

@CHAPTER = TAIWAN<R>(Republic of China)

Although the United States and Taiwan do not have formal diplomatic relations, the Taiwan Relations Act<\$FCongress enacted the Taiwan Relations Act to govern U.S. relations with Taiwan in the absence of formal diplomatic relations, which were severed when the U.S. established diplomatic relations with the People's Republic of China. U.S. interests in Taiwan are represented by the American Institute in Taiwan.> provides that "the preservation and enhancement of human rights of all the people on Taiwan" are important objectives of the U.S. government. Furthermore, as Taiwan's principal ally, important trading partner and major arms supplier, the United States is positioned to have a strong positive impact on human rights practices in Taiwan. The Bush administration, however, has largely refrained from public comment on those practices. Instead, discussion of trade issues dominated relations between the two countries in 1989.

According to representatives from the U.S. State Department and the American Institute in Taiwan, the Bush administration, like the Reagan administration, raised human rights concerns during private meetings with Taiwanese officials. But whatever critical sentiments may have been privately expressed at these meetings were overshadowed by the administration's public praise for continuing political liberalization on the island without parallel public expressions of concern over the human rights problems that remain.

Throughout 1989, the Bush administration commented publicly on only one human rights case in Taiwan. Hsu Hsin-liang, a former Taoyuan County magistrate who was granted political asylum and had been living in the United States since 1979, was arrested when he attempted to enter Taiwan in September 1989. He was indicted on sedition charges a month later. The State Department protested the indictment because it was based in part on Hsu's activities in the United States that were protected by the U.S. Constitution. An observer from the American Institute in Taiwan was also present at the first hearing of the case, on November 18.

Apart from the Hsu case, with its special U.S. dimension, the Bush administration refrained from critical commentary on human rights developments in Taiwan. Part of this silence is undoubtedly due to the significant political reforms that continued to take place in Taiwan during 1989. In February, a newly revised Civic Organizations Law permitted for the first time the existence of more than one organization per "function."<\$FBefore the amendment, for example, the Taiwan Association for Human Rights ("TAHR") was not permitted to register -- a legal requirement for civic organizations -- because the Chinese Association for Human Rights ("CAHR") already existed, even though the CAHR addressed abuses only on the mainland. Since the amendment, the TAHR should be entitled to register, although it has not yet done so because it refuses to meet the separate requirement that all organizations with "Taiwan" in their name add "Republic of China."> Amendments to the Election and Recall Law, also enacted in February, legalized opposition political parties. Street demonstrations have been permitted since the lifting of martial law in July 1987, and over 1,000 demonstrations involving a wide range of concerns have taken place since then. But limits to the exercise of civil liberties persist. Freedom of expression is still restricted in Taiwan, most notably on the highly sensitive topic of independence. In 1989, Taiwanese officials announced their intention to bring sedition charges against an opposition publisher, Cheng Nan-rong, for having published a draft constitution for an independent Taiwan; Cheng killed himself when the authorities attempted to arrest him. In late December, Huang Hua, chairman of the New Nation Movement, which was instrumental in pulling together a slate of 32 candidates who ran on a

pro-independence platform in the December 2 elections, was summoned for questioning; he also may be indicted on sedition charges. Although the Bush administration has stated in other contexts that it supports freedom of expression regardless of whether it agrees with the views expressed, it remained silent on these cases because of its reluctance to offend the authorities of both Taiwan and the People's Republic of China, each of which asserts that Taiwan is part of China.

The administration was also silent when Hong Chi-chang, a prominent opposition member of the National Assembly, returned to Taiwan after a six-month stay in the United States to face criminal charges for his role in demonstrations on June 12, 1987 and May 20, 1988.<§FThe June 12, 1987 demonstration was to protest enactment of the National Security Law, which replaced martial law. The May 20, 1988 demonstration concerned farmers' rights.> Hong's prosecution was one of several against organizers of demonstrations for the violent acts committed independently by some demonstrators. Although we are aware of no evidence indicating that Hong advocated or incited violence, he was sentenced to a 15-month prison term for organizing the June 12, 1987 demonstration and 18 months' imprisonment for allegedly interfering with police duties during the May 20 demonstration.

To bolster their claim to rule all of China, authorities on Taiwan have maintained constitutional and political institutions to govern the mainland. Mainland "representatives" who have not had to stand for election since 1947 make up over half the National Assembly. The National Assembly, in turn, elects the president. Other national bodies as well are dominated by such lifetime members. Only "supplementary" elections take place to fill additional seats allocated to the Taiwan province.

In February 1989, in its *Country Reports on Human Rights Practices for 1988* (produced by the Reagan administration and released in the early days of the Bush administration), the State Department reflected this reality for the first time by stating that citizens on Taiwan "do not have the ability to change their government." Despite this important acknowledgement, and despite a lack of progress in this area throughout 1989, David Dean, director of the American Institute in Taiwan's Taipei office, was reported in August to have praised the "orderly constitutional succession" that occurred when then Vice President Lee Teng-hui assumed the presidency upon the death of former President Chiang Ching-kuo. Dean thus undercut the statement in the *Country Reports* by failing to note that, despite the orderly transition in conformity with the Constitution, the people on Taiwan were never given the opportunity to vote on Lee as a presidential or vice-presidential candidate.

We note that the Bush administration has not refrained from making frequent public statements on its trade relationship with Taiwan. Human rights concerns warrant a comparably public profile if the strong U.S. ties to Taiwan are to be used to effect improvements in Taiwanese rights practices.