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Professor Michael Kau of the Brown University Department of Political Science;

And my old friend Mayhsing Yang, director of the Asia-Pacific Council on Democracy.

We wish to get their thoughts on the extent to which it has accelerated the process of democratization in Taiwan. Or are there still forces on the island who wish to obstruct the people's choice and vote?

Also appearing today is Mr. Shih Ming-teh. Mr. Shih was active in the Taiwan Democracy Movement of 1979, and was arrested and tried for sedition in connection with the Kaohsiung Incident. The last of the Kaohsiung Eight to be released—as the result of an amnesty by President Lee—he languished in prison for 11 years simply because he had the temerity to attempt the peaceful exercise of his human and political rights.

As one who has sacrificed much for ideals that we all hold dear, Mr. Shih enjoys our admiration for his courage. As one who lost his freedom but is now free, he is perhaps the best person to assess the prospects for democracy and human rights for all the people on Taiwan.

Before we begin the hearing, Mr. Torricelli, do you have any opening comments?

Mr. TORRICELLI. No, thank you.

Mr. SOLARZ. If not, we will hear first from Professor Chiu, Professor Kau, Ms. Yang and then from Mr. Shih.

Each of you have, I think, statements which you have submitted for the record. I hope you will feel free to summarize them and give us the benefit of your wisdom in 5 to 10 minutes so we can have maximum amount of time for questioning.

→ **STATEMENT OF HUNGDAH CHIU, PROFESSOR, SCHOOL OF LAW,
UNIVERSITY OF MARYLAND**

Mr. CHIU. Okay, thank you, Mr. Chairman, for inviting me to testify.

I have a 16-page written statement analyzing the complicated legal and political questions involved, but here I will give some of the important parts of my statement. I omit the legal issues because that is getting highly sophisticated and complicated.

Before the conference, two popular opinion polls were conducted. The social elite poll indicated that 54 percent expressed the view that constitutional reforms should be done by amending the constitution.

Nineteen percent considered that full implementation of the constitution should be sufficient, and 12.2 percent were in favor of enacting a basic law to replace the present constitution, and 11.1 percent were in favor of enacting a new constitution.

As to the opinion poll of the general public, it is roughly similar: 57.8 percent of the people interviewed considered that constitutional reform should be carried out by amendment, followed by 15.6 who advocate full implementation of the constitution and 11.7 percent for enacting a new constitution.

The poll, among the general public revealed that 93.1 percent considered that the Republic of China Government should pay spe-

cial attention to the reform's impact on social stability in carrying out the constitutional reform.

A week before the opening of the National Affairs Conference, the Council of Grand Justices of the Judiciary rendered an interpretation which states all life-tenure representatives in the parliamentary body—the National Assembly, the Legislative Yuan and the Control Yuan—should resign by December 31, 1991.

This view was accepted by the majority of the participants of the National Affairs Conference, though some participants would prefer an earlier resignation.

There was also general consensus on favoring the direct election of the governor of Taiwan Province, and the mayors of Taipei and Kaohsiung municipalities. As a matter of fact, the constitution has already provided for such an election. A high degree of consensus was reached on the Republic of China's policy toward the mainland. Generally speaking, the participants shared the view that the Chinese Communist Government has no right to exercise jurisdiction over the territories under the jurisdiction of the Republic of China.

They agree that the existence of two governments—the Republic of China in Taiwan and the Chinese Communist Government on the mainland—is a reality. The general feeling among the participants was that, while giving priority to the well-being of the Chinese people in Taiwan, the ROC Government should try to help the people of the Chinese Communist-controlled mainland to achieve freedom and democracy.

On the question of the relations between Taiwan and the mainland, most considered that the ROC Government should clarify its present seemingly inconsistent mainland policy and should liberalize functional exchanges with the mainland.

The government should consider beginning functional and non-political negotiation with the Chinese Communists through an "intermediate body" with its authority delegated by the government.

On the constitutional reform issue, all participants agreed that the "Temporary provisions for the period of mobilization for the suppression of the Communist rebellion," which granted extraordinary power to the President and are annexed to the constitution, should be terminated as soon as possible.

They, however, were divided on the issue of how to achieve constitutional reform. The majority of the participants considered that reform should be carried out by amending the constitution through the procedure provided in the constitution.

The minority would like to enact a new constitution. The difficulty in enacting a new constitution is that the President does not have the constitutional power to abrogate the present constitution and to enact a new one.

Further, the Republic of China constitution enacted in 1947, when the ROC Government was on the mainland, is the symbol of the "One-China" principle. To enact a new constitution just applicable to Taiwan would undermine that principle, and imply that Taiwan is independent.

The majority of participants considered that the present form of electing the President, (i.e., the National Assembly may elect

anyone it likes to serve as the President without consulting the people's opinion) should be reformed.

Almost all participants agreed that the President should be elected by the people, but they were divided on whether the President should be directly elected by the people or by a system similar to that of the United States, where voters cast ballots for electoral college delegates representing the views of the electorate as proxies.

Supporters of this view pointed out that a direct election of the President on Taiwan might give people the impression that the President is elected only by the people in Taiwan and thus imply Taiwan's independence.

An electoral college system may include some national and overseas Chinese seats apportioned according to the party preferences of Taiwan voters.

On July 4, 1990, President Lee Teng-hui stated at the closing session of the National Affairs Conference that any reforms to be made must be based on security considerations and the President said, "We must not ignore reality in pursuit of our ideals."

President Lee made it clear that he would proceed with reform in accordance with law.

After the conference ended, President Lee, who is also the head of the ruling Nationalist Party, set up a constitutional reform group in the Party to study how the constitutional reform can be implemented.

Besides the complex legal issues involved, summarized in my written paper, President Lee is also confronting several difficulties.

Externally, the Chinese Communist Government has kept a keen eye on the political development in Taiwan to identify whether it is moving toward independence. It has repeatedly warned that if Taiwan becomes independent, it will use force against the island.

Therefore, in carrying out constitutional reform, President Lee must ensure that any reform will not increase the suspicions of the Chinese Communist Government so as to provoke it to renew its military threat against Taiwan.

Domestically, the major opposition party—the Democratic Progressive Party—has a strong separatist tendency and some of its leaders seem not fully aware of the peculiar and difficult environment in which Taiwan has to live.

Some of them continue to advocate Taiwan's independence or self-determination. In the process of constitutional reform, the Democratic Progressive Party is likely to seize that opportunity to promote its cause for independence and self-determination.

The ROC Government under President Lee faces a dilemma. If it allows the DPP to promote such a cause, the Chinese Communists will hold the ROC Government responsible for such a development and tension may gradually increase so as to provoke the Chinese Communists to intervene.

On the other hand, if the ROC Government takes legal action against those who advocated the cause of independence or self-determination, the DPP may mobilize mass opposition against the government causing social and political chaos.

Moreover, the Chinese Communist Government has also warned that if chaos were to occur on Taiwan, it would intervene to restore order.

In the joint communique of August 17, 1982 on Taiwan arms sales between the United States and the People's Republic of China, the United States reiterates that it "has no intention of . . . pursuing a policy of two Chinas or one China, one Taiwan."

Therefore, it is clear that the United States will not support "independence" or "self-determination" for Taiwan so as to risk a military confrontation with the People's Republic of China and thus cause instability in East Asia.

In view of this established United States policy, while the Congress of the United States should encourage the Republic of China Government to continue its democratization process through constitutional reform in Taiwan, it should also avoid any implication of supporting Taiwan independence or self-determination for Taiwan.

To give advocates of Taiwan independence or self-determination a false expectation that the U.S. would intervene to support their cause in the event of Chinese Communist intervention, would encourage them to move Taiwan on a course of military confrontation with the Chinese Communists, which can only bring disaster to all the people of Taiwan.

Thank you.

[Prepared statement of Mr. Chiu follows:]

Hungdah Chiu
Professor of Law
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I. Introduction

*On March 21, 1990, after learning he was elected to a six-year term by the National Assembly, President Li Teng-hui (the President spells his surname Lee) said that the government would hold a National Affairs Conference (NAC), and would invite legislators, scholars, experts, industrial and business leaders, and journalists to attend in order to develop a consensus on such major issues as constitutional reform and policy toward the mainland. The Conference was held from June 28 to July 4, 1990 in Taipei. It is unprecedented in the political history of the Republic of China (ROC) as its participants included people holding divergent political views, ranging from those who advocate Taiwan independence to those who are in favor of unification with the Communist-controlled Mainland. After summarizing the consultation process before the Conference, the purpose of this paper is to analyze the areas of agreement and disagreement at the Conference and the problem of implementing constitutional reform, and finally to make an overall assessment of the Conference and its implication for democratization in Taiwan and Sino-American relations.

II. Consultation and Public Opinion Polls Before the Conference

Only a limited number of people could be invited to attend the National Affairs Conference. Before the Conference was held, the ROC government consulted a wide-range of people to seek their opinions. The general theme of the NAC was "Strengthening

Constitutional System and Achieving National Unification." However, some advocates of Taiwan independence were invited to attend the NAC, and if the question of unification had been put to discussion either in the consultation process or at the Conference, it would immediately have become a divisive issue among the participants and might have disrupted the consultation process and the conduct of the Conference. In reality, at present a discussion or debate on unification or the independence issue is primarily a theoretical one as neither unification nor independence is possible in the foreseeable future. On the other hand, the growing trade, economic, cultural and other relations between the mainland and Taiwan is also a reality which the ROC government and its people cannot ignore. To deal with this reality, it is necessary to discuss the ROC's policy toward the mainland and how to regulate Taiwan's relations with the mainland in the areas of trade, economic, cultural and other relations. Therefore, the agenda of the Conference did not include the topic of unification. With the above understanding in mind, the preparation meeting of the NAC decided to sub-divide the general theme of the Conference into five topics: (1) the reform of the Parliament; (2) the system of local governments; (3) the central government system; (4) the amendment to the Constitution of the Republic of China (including "Temporary Provisions") and related matters; and (5) policy toward the mainland and relations between Taiwan and the mainland.

These issues were also placed on the agenda of the consultation process to solicit public opinions. A total of 119

discussion meetings were held as described below:

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| 12 | Local National Affairs Discussion Meetings | 1165 invited to attend and 707 actually attended |
| 11 | Scholar Consultation National Affairs Discussion Meetings | 95 scholars attended |
| 22 | Overseas National Affairs Discussion Meetings (in Japan, Korea, Hong Kong, the Philippines, Thailand, United States, Canada, Great Britain, France, Panama, Brazil, South Africa, and Australia) | Approximately 5000 attended |
| 74 | Youth National Affairs Discussion Meetings | Approximately 7000 attended |

A National Affairs Box was set up at a Taipei post office which received 2187 letters and a National Affairs Hotline received 1180 telephone calls.

Two public opinion polls were conducted to identify the attitudes of social elites and the general public toward constitutional reform. The results were released on June 24, 1990, a few days before the Conference.

The social elites poll, conducted between May 17 and June 15, 1990, involved interviewing 284 college professors, 35 people's representatives, 156 entrepreneurs, 54 mass media workers and 54 responsible officers of civic organizations relating to social movements. 86.4% of the elites polled considered that there is a constitutional crisis in Taiwan, while only 8.9% did not think so, with 2.6% expressing no opinion. On the question of how to strengthen the constitutional system: 54% expressed the view that

this should be done through amending the constitution, 19% considered that full implementation of the constitution should be sufficient, 12.2% were in favor of enacting a Basic Law to replace the present constitution, 11.1% were in favor of enacting a new constitution, and 2.7% expressed no opinion. With respect to the question of who should exercise the power of amending the constitution, 70.3% considered that it should be the National Assembly after the resignation of all life-tenure members who were elected in 1947 and after its other members were re-elected in Taiwan, and only 9.6% considered that the National Assembly in its present composition (i.e., at least 80% are life-tenure members elected in 1947) should exercise the power of amending the constitution. On the question of possible Chinese Communists' response to the Constitutional reform, the interviewed elites considered that full implementation of the Constitution would raise the least suspicion of the Chinese Communists, followed by amending the Constitution and enacting a Basic Law; while enacting a new constitution would cause high suspicion from the Chinese Communists. An interesting question related to constitutional reform is the cost of social stability as a result of choosing different methods of constitutional reform. Interviewed social elites considered that amending the Constitution would have the least effect on social stability, followed by full implementation of the Constitution and enacting a Basic Law. Enacting a new Constitution would have a high cost on social stability. They also considered that amending the Constitution would be most appropriate

in mitigating the dispute over unification and independence, while enacting a new Constitution would be the least appropriate one.

The poll of the general public was conducted by telephone interviews with 1068 people. In sharp contrast to the social elites' opinion, 45% considered that there is no constitutional crisis in Taiwan, while 43.7% considered that there is such a crisis. On the question of which problems the Government should pay special attention to in carrying out the constitutional reform, 93.1% designated reform's impact on social stability as the most important one, followed by 83.1% on the time table for reform, 67.2% on getting consensus and compromise with the Democratic Progressive Party and 52.6% on taking into consideration the response of the Chinese Communists. Similar to social elites' opinion, 57.8% of the people interviewed considered that constitutional reform should be carried out by amendment, followed by 15.6% who advocate full implementation of the Constitution, and 11.7% who would enact a new Constitution.

Besides public opinion polls, the secretariat of the NAC also summarized various views expressed by scholars or politicians on the constitutional reforms as reference materials for the participants.

III. Principal Areas of Agreement and Disagreement at the Conference

On June 21, 1990, a week before the opening of the NAC, the Council of Grand Justices of the Judicial Yuan rendered its No. 261 interpretation, which states that all life-tenure representatives

in the Parliamentary Bodies--the National Assembly, the Legislative Yuan, and the Control Yuan--should resign by December 31, 1991. This view was accepted by the majority of the participants of the NAC, though some participants would prefer an earlier resignation date. There was also a general consensus on favoring the direct election of the Governor of Taiwan Province, Mayors of Taipei and Kaohsiung municipalities. As a matter of fact, the Constitution has already provided for such an election.

A high degree of consensus was reached on the ROC's policy toward the mainland and the need to enact a law to regulate relations on interchanges between Taiwan and the Mainland in the areas, such as trade, investment, travel, and culture. Generally speaking, the participants shared the view that the Chinese Communist government has no right to exercise jurisdiction over the territories under the jurisdiction of the ROC government and they agreed that the existence of two governments--the ROC government on Taiwan and the Chinese Communist Government on the mainland--is a reality. The general feeling among the participants was that, while giving priority to the well-being of the Chinese people on Taiwan, the ROC Government should try to help the people of the Chinese Communist-controlled mainland to achieve freedom and democracy. On the question of the relations between Taiwan and the mainland, most considered that the ROC government should clarify its present seemingly inconsistent mainland policy and should liberalize functional exchanges with the mainland. The government should consider beginning functional and non-political

negotiation with the Chinese Communists through an "intermediate body" with its authority delegated by the government.

On the constitutional reform issue, all participants agreed that the "Temporary Provisions for the Period of Mobilization for the Suppression of the Communist Rebellion," which granted extraordinary power to the President and are annexed to the Constitution, should be terminated as soon as possible. They, however, were divided on the issue of how to achieve constitutional reform. The majority of the participants considered that reform should be carried out by amending the Constitution through the procedure provided in the Constitution. The minority would like to enact a new Constitution. Among them, some suggested that the present constitution should be replaced by a "Great Charter for Democracy" drafted by the Democratic Progressive Party. The difficulty in accepting this view is that the President does not have the constitutional power to abrogate the present Constitution and to enact a new one. If the President decided to take such a drastic measure, he may be impeached by the Control Yuan or be recalled by the National Assembly. The Council of Grand Justices may also declare the President's decision invalid. Under that circumstance, political instability and social chaos may erupt in Taiwan. Moreover, as pointed out by a participant, enacting a new Constitution was in fact unnecessary, since 60% of the 104 articles of the proposed "Great Charter" were identical or similar to the present ROC Constitution. Further, the ROC Constitution, enacted in 1947 when the ROC government was on the mainland, is the symbol

of the "One-China" principle. To enact a new Constitution just applicable to Taiwan would undermine that principle, and imply that Taiwan is independent. As the Chinese Communists have repeatedly warned that they will not tolerate Taiwan independence and will use force to suppress independence, enacting a new Constitution will increase the tension in the Taiwan Strait.

The majority of participants considered that the present form of electing the President, i.e., the National Assembly may elect anyone it likes to serve as the President without consulting the people's opinion, should be reformed. Almost all participants agreed that the President should be "elected by the people," but they were divided on whether the President should be directly elected by the people or by a system similar to that of the United States where voters cast ballots for electoral college delegates representing the views of the electorate as proxies. Those favoring direct presidential elections wanted the National Assembly abolished. Those favoring presidential election by electoral vote proxy suggested that the National Assembly be restructured to resemble the electoral college of the United States in which presidential electors must pledge in advance to vote for the candidates of their political party.

Supporters of this view pointed out that a direct election of the President on Taiwan might give people the impression that the President is elected only by the people of Taiwan and thus with the implication of Taiwan independence. An electoral college system may include some national and overseas Chinese seats apportioned

according to the party preference of Taiwan voters.

With respect to the question of the central governmental system of the ROC, opinions were divided on the choice of a presidential system, cabinet system, or a combination of the two (mixed system or dual leadership system).¹ The majority of the participants appeared to be in favor of the mixed system in one form or another. In fact, the present constitution is closest to a mixed system.²

IV. Process and Problems in Implementing the Constitutional Reform

The participants of the NAC generally agreed that the constitution should be amended by an organ with a basis in public opinion, i.e., whose members are elected by the people for a fixed term. Therefore, the National Assembly under its present composition, with more than 80% life-tenure members elected in 1947, is inappropriate for exercising the function of amending the constitution. Only when all members of the National Assembly are elected in Taiwan for a fixed term should the Assembly begin to amend the constitution. This, however, will not happen until late 1992 when the Assembly is up for reelection. The complicated legal problems involved need explanation.

At present, the National Assembly, in addition to life-tenure

¹For an analysis of the mixed system or dual leadership system of government, see Jean Blondel, "Dual Leadership in the Contemporary World: A Step Towards Executive and Regime Stability?," in Dennis Kavanaugh and Gillian Peele, eds., Comparative Government and Politics, Essays in Honor of S. F. Finer, 1984, pp. 73-91.

²See ibid., p. 91.

members, includes 84 members elected for six year terms in Taiwan and their terms will not expire until December 1992. However, according to Interpretation No. 261 of the Council of Grand Justices of the Judicial Yuan, all life-tenure members of the Assembly should resign by December 31, 1991. Therefore, in 1992 there will be only 84 members in the National Assembly. Legally, they have authority to amend the Constitution, but politically, they should not do so because when they were elected in 1986 the people did not give them the mandate to amend the Constitution. In view of this, the government is considering holding an election in 1991 to elect 291 new members to the Assembly and they will begin to serve on January 1, 1992. Under that arrangement, in 1992 a rejuvenated National Assembly will have 375 members³ to amend the Constitution, all of them elected in Taiwan. This sounds like a logical solution, but the problem is that whether the President has the legal authority to move the election date from December 1992 to December 1991 or earlier. A possible flimsy legal basis for taking this action is to invoke the emergency power under Article 1 of the "Temporary Provisions."⁴ However, if the "Temporary Provisions"

³The ROC National Security Council proposes that in the future the total number of representatives of the National Assembly should be 375, all of them will serve six year terms.

⁴Article 1 of the "Temporary Provisions" provides:

The President during the Period of Communist Rebellion may, by resolution of the Executive Yuan Council, take emergency measures to avert an imminent danger to the security of the State or of the people or to cope with any serious financial or economic crisis, without being subject to the procedural restrictions

are to be abolished in May 1991, as announced by the President in his May 22, 1990 press conference, then this approach is not possible.

Moreover, some of the present members of the National Assembly, the Legislative Yuan and the Control Yuan were elected for a fixed-term based under Article 67 of the "Temporary Provisions."⁵ The termination of the "Temporary Provisions" in May

prescribed in Article 39 or Article 43 of the Constitution.

In December 1978 when the United States announced its intention to recognize the People's Republic of China on January 1, 1979, then ROC President Chiang Ching-kuo invoked this provision to suspend the election to be held in late December. As stated in section two of this paper, in a public opinion poll held before the NAC 43.7% considered that there is a constitutional crisis. Therefore, it appears appropriate for the President to invoke this emergency provision to move the election of the National Assembly one year ahead, i.e., from December 1992 to December 1991 in order to avert the constitutional crisis.

⁵Article 6 of the Temporary Provisions provides:

During the period of national mobilization and the suppression of the Communist rebellion, the President may, in accordance with the following stipulations, initiate and promulgate for enforcement regulations providing for elections to strengthen elective offices at the Central Government level without being subject to the restrictions prescribed in Article 26, Article 64, or Article 91 of the Constitution:

(1) In free areas, additional members of the National Assembly, the Legislative Yuan, and the Control Yuan may be added through regular elections. Members of the Legislative Yuan and Control Yuan that must be elected by Chinese citizens living abroad who are unable to hold elections shall be chosen according to regulations established by the President of the Republic.

(2) Representatives elected to the

1991, as announced by the President, may undermine the legal basis for those members to continue to serve their terms until December 1992. If an election is held today according to the provisions of the ROC Constitution, and not on the "Temporary Provisions," only 39⁶ members may be elected to the National Assembly and 27 may be

National Assembly, Legislative Yuan, and Control Yuan in the first elections were chosen through popular vote by the people of the entire nation. These representatives exercise their powers of office in accordance with law; the same principle applies to the representatives elected to fill vacancies or provide additional representation.

Elections for the National Assembly, Legislative Yuan, and Control Yuan shall be held on the Chinese mainland one by one, as each area is recovered.

(3) Additional members elected to serve in the National Assembly, Legislative Yuan, and Control Yuan, shall exercise the same powers of office in accordance with law as the members elected in the first elections.

Additional members of the National Assembly shall stand for reelection every six years; members of the Legislative Yuan, every three years; and members of the Control Yuan, every six years.

⁶Article 26 of the Constitution provides:

The National Assembly shall be composed of the following delegates:

1. One delegate shall be elected from each hsien, municipality, or area of equivalent status. In case its population exceeds 500,000, one additional delegate shall be elected for each additional 500,000. Areas equivalent to hsien or municipalities shall be prescribed by law;

• • • •

elected to the Legislative Yuan.⁷

Another possibility is to convene an extraordinary session of the National Assembly in May 1991 to amend only those provisions relating to election in the Constitution, immediately before the termination of "Temporary Provisions," while leaving additional constitutional reform to the next session of the National Assembly, which will be composed of members all elected in Taiwan. This is the most appropriate way to resolve the issue of implementing constitutional reform, but it is contingent on the cooperation of the life-tenure members of the National Assembly who constitute 80% of the present membership of the Assembly. Some life-tenure Assembly members are out of touch with the political reality in Taiwan and they may seize the opportunity of the extraordinary session of the Assembly to make other amendments to the Constitution, thus provoking popular opposition to them with ensuing political and social chaos.

⁷Article 64 of the Constitution provides:

Members of the Legislative Yuan shall be elected in accordance with the following provisions:

1. Those to be elected from the provinces and by the municipalities under the direct jurisdiction of the Executive Yuan shall be five for each province or municipality with a population of not more than 3,000,000; one additional member shall be elected for each additional 1,000,000 where the population exceeds 3,000,000;

V. Overall Assessment and Implications for U.S.
Policy Toward China (both Mainland and Taiwan)

On July 4, 1990, President Li Teng-hui stated at the closing session of the NAC that he hoped that the relevant organs in the government "will spare no efforts to formulate a timetable and concrete steps for constitutional reform." He also cautioned, however, that any reforms to be made must be based on security considerations. "We must not ignore reality in the pursuit of our ideals," he said. President Li made clear that he would proceed with reform in accordance with the law. Soon after the Conference was ended, President Li, who is also the head of the ruling Nationalist Party, set up a constitutional reform group in the Party to study how the constitutional reform can be implemented. However, besides the complex legal issues discussed before, President Li is also confronting several difficulties.

Externally, the Chinese Communist Government has kept a keen eye on the political development in Taiwan to identify whether it is moving toward independence. It has repeatedly warned that if Taiwan becomes independent, it will use force against the island. Therefore, in carrying out constitutional reform, President Li must ensure that any reform will not increase the suspicion of the Chinese Communist Government so as to provoke it to renew its military threat to Taiwan.

Domestically, the major opposition party - the Democratic Progressive Party (DPP) has a strong separatist tendency and some of its leaders seem not fully aware of the peculiar and difficult environment in which Taiwan has to live. Some DPP leaders have

continued to advocate "Taiwan's independence" or "self-determination." In the process of constitutional reform, the DPP is likely to seize that opportunity to promote its cause for "independence" or "self-determination." The ROC government under the leadership of President Li faces a dilemma. If it allows the DPP to promote such a cause, the Chinese Communists will hold the ROC government responsible for such a development and tension may gradually increase so as to provoke the Chinese Communists to intervene. On the other hand, if the ROC government takes legal action against those who advocated the cause of "independence" or "self-determination," the DPP may mobilize mass opposition to the government, causing social and political chaos. Moreover, the Chinese Communist government has also warned that if chaos were to occur on Taiwan, it would intervene to restore order.

In the joint communique of August 17, 1982 on Taiwan arms sales between the United States and the People's Republic of China (PRC), the United States reiterates that it "has no intention of . . . pursuing a policy of 'two Chinas' or 'One China-One Taiwan.'" After the formation of the DPP, whose party platform includes "self-determination" or "independence" in its disguised form, then U.S. Assistant-Secretary of State Dr. Gaston J. Sigur reaffirmed in a speech delivered on December 11, 1986, that the principles contained in the 1972 Shanghai Communique, 1979 normalization communique and the 1982 communique with the PRC continue to guide U.S.-PRC relations. Therefore, it is clear that the United States will not support "independence" or "self-determination" for Taiwan

so as to risk a military confrontation with the PRC and thus cause instability in East Asia. In view of this established United States policy, while the Congress of the United States should encourage the ROC government to continue its democratization process through constitutional reform in Taiwan, it should also avoid any implication of supporting "independence" or "self-determination" for Taiwan. To give advocates of Taiwan "independence" or "self-determination" a false expectation that the U.S. would intervene to support their cause in the event of Chinese Communist intervention, would encourage them to move Taiwan on a course of military confrontation with the Chinese Communists, which can only bring disaster to all the people of Taiwan.