and co-vice chaired by

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<sup>107</sup> ROC Constitution, Additional Article 2

<sup>108</sup> ROC Constitution, Article 43

the VP and Premier. The purpose of the NSC is, “to make recommendations for the president’s reference in decision-making on matters critical to national interests.”

Critical to the structuring of a semi-presidential system is the relationship between the president, executive and legislature. Paragraph 5 of Additional Article 3 stipulates, “The president may, within ten days following passage by the Legislative Yuan of a no-confidence vote against the president of the Executive Yuan, declare the dissolution of the Legislative Yuan after consulting with its president. However, the president shall not dissolve the Legislative Yuan while martial law or an emergency decree is in effect. Following the dissolution of the Legislative Yuan, an election for legislators shall be held within 60 days.” This section grants the president power over the legislature. By creating a mechanism to dissolve the legislature following a vote of no confidence the legislature’s power to check the executive branch is seriously compromised. Legislators would have to be confident in their support to follow through with a vote, which could end up creating instability. Furthermore, following the announcement of snap elections lawmakers would have to focus their attention on fundraising and campaigning effectively taking them away from being fully focused on policy making.<sup>109</sup>

Prior to the direct presidential elections, the constitution stipulated that a president would serve for a six year term. Under the new Additional Article paragraph 6 the presidential term was reduced to four years, with a maximum two term limit. This was a compromise, Lee was willing to make. The constitutional term limit was in keeping with most modern democracies. Like many authoritarian regimes, during the martial law period presidential term limits were not set and thus the Chiang’s were able to remain in power without protest. Presidential term limits are a fundamental staple of democracies around the world, by shortening terms and creating a limit, reformers on Taiwan wanted to assure a dictator could not rise again.

The next round of reforms in 1997, saw an even greater level of competition between the two oddment parties. Following elections, the KMT lost its overwhelming majority in the legislature. Effective governance in a more competitive political environment was of the upmost importance. Reformers focused on the triangular relationship between the president, premier and legislature. Under Article 55 of the original constitution, the premier was appointed by the president with the consent of the

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<sup>109</sup> ROC Constitution, Additional Article 3

legislature. Article 3 of the Additional Article stipulated, “The president of the Executive Yuan shall be appointed by the president. Should the president of the Executive Yuan resign or the office become vacant, the vice president of the Executive Yuan shall temporarily act as the president of the Executive Yuan pending a new appointment by the president. The provisions of Article 55 of the Constitution shall cease to apply.” Article three paragraph one gave sole responsibility in choosing the premier to the president. This created a dual executive system, if the policies of the legislature were not carried out properly the premier would be subject to legislature not the president. The premier acts as a go two between the two branches and a buffer for the president.<sup>110</sup>

Article 3 of the Additional Article continues by stipulating how the Executive Yuan will be subject to the legislature. There are three sections, with each one outlining different ways in which the one branch might be responsible to the other. Under Section 1 the Primer must report the Legislature. Members of the Legislative Yuan also have the right to interpellated the Premier, Ministers and other organizations. Section two states if a bill is deemed to, “difficult to execute,” with the approval of the president the Premier may send it back to the Legislature for reconsideration. The LY then has 15 days to return the bill, if lawmakers cannot reach a resolution then the bill becomes invalid. If  $\frac{1}{2}$  of the lawmakers approve of the new resolution then the Premier must accept it.

Section 3 of Article 3 is arguably the most important as it states the power of the legislature to dissolve the legislature.  $\frac{1}{3}$  of the legislature must sign a vote of no-confidence in the premier. Within 48 hours an open ballot must be cast. If more than  $\frac{1}{2}$  of the legislators cast their vote against the premier, then he shall tenure his resignation. The next line is not unique to Taiwan, but it undercuts the legislators ability and political will to dissolve the legislature. “At the same time may request that the president dissolve the Legislative Yuan. Should the no-confidence motion fail, the Legislative Yuan may not initiate another no-confidence motion against the same president of the Executive Yuan within one year.”<sup>111</sup>

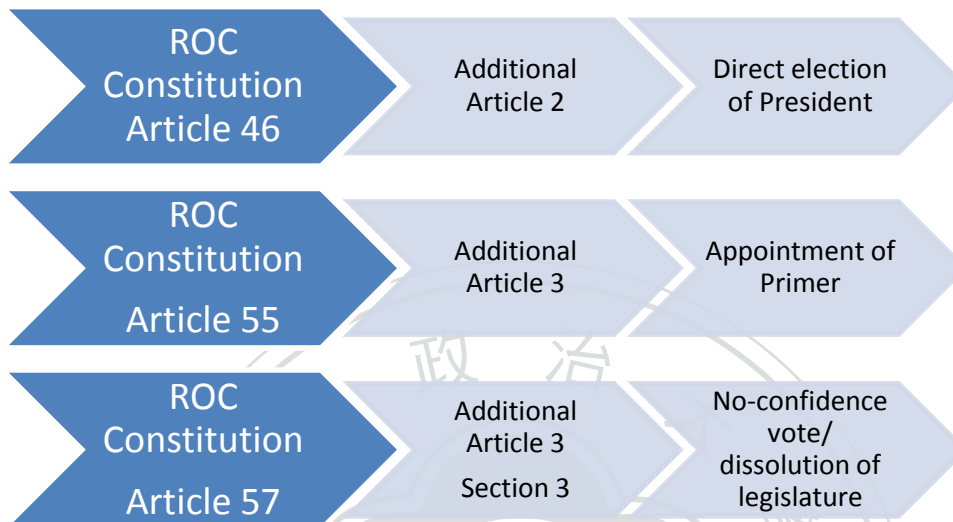
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<sup>110</sup> ROC Constitution Article 55

<sup>111</sup> ROC Constitution, Additional Article 3, Section 3



Figure 4.2 Flow Chart of Additional Articles



Source: “Republic of China Constitution.” Office of the President Republic of China (Taiwan), June 19 2017, <http://english.president.gov.tw/Page/93>.

DPP leaders realized their influence within Taiwan’s political system was growing. They knew the previous reforms increased the probability of Lee Teng-hui being elected as president in 1996. However, moderates welcomed this as they believed Lee was the best possible alternative to their own candidate. Party members were optimistic that future elections could bring about victory. The most pressing issue for the DPP was that of Taiwan’s independence. The party had adopted the ultimate goal of independence in their charter but realized an outright declaration was not a possibility. Over time, independence was replaced by sovereignty. This stance was one in which reform minded KMT members could support. Additional Article 9 deals with the provincial government.

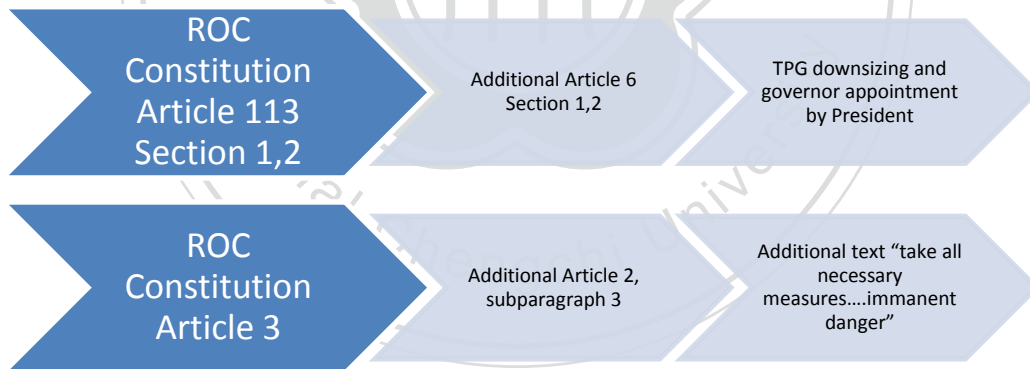
The article is broken down into seven sections. President Lee and his supporters argued the provincial government had to be streamlined.<sup>112</sup> It had long been argued the

<sup>112</sup> Chao, 673

provincial government had become a burden on Taiwan, creating unnecessary red tape and contributing to a culture of patronage. Section one of Additional Article 9 did away with the position of the elected governor. This both legally and symbolically did away with the position as anything more than an administrative post. More importantly, the position was replaced by a council of nine members, each of which would be nominated by the premier and appointed by the president.<sup>113</sup> The Additional Article also did away with the provincial government ability to act as a legislative body, thus expanding seats in the Legislative Yuan. Instead, county councils were created. These councils would act as legislative bodies for their respective countries but they are still subject to the Executive Yuan as stated in section 7, “A province shall execute the orders of the Executive Yuan and supervise matters governed by the counties.”

The position of governor was thus downgraded, once thought as a stepping stone to higher office, it would no longer have the same ability. Now under the control of the executive Yuan, the office would function as an administrative body.

Figure 4.3 Flow Chart of Additional Articles



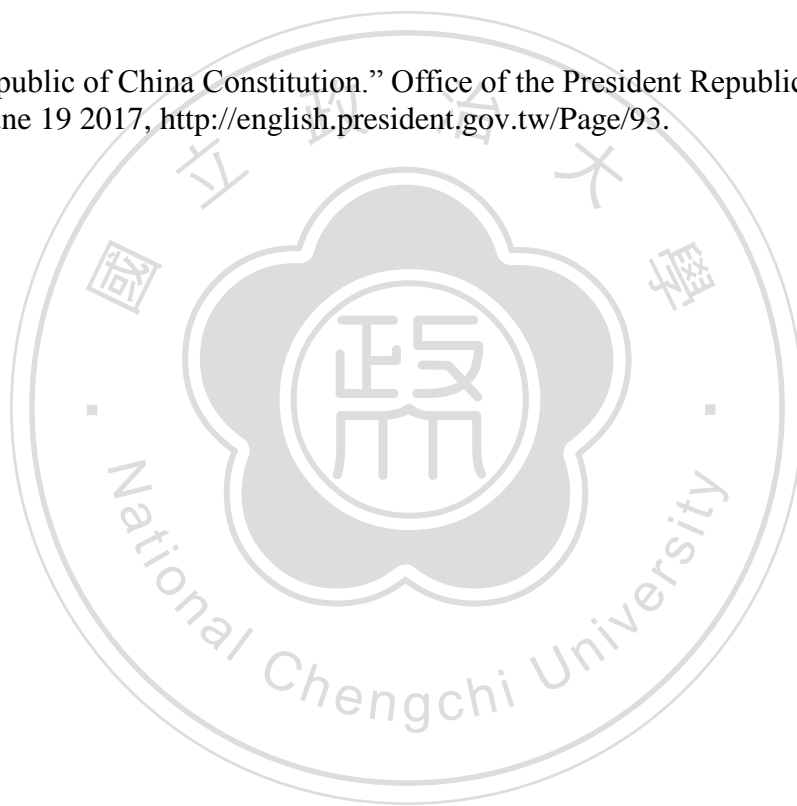
Source: “Republic of China Constitution.” Office of the President Republic of China (Taiwan), June 19 2017, <http://english.president.gov.tw/Page/93>.

<sup>113</sup> ROC Constitution, Additional Article 9, Section 1

Figure 4.4 Vote of No-Confidence Flow Chart



Source: “Republic of China Constitution.” Office of the President Republic of China (Taiwan), June 19 2017, <http://english.president.gov.tw/Page/93>.



## Chapter 5 Conclusion

By the mid 90's a man named Lee Teng-hui, relatively unknown across the strait, had been president for one term. Former president Lee received wide popularity throughout an often times divided Taiwanese electorate. In a short period, Lee had navigated the volatiles waters of Taiwan's political environment, answered the calls of the population and opened the country up to reform through constitutional amendment. Yet more had to be done. The situation was alarming to those from across the strait, many in Beijing became suspicious of Lee's actions accusing him of slowly creeping toward independence and colluding with the opposition party. The next round of reforms would prove to be pivotal to Taiwan's political system.

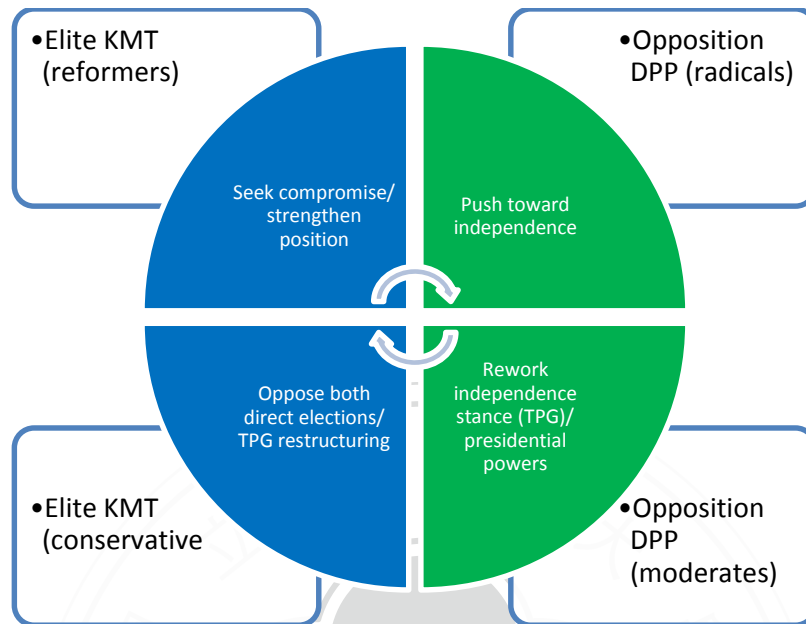
As mentioned in the literature review post authoritarian countries tend to retain certain aspects of their political past. Certainly, Taiwan's evolving political climate and shift from hard to soft authoritarianism played a role in allowing for the emergence of a strong political figure such as Lee Teng-hui. As Maurice Duverger mentions semi-presidential systems are marked by their strong executives. The additional articles passed during the final round of reforms increased the powers of the president.

Under the Republic of China constitution, the president's role is limited to national security and international relations. This is important for our study as Beijing's economic policies directly related to Taiwan's security concerns. Lee's predecessor Chiang Ching-Kuo was weary of Beijing's evolving stance toward Taiwan. In the early 80's Ching-Kuo stood by his policy of, "no contacts, no negotiations, no compromise." Instead of tightening his control over the Taiwanese people he lifted martial law and allowed the formation of opposition parties. At that time, the opposition was still a minority, and the people of Taiwan had no right to vote for their President or legislature. Members of the ruling KMT party were split about their response to Beijing. By the end of his tenure, investment was beginning to flow into China from Taiwan. The Taiwanese government placed strict laws on what and how much could be invested, yet this was often ignored as many found roundabout ways to seek prosperity on the mainland. When Lee Teng-hui became president in 1988, he inherited the responsibility of dealing with the increasing economic integration between both sides of the strait.

Constitutional reform on Taiwan during years 1992-1997 unfolded for a multitude of reasons. As Beijing became more confident in their policy toward Taiwan, reformers such as Lee Teng-hui sought to legitimize the regime on Taiwan through democratic consolidation. The consolidation came in the form of direct presidential election and the downsizing of the provincial government. Both major parties on Taiwan made small compromises to achieve policy success. The DPP could inch closer towards independence while the KMT consolidated its power by increasing the powers of the president.

Taiwan's road to democratization was shaped by its unique history and circumstances. The focus of this study was to breathe new life into the field of Taiwan studies by examining the reform period within the context of newly created presidential powers. The rapid democratization of the islands political system was an accumulation of events which shaped the conversation and mindset of those tasked with reforming the constitution. Theory postulates that within post-authoritarian countries there are two major groups whose influence over reform is paramount. Elites and opposition have been the driving force behind the countries reform program. The elite section of political society is often further divided into conservative and reform minded factions. During Lee Teng-hui's first term in office, the KMT split along these lines. Conservatives were represented by the mainlander elite and the New KMT faction. They stood diametrically opposed to the Democratic Progressive Party. Within the context of post-authoritarian regimes, opposition parties are likely to be split between two camps, moderates and radicals. New Tide members of the DPP sought to radically reimagine the R.O.C through a redrafting of an entirely new constitution. Their plan was stifled not only by the general public but also the more moderate Formosan Faction.

Figure 5.1 Relationship and issue of reformers



Sources: Ferhat-Dana, Samia. "The Democratic Progressive Party and Independence: An Issue on the Back Burner?" *China Perspectives* 19 (1998): 30-36. JSTOR. Web. 8 May 2017. <<http://www.jstor.org/stable/24050658>>.

Hood, Steven J. "Political Change in Taiwan: The Rise of the Kuomintang Factions." *Asian Survey* 36.5 (1996): 468-82. JSTOR. Web. 20 June 2017. <<http://www.jstor.org/stable/2645494>>.

This study has shown that coalition building was important in creating a consensus around constitutional reform. The moderate DPP politicians and President Lee's mainstream faction joined together to repel the objections levied against their agenda. It is common among many post-authoritarian states to adopt democratic governments with powerful presidents. After the fall of the Berlin Wall many Eastern European countries such as Moldova, Romania, and Lithuania created semi-presidential systems.<sup>114</sup> Those nations created dual executive systems. The criteria for creating such systems rests on the history of each countries. Yet, eastern European countries were not the only ones to create such a system, France's 5th Republic also

<sup>114</sup> Jones-Morgan, Edward, Schleiter, Petra. "Citizens, Presidents and Assemblies: The Study of Semi-Presidentialism beyond Duverger and Linz." *British Journal of Political Science* 39, 4 (October, 2009): 875. JSTOR. Web. 19 June 2017. <<http://www.jstor.org/stable/27742776>>.

structures itself around a dual executive system. A common theme among these countries is crisis. Each country faced different crisis. After the fall of the Soviet Union, many former republics faced severe economic hardship which lead to internal power struggles. In France, the ineffectiveness of government decision making in the 4th Republic caused leaders to reevaluate their political system. Taiwan met similar criteria at the turn of the early 1990's. Although the country was not in the midst of an economic crisis, it was dealing with sensitive relationship with the PRC. Furthermore, democratization created a much more competitive political system. As the DPP gained ground, reformers wondered how the government could remain effective in such a climate.

The tumultuous history of the Taiwan created a unique political environment during the 1990's. Domestically political society had been opening up since the mid-1980's. Members of the opposition party DPP had long argued for Taiwan's independence. Over time their position changed as they faced the realities of Taiwan's political arena. Surprisingly, the moderate faction of the DPP found common ground and a sympathetic ear in KMT party leader and president Lee Teng-Hui. Lee was interested in preserving the ROC's hard-fought autonomy, and understood that to deal with the countries complex circumstances both domestically and externally a strong presidency was necessary.

First round reforms liberated the constitution from its authoritarian bonds, most importantly allowing for the direct election of the president. Without a direct election, it is hard to consolidate democracy, but this also give the office a powerful mandate. As the political environment became more competitive, reformers saw the potential for gridlock and indecision, something Taiwan could not afford

Amid reforms, relations across the strait were becoming more hostile. For years China had attempted to go about achieving its goal of unification through peaceful means. The government in Beijing coupled its opening up of the economy with its Taiwan policy. Special treatment was given to Taiwanese who wanted to invest. Taiwanese businessmen saw immense opportunity in China. This posed a dilemma for politicians on Taiwan. Many Taiwanese politicians feared that an overdependence on China could threaten national security. Chinese leader Jiang Zemin assured the Taiwanese that the growth of their relationship would only bring prosperity. Jiang



would continually issue statements to reiterate China's policy towards Taiwan. In 1995 Jiang issues his, "8 points." Jiang stated that Taiwanese would have preferential treatment with increased cooperation. He stated the shared history and cultural background of both places. Most importantly Jiang mentioned the idea of one China.

Jiang's, "8 points," came at a time when relations were cooling between China and Taiwan. The government in Beijing was watching as politicians on Taiwan continued to amend the constitution. This was seen as a threat to China's goal of unification. In the minds of the Chinese leadership, amendments to the ROC constitution and thus further changes to their political system were attempts at inching away from a unified China. The presidential election was on the horizon and the prospect of Lee Teng-hui winning seemed high. President Lee responded to Jiang with his 6 points. Lee's response was strong and calculated. He did not want to give up anything the Taiwanese had worked for over the past few years. His points were another test of his platform. He was testing not only the resolve of the Chinese leadership but also the people on Taiwan. His words and future actions would draw criticism from China.

These events which lead up to the first presidential election and the eventual final round of reform are important to this study. By examining and laying out the policies, proposals, and actions of both Taiwanese and Chinese actors I have attempted to show the motives behind constitutional reform on Taiwan. Post-authoritarian countries in transition often have to face certain crisis, whether they be external or internal. Democracy also face crisis but if political institutions are well established the sole responsibility to handle crisis or some type of transition period does not fall into the hands of one person. This is where the importance of a true separation of power comes into play.

The legislatures function as a check on the executive is vital for a democracy. In many authoritarian regimes, legislative bodies are often characterized as nothing more than a rubber stamp. Other than direct elections, reformers were also concerned about the legislatures powers for oversight of the executive branch.<sup>115</sup> In a dual executive system such as the ROC or France, it is important that the legislature has certain tools to

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<sup>115</sup> Beermann, Jack M. "An Inductive Understanding of Separation of Powers." *Administrative Law Review* 63, 3 (Summer 2011):472. JSTOR. Web. 21 June 2017.<<http://www.jstor.org/stable/41239572>>.

balance power. If the legislature cannot balance power then it loses the ability to provide government oversight. Once the first phase of reforms passed and implemented the next step was creating a cross-branch relationship which would guarantee the proper democratic functioning of the government.

Lastly, the development of civil society and its function within the political process is important. Heeding the words of the people who rose up during the Wild Lily Movement, president Lee Teng-hui called a National Development Conference to address the people's grievances. Improving civil society cannot be done without certain factors such as economic and educational progress, both of which Taiwan had achieved at the beginning of the 1990's.<sup>116</sup>

The circumstances of Taiwan's democratization were undoubtable influenced by both the legacy of the KMT single party state and the nature of cross-strait relations. In 1947 the constitution of the ROC was promulgated on mainland China, within its text was a mix of Chinese and western political thought.<sup>117</sup> Due to the Chinese Civil War, the constitution in its entirety was never able to fully be applied on Taiwan until the 1990's. Furthermore, the nature of the political system was left unanswered. The constitution was a mix of parliamentarism and presidentialism, without a clear path toward which type of system would be favored over the other. As mentioned in previous sections developments between China and Taiwan lead to a rather suspicious public, weary of the PRC's intentions.

Despite the formation of organizations and agencies aimed at fostering better cross strait relations and even eventual unification politicians within both political parties were hesitant to accept China's offer of one country two systems. Autonomy was at stake. Differences in both economies and society separated the island from its neighbor across the strait. It is difficult to gauge the publics true support for the political regime under martial law, yet it would appear that the first presidential elections and victory by the KMT in previous legislative elections were a sign that the Taiwanese electorate were willing to forgive past transgressions for good governance. Although growing the DPP was primarily viewed as a protest party, not yet mature enough to

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<sup>116</sup> Sautede, Eric. "The Outlook of Taiwan's Political System: Amendment or Overhaul?" *China Perspectives*, 10 (March-April, 1997):59-60. JSTOR. Web. 20 June 2017.<<http://www.jstor.org/stable/24050603>>.

govern at the highest levels, and too hot headed to formulate stable, beneficial relations with China.

In order to deal with China, the government on Taiwan needed to be strong. As the country democratized more political ideas came to light, people were much more willing to voice opinions critical of government positions. Strong lobbies from the business class to strengthen ties and even unify were diametrically opposed to the opposition which called for outright independence. If the country was to weather the storm then a leader needed to take charge and arbitrate a compromise between the competing sections of Taiwanese society.

This was the environment which created favorable conditions for the future reforms to the country's political structure. The 1990's were significant because it saw actual political change to both Taiwan's political environment and its constitutional regime. A country's political environment is defined by how its actors execute reforms within the reality of the country's present circumstances.<sup>118</sup> Those circumstances are an accumulation of history, interaction and execution. Constitutional regime realities to actual functions stipulated in the constitution that dictate the nature of government functions and interaction between branches.

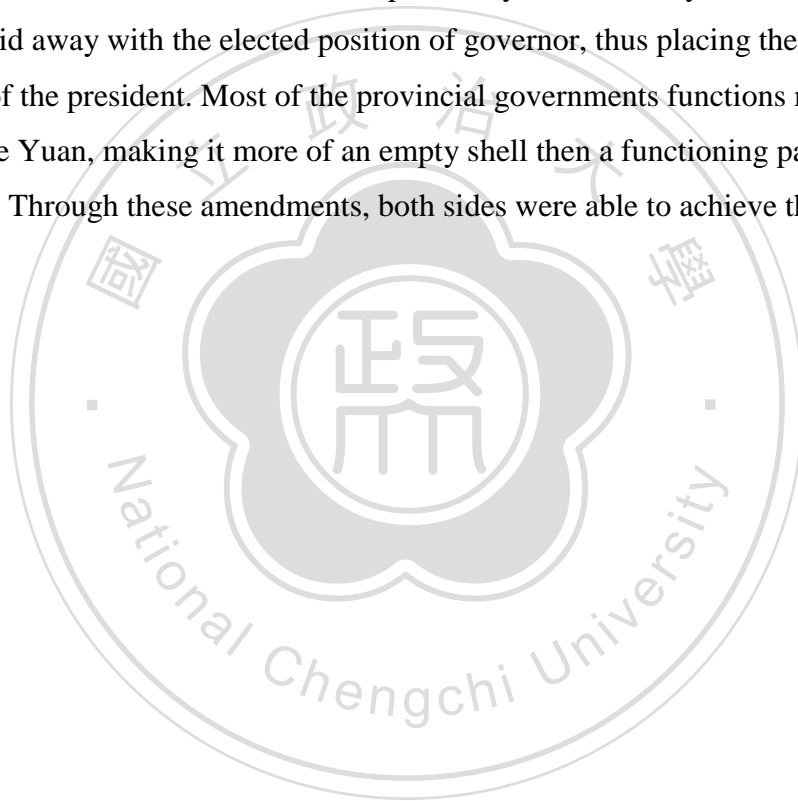
True reform within post-authoritarian states must come from both the elites in power and those from the opposition camp. If the opposition is not part of the reform process, little progress would be made. At the dawn of Taiwan's reforms Lee was in a position to mold and shape the reform process to his liking.

In 1997 Lee called a National Development Council to mull over potential reforms. The move was an effort to lay the foundation and build a coalition between his camp and the moderate DPP members. Their primary concern was the triangular relationship of the premier, president, and legislature along with the ongoing debate about the nation's sovereignty. Both sides believed a strong presidency was necessary, not only for the nation's sake but their respective parties. By the beginning of July, the two sides had come to an agreement. More seats were given to the legislature, and the National Assembly's powers were severely curtailed, a move many thought was a final attack on the KMT's political machine. Reformers also created a semi-presidential

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<sup>118</sup> Kucera, Ondrej. "Is Taiwan a Presidential System." *China Perspectives* 66 (2006): 45. JSTOR. Web. 8 May 2017. <<http://www.jstor.org/stable/24052359>>.

system. The legislature had power to dissolve the premier and his cabinet. This mechanism was offset by the president's ability to alleviate the legislature of its duties thus forcing them to hold snap elections. Furthermore, amendments made to the constitution stated that the president and premier could create their cabinet without the consent of the legislature. As noted, the president has significant non-legislative powers, and most importantly has powers over security and international relations. The DPP was also able to make significant inroads in the conversation about Taiwan's independence. Downsizing of the provincial government benefited Taiwan, as it cut red tape, thus streamlining once over burdensome bureaucracy. Symbolically, the amendment gave credence to the notion that the ROC was a politically distinct entity from the PRC. Reformers did away with the elected position of governor, thus placing the office under the control of the president. Most of the provincial governments functions reverted to the executive Yuan, making it more of an empty shell than a functioning part of the government. Through these amendments, both sides were able to achieve their goals.



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