ICFET Election Observation Mission 2012

Taiwan Elections Handbook

ICFET Secretariat

January 2012

International Committee for Fair Elections in Taiwan

CONTENTS

Introduction

On 14January 2012, the people of Taiwan will go to the polls to elect their president for the fifth time; in addition, they will re-elect the entire parliament, the Legislative Yuan, for the seventh time (and the second time under the electoral system introduced in 2005)

This briefing paper attempts to describe the context of the election, including the historical and political background and the issues and actors involved. It is hoped that it will assist election observers and other members of the international community to understand the situation.

Basic Data

Area: 35,980 km[21]

Population: 23.2 million (November 2011)[2]

Eligible voters: 18.1 million[3] (all citizens aged 20 and over are automatically registered to vote, unless legally deprived of civil rights)

Freedom House ratings (2010)[4]

- Political Rights: 1 (up from 2 in 2007)
- Civil Liberties: 2 (down from 1 in 2007)
- Status: Free

[1] https://www.cia.gov/library/publications/the-world-factbook/geos/tw.html
[2] http://sowf.moi.gov.tw/stat/month/elist.htm
[3] http://news.rti.org.tw/index_newsContent.aspx?nid=335261
[4] http://www.freedomhouse.org/template.cfm?page=22&year=2010


Taiwan
Internal administrative boundary
Internal administrative capital
Railroad
Expressway
Road
Municipalities (shih) and special municipalities (chuan-shih) are spelled out; remaining areas are counties (hsien).
*Administered by Taiwan.
0 25 50 Kilometers
0 25 50 Miles
Lambert Conformal Conic Projection, SP 22N/26N
East China Sea
Taiwan Strait
South China Sea
Philippine Sea
Luzon Strait
Pescadores Channel
Taiwan
PESCADORES (PENGHU)
Quemoy *
Tung-yin Tao *
Liang Tao *
Pei-kan-t'ang Tao *
Ma-tsu Tao *
Pai-ch'üan Lieh-tao *
P'eng-chia Yü *
Wu-ch'iu Yü *
Tung-ting Tao *
Pa-chao Yü
Ch'i-mei Yü
Liu-ch'iu Yü
Lan Yü
Lü Tao
O-luan Pi
Tan-shui
(seat of government)
Chi-lung
T'ao-yüan
TAIPEI
Pan-ch'iao
Hsin-chu
Nei-wan
I-lan
Chu-nan
Su-ao
Miao-li
Yüan-li
Feng-yüan
Hsin-ch'eng
Chang-hua
T'ai-chung
Lu-kang
Chung-hsing-hsin-ts'un
(provincial capital)
Hua-lien
Nan-t'ou
Ch'e-ch'eng
Tou-liu
Ma-kung
Chia-i
3997
Yü-li
Hsin-ying
Ch'ih-shang
Ch'eng-kung-chen
T'ai-nan
Ch'i-shan
T'ai-tung
Kang-shan
T'ai-tung
P'ing-tung
Kao-hsiung
Feng-shan
Fang-liao
Ta-wu
Heng-ch'un
T'AI-PEI CHUAN-SHIH
CHI-LUNG SHIH
T'AO-YÜAN
T'AI-PEI
HSIN-CHU SHIH
HSIN-CHU
I-LAN
MIAO-LI
T'AI-CHUNG SHIH
T'AI-CHUNG
CHANG-HUA
HUA-LIEN
NAN-T'OU
YÜN-LIN
CHIA-I
CHIA-I SHIH
T'AI-NAN
T'AI-NAN SHIH
KAO-HSIUNG
KAO-HSIUNG CHUAN-SHIH
P'ING-TUNG
P'ENG-HU

PART I

General Background

Historical timeline

1500s Beginning of immigration from Chinese coast to Taiwan

1683 Conquered by Ch'ing empire

1895 Ceded to Japan

1920s Birth of civil society: political parties, labor movement, etc.

1945 End of WWII; Japanese forces on Taiwan surrender to Republic of China

1947 Uprising against corruption begins on Feb. 28; crushed by army with deaths estimated at up to 18,000-28,000

First ROC Constitution adopted

1949 ROC central government evacuates mainland, relocates capital to Taipei; martial law enacted, suspending much of the Constitution

1971 PRC takes over China seat at the United Nations, ROC loses representation

1979 "*Formosa* Incident"

1986 Founding of first opposition party, DPP

1987 End of martial law, restoration of Constitution

1991 Unilateral end to Chinese Civil War declared, ending ROC government's claim to be only legitimate government of all of China; first of six rounds of constitutional amendments

1992 First complete election of Legislative Yuan

1996 First direct presidential election, won by indirectly-elected incumbent Lee Teng-hui

2000 Second direct presidential election, won by opposition candidate Chen Shui-bian

2004 Third direct presidential election and first nationwide referendum, Chen Shui-bian re-elected

2008 January 12: Re-election of the Legislative Yuan under new electoral system

March 22: Fourth direct presidential election, Ma Ying-jeou of the KMT elected

Constitutional framework

The Republic of China (ROC) Constitution was enacted in 1947 to govern all of China. It established a complex, multi-layer system of central and local governments, comprising provinces, districts, etc. It also established a unique structure at the central level, known as the "Five Branches" system, which distinguishes five branches of government instead of the usual three. Over them all lay the National Assembly, which had the power to elect the President and change the Constitution.

As a result, Taiwan's primary political institutions carry unique names, since each "branch" is called a Yuan. The Executive Yuan is the cabinet, whose head is the premier, appointed by the president. The Legislative Yuan is the parliament, the head of which is called president, or sometimes speaker. The Council of Grand Justices is the constitutional court, whose head is also the president of the Judicial Yuan, or the judicial administration. In addition, there is the Control Yuan, an audit and ombudsman body, and the Examination Yuan, which supervises the civil service.

However, the Constitution was effectively suspended with the imposition of martial law in 1948. Although all of the institutions remained, the proper functioning of the constitutional system only resumed in 1987. At that point, with the ROC's sovereignty long since reduced to Taiwan and its outlying islands, the 1947 framework was deemed unsuitable. Thus, one of the first stages of democratization was to begin a process of constitutional reform. From 1991 to 2000 the Constitution was amended six times, radically transforming the main political institutions, while leaving much of the rest of the 1947 Constitution intact.

Currently, the president is directly elected by plurality vote, and he then appoints the premier. It is not necessary for the parliament to consent to this appointment, but it can dismiss the cabinet with a vote of no confidence. Taiwan is thus a "semi-presidential" system, in which executive power is shared between the president and premier.

As for the legislative branch, the National Assembly was in 2000 downgraded to an ad hoc body which only comes into existence to amend the Constitution. In 2005 the ad hoc National Assembly convened for the first and only time, adopting the seventh set of amendments. This included full abolition of the National Assembly, so that now all legislative power now rests with the Legislative Yuan. At the same time, the Legislative Yuan was reduced in size from 225 members to 113, of which 73 seats are elected in single-member districts, 6 seats from two multi-member districts reserved for Indigenous Peoples, and 34seats are elected by proportional representation based on a separate vote for parties. This system, known as "single-member district, two vote" system, was used for the first time in January 2008.

The "Five Branches" system has been retained, with the Control Yuan and Examination Yuan continuing their functions. The local government system has been partially simplified, with the provincial government downgraded to an administrative coordinating body. However the "special municipalities" of Taipei and Kaohsiung have retained their status; indeed, at the end of 2010, three new "special municipalities" were created, New Taipei City (formerly Taipei County), Taichung City (sometimes called Greater Taichung, including the former Taichung City and Taichung County), Tainan City (sometimes called Greater Tainan, including the former Tainan City and Tainan County), and Kaohsiung City was expanded to include the former Kaohsiung County, so that it is now sometimes called Greater Kaohsiung.

This has left almost nobody satisfied, either with the process of amendment or with the results. A desire for change is widespread, but there is as of yet no consensus on the form and nature of the change. Furthermore, the 2005 amendments created a high barrier for constitutional amendments, which now require a three-quarters majority in the Legislative Yuan, followed after six months by a referendum in which over 50% of eligible voters cast affirmative ballots.

The question of Taiwan's status

Ever since the end of WWII, the question of Taiwan's status has been a fundamental issue. The relocation of the ROC government to Taiwan in 1949 and the establishment of the People's Republic of China (PRC) with nearly complete control of all of the rest of China (with the minor but symbolically potent exceptions of the islands of Kinmen, or Quemoy, and Matsu) resulted in the appearance of "two Chinas" on the international stage. Each maintained formal diplomatic relations with a certain number of countries, as well as a Hallstein doctrine vis-à-vis other countries and international organizations (i.e. not allowing dual recognition or dual membership). From the beginning, this competition was part and parcel of the bipolar politics of the Cold War, and the Taiwan Strait was a military front line of superpower conflict.

In 1971, the ROC lost its seat in the UN and began a precipitous decline in the number of its formal diplomatic allies, notably the United States, which switched its recognition in 1979 to consolidate China's support against the Soviet Union. The end of the Cold War, coinciding with the opening of Taiwan's political sphere, ushered in the present era. Taiwan began rebuilding "substantive relations" with major countries, and its number of formal diplomatic allies stabilized around 30. In the 1990s, having dropped its claim to rule all of China, Taiwan began to assert its right to join the UN and other international organizations, such as the WHO, as a separate entity from China. However, to date the only major organization it has

succeeded in joining is the WTO, under the name "Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu."

As for China, it refuses to renounce its "right" to use force against Taiwan. This claim is periodically buttressed with military exercises, notably the 1995-96 ballistic missile tests off Taiwan's coasts, and in 2005 it was formalized in the so-called "anti-secession law."China adamantly claims that Taiwan is one of its provinces, while offering Taiwan a version of the "one country, two systems" status given to Hong Kong and Macau (which are not provinces). It has been known to punish countries, international organizations, and even NGOs and academic organizations that do not pay at least lip service to its position, and its frequent warnings and threats are therefore usually effective.

On the other hand, although the majority of countries do not maintain formal ties with Taiwan, most do recognize its passports (usually also with visa treatment markedly different from China's) and at least indirectly its laws, especially in business and trade matters. Over 40 countries have established representative offices in Taipei, many of which are full-fledged de facto embassies, and almost none of which are considered to be under the jurisdiction of the respective embassies in Beijing. This creates an anomalous situation in international law and politics.

Within Taiwan, this situation has two main effects. First, the specter of Chinese aggression hangs over the society. Many are fearful of somehow "provoking" military action, although it is never precisely clear what exactly would cause such an outcome. The military aspect also concerns other countries, especially the United States, which would likely feel at least a moral responsibility to intervene on Taiwan's behalf (and perhaps a legal one, according to the 1979 Taiwan Relations Act[5]). Therefore, it is frequently the case that the US and other countries, as well as the mainstream international media, scholars, etc. warn Taiwan against

[5]The Act states, *inter alia*:
"It is the policy of the United States --
(1) to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area;
(2) to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern;
(3) to make clear that the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;
(4) to consider any effort to determine the future of Taiwan by other than peaceful means including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States;
(5) to provide Taiwan with arms of a defensive character, and
(6) to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan."

"provocative behavior." Second, it creates a sense of grievance against the international community, especially among those who take pride in Taiwan's economic and democratic achievements. Repeated snubs at international venues, as well as lectures from the US and others, only serve to intensify this feeling.

Ethnic composition

Standard political discourse revolves around the so-called "Four Main Ethnic Groups". With the exception of the Indigenous Peoples, almost all are immigrants from China at various points in history. Although all ethnic groups are present in almost all parts of Taiwan, especially due to recent rural-urban migration, there remain some noticeable geographic concentrations.

1. Indigenous Peoples: ~2% of the population, comprising at least ten extant tribes with distinct languages and cultures, all falling within the Austronesian family of peoples (related to the Malay peoples of the Philippines, etc. as well as Polynesians); concentrated in the Central Mountain Range as well as the eastern counties of Hualien and Taitung (i.e., areas never conquered by the Ch'ing Empire).

2. Hokkien (also known as Minnan): ~70%, descendants of immigrants from southern Fujian on the coast of China.

3. Hakka: ~15%, descendants of immigrants from a region in Guangdong, China; concentrated in Taoyuan, Hsinchu, and Miaoli Counties, plus several other local pockets.

4. "Mainlanders": ~12%, not strictly speaking an ethnic group at all, but rather a catch-all category of those who came from any part of China in or around 1949; concentrated in Taipei City and New Taipei City.

Traditional culture and law forced rigid classification of people into ethnic groups according to paternal lineage. This has relaxed, and the considerable amount of intermarriage is blurring of all these categories. In addition, there are the so-called "new" ethnic groups, including women from Southeast Asia and, increasingly, China who have married into Taiwanese society.

Despite this plurality of languages, only Mandarin Chinese is official. Having been brought to Taiwan by the ROC in the 1940s, it is roughly identified with "Mainlanders," although many people in this category in fact speak Cantonese, Shanghainese, etc. at home. All other languages were forbidden during the martial law era, but now it is common to hear both Mandarin and Hokkien and, rather less frequently, Hakka or Indigenous languages in public

life (such as news and political speeches). Recent government policy to promote "mother tongues" through cultural and educational policies has generated controversy.

Ethnicity, while diminishing in importance in the society at large, is still salient politically. All smaller ethnic groups to various extents worry about domination by the majority Hokkien, and these groups have traditionally voted for the KMT. In particular, "Mainlanders" have resisted empowerment of the majority (known as "Taiwanization") because it represents the loss of special privileges their elites formerly held under the martial law regime. Hokkien, on the other hand, have usually split their votes. It remains to be seen if that will occur again in this presidential election.

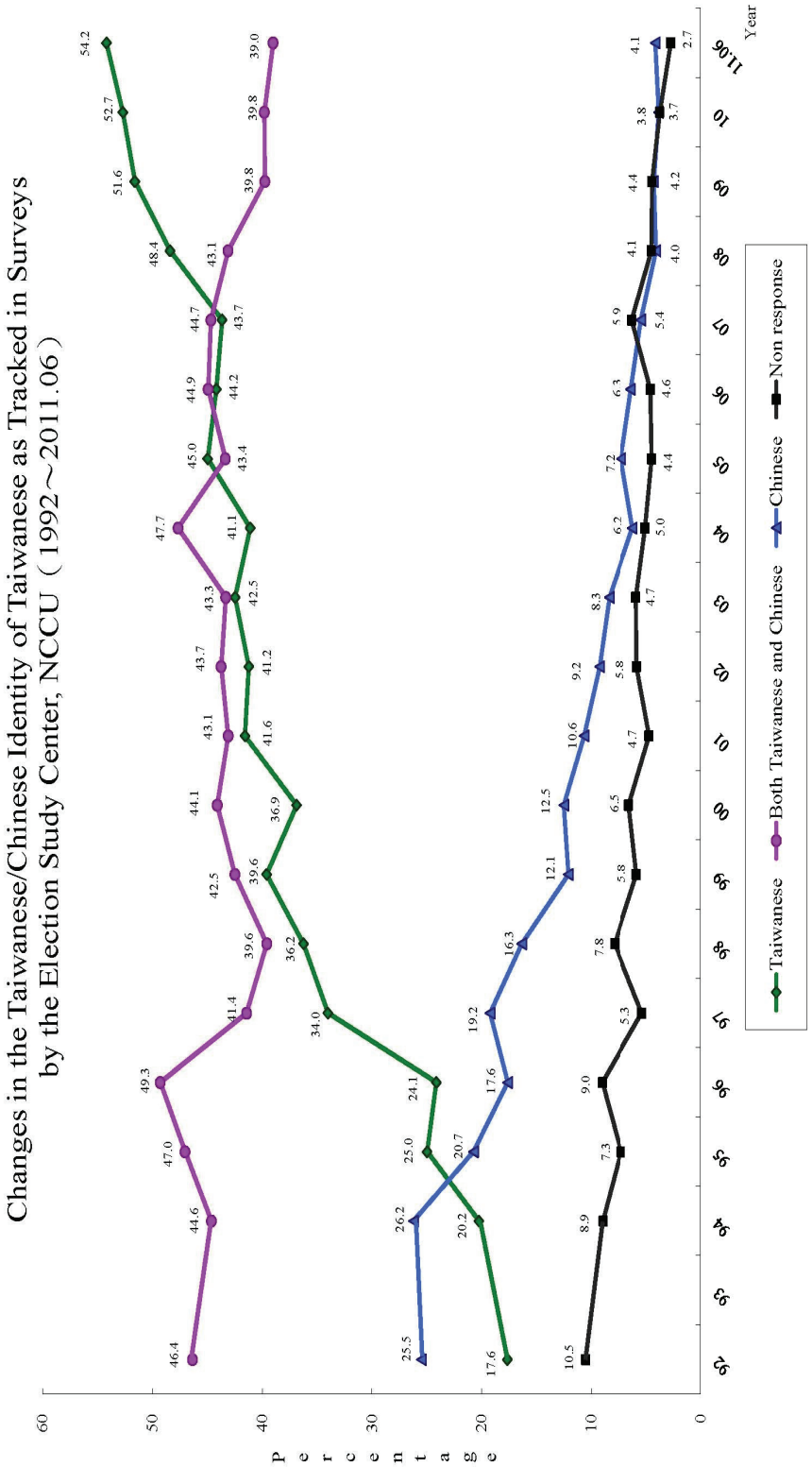
Identity politics

Overlaying the ethnic issue, and perhaps overriding it, is the distinct issue of identity. It is common to describe the people as having a "dual identity," split between "Taiwanese" and "Chinese" or between identifying with "Taiwan" and ''the Republic of China." These feelings can be considered "national identities," especially in the latter case, but they are also ethnic/cultural identities. The overlap is not precise. In the martial law era, expressing any identities other than "Chinese" was forbidden, and Chinese identity was inculcated through education and the media. Following democratization, there has been a sharp rise in people calling themselves "Taiwanese," while the combination of both identities remains the most popular in opinion polls. Data from the end of 2011 show 54.2% identifying themselves as "Taiwanese," 4.1% as "Chinese," and 39% as both (see Chart I).

However, the term "Taiwanese" itself is politically charged. It simultaneously carries multiple meanings, each with a particular political stance. Depending on the context, it can refer to:

1. The entire population of Taiwan;
2. Everyone who identifies with Taiwan, as opposed to identifying with China;
3. Everyone other than ''Mainlanders"; this distinction can be expressed more neutrally as "old Taiwanese" and "new Taiwanese", or "old immigrants" and "new immigrants";
4. Only Hokkien people, especially in the context of the language issue (since the Hokkien language is often loosely labeled "Taiwanese").

Chart I


Changes in the Taiwanese/Chinese Identity of Taiwanese as Tracked in Surveys by the Election Study Center, NCCU (1992～2011.06)
Percentage
Year
Taiwanese
Both Taiwanese and Chinese
Chinese
Non response

Political structure

Taiwan's democratization began in the 1980s, with the rise of social movements, the formation of the first opposition party, and finally the lifting of martial law. The early 1990s saw the "founding elections" for the Legislative Yuan and president, as well as the beginning of a series of constitutional amendments, in which the 1947 Constitution was very substantially rewritten.

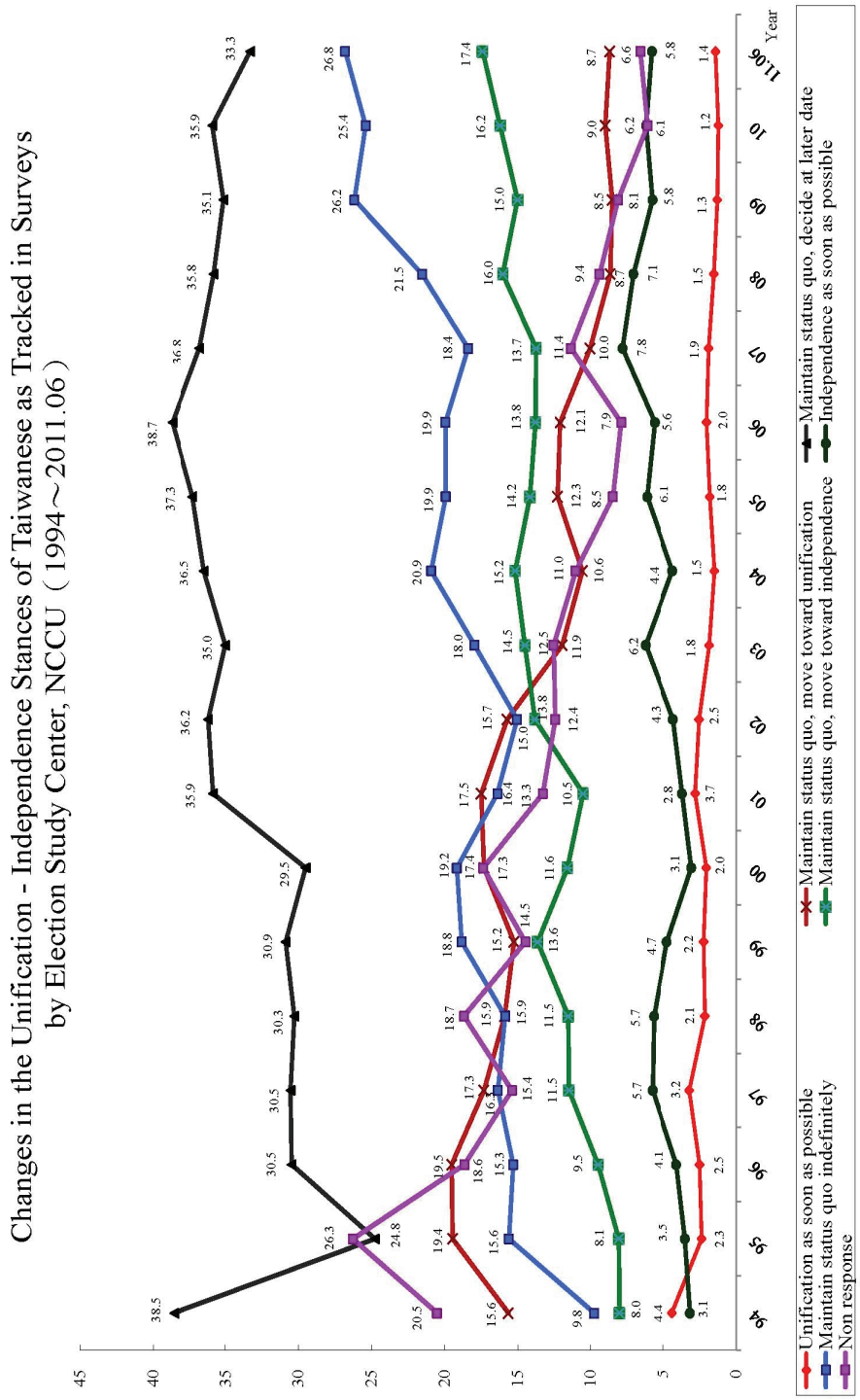
Taiwan's politics cannot be easily analyzed in conventional ideological terms of "left" and "right," because all major parties contain a wide spectrum of views on topics such as economic and welfare policies. Instead, due to Taiwan's historical experience, as well as its unusual international situation described above, the primary political cleavage has been and remains the issue of national identity, often referred to as the "unification-independence" issue.

This implies a package of concepts. First, one's own self-identification (as "Taiwanese" or "Chinese," see above). Second, one's understanding of the current status of Taiwan, as either an independent state, the legitimate government of all of China, or a quasi-state entity somehow attached to China. Third, and perhaps most saliently today, there is the question of the aspiration for the future of Taiwan, whether it should seek closer relations with China, and perhaps eventual unification, or whether it should keep its distance.

Since democratization, the second aspect of the issue has largely faded, since the categories other than independent state have almost completely lost their persuasiveness for the vast majority of people; instead, it has been mostly replaced by the debate over the whether the current status quo of independence implies a separate Taiwanese nationhood, or rather a Chinese nation divided into two states. The issue of the name of the country is bound up in this debate, with adherents of the former concept preferring to use the name Taiwan, while adherents of the latter insist on the ROC name and national symbols. Especially since 2000, when the formerly pro-independence Democratic Progressive Party began governing under the ROC official name and flag, it seems that there is a "third way" which blends the two and equates the ROC with Taiwan. According to an opinion poll from the end of 2011, 60.1% of the people support the "status quo", while 23.2% support independence[6], and 10.4% support unification[7] (see Chart II).

[6] Includes “maintain status quo, move toward independence”
[7] Includes “maintain status quo, move toward unification”

Chart II


Changes in the Unification - Independence Stances of Taiwanese as Tracked in Surveys
by Election Study Center, NCCU（1994～2011.06）
Percentage
Year
Unification as soon as possible
Maintain status quo indefinitely
Non response
Maintain status quo, move toward unification
Maintain status quo, move toward independence
Maintain status quo, decide at later date
Independence as soon as possible

Party system

Nonetheless, the "unification-independence" cleavage still defines the party structure, which is usually described in terms of two camps, the relatively pro-independence "pan-green" camp and the relatively pro-unification "pan-blue" camp. It is important to note, however, that all major parties agree that the ROC/Taiwan is currently a sovereign state; the differences are partly a matter of the historical background of each party, and partly based on the relative weight of "ROC" and "Taiwan" symbolism and the aspiration for future relations with China.

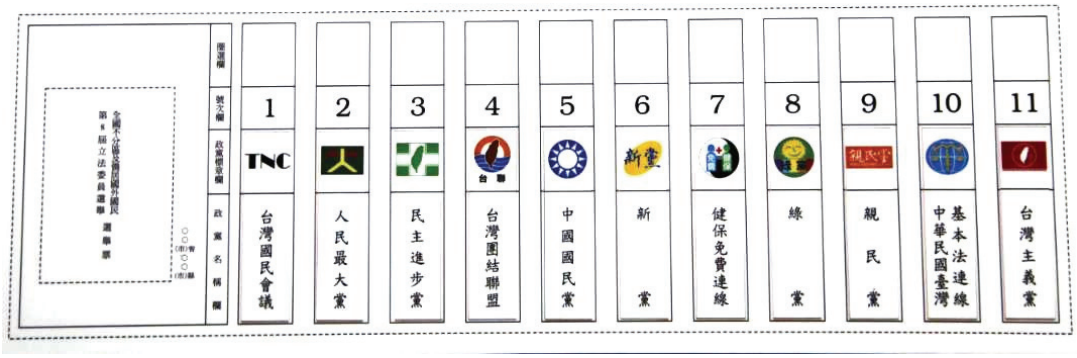
Following the adoption of a new electoral system for the Legislative Election, the four parties that had been represented in the LY were reduced to two, and only two are fielding presidential candidates. Therefore, although about a dozen parties are currently active in Taiwan (out of over 100 which are officially registered), and a small number of independent candidates were elected to the LY, for practical purposes Taiwan is entering a period of a two-party system. The two major parties are:

1. **Chinese Nationalist Party** (known by the initials of its Chinese name, Kuomintang, **KMT**): Founded over 100 years ago in China by Sun Yat-sen and brought to power by Chiang Kai-shek, it was long seen as purely Chinese in outlook; as the ruling party during the Martial Law era, it was also known for staunch anti-communism. However, it gradually began to make efforts to expand its support among average Taiwanese, notably during under the leadership of Chiang Ching-kuo, and this trend accelerated as Taiwan moved toward democratization, especially during the presidency of Lee Teng-hui, the first native Taiwanese KMT leader. This not only allowed Lee to win the first direct presidential elections in 1996 with a comfortable majority, but it also enabled the KMT to remain in power for eight years after the first founding election, an unprecedented feat among newly democratized countries. In addition to the presidency, won back by Ma Ying-jeou in March 2008, the KMT currently holds72 seats in the LY and 15 elected heads of local governments (note, the party won 81 LY seats in 2008, but has lost several seats to by-elections, retirements, etc.).

2. **Democratic Progressive Party** (**DPP**): The ruling party since May 2000, the DPP was the first genuine opposition party, gathering most of the opponents of the authoritarian regime under a "broad tent." It used to take a hardline stance in favor of Taiwanese independence and nationhood, and its platform still begins with a call for "[t]he establishment of a sovereign Taiwan Republic and the formation of a new constitution [which] shall be determined by all citizens of Taiwan through a national referendum." However, in 1999 it decided to modify this stance into an "ROC equals

Taiwan" position through the "Resolution on Taiwan's Future," which states that Taiwan is already independent, that it is officially known as the ROC, and that "[a]ny change in the independent status quo must be decided by all the residents of Taiwan by means of plebiscite." The DPP holds32 seats in the LY and 6 elected heads of local governments (note, the party won 27 LY seats in 2008, but has gained 5 through by-elections)

3. In addition to the two main parties, there is a small array of **independents and minor parties** across the entire political spectrum, including the only openly pro-China parties, as well as greens, etc. These hold 5 seats in the LY and 1 elected head of a local government. A total of 11 party lists are on the ballot in this election, as can be seen in this sample ballot:



Attitudes to change

In addition to the primary national identity cleavage, there is a secondary, less well-defined cleavage concerning attitudes to change and reform in domestic policy areas. Taiwanese society may be roughly divided into two main groups: one is generally unhappy with the status quo and eager for change, while another is generally cautious toward change, preferring the status quo. These may be labeled "progressive" and "conservative" tendencies.

At the beginning of democratization, the DPP plausibly claimed to be rallying almost all of the "progressive" forces, which included social movements (environmental, labor, women, human rights, etc.) as well as general pro-democracy activists and people concerned about corruption. Although not all of these people were happy with the DPP's openly pro-independence stance, most agreed to paper over these ideological issues in order to achieve the overriding goal of ending the one-party rule of the KMT.

As democratization advanced through the 1990s, this split began to blur. On the one hand, the KMT made efforts to appropriate "progressive" issues, especially by creating the basics of a welfare state (for example, through the creation of the National Health Insurance scheme in 1995). On the other hand, more and more social movement activists began to try to establish a politically neutral stance to avoid being caught up in party politics. However, the KMT's continuous rule in itself made it difficult to make a decisive break with the past; thus, the DPP was thus able to position itself as the "party of change" all the way through the 2001 parliamentary elections.

Since then, the reversal of roles between government and opposition has blurred this distinction and significantly weakened this cleavage as a factor in the structure of the party system. However, these two groups of people still exist in the society as a significant factor in political life, and the parties endeavor to appeal to one group or the other, or indeed to both simultaneously.

Economic and social issues

Taiwan's "economic miracle" took place in the 1970s and 1980s, with very high growth rates and rapid industrialization and urbanization, earning Taiwan a core place in the "Asian Tiger" economies. In the 1990s, a high-tech boom followed, coupled with liberalization of trade and foreign investment (inward and outward). With the bursting of the global technology bubble, Taiwan experienced its first recession in 30 years in 2001. For several years after that, growth was steady (over 4% per year), but unemployment never returned to the levels seen in the 1990s. A second sharp recession struck in 2009, which was followed by a sharp rebound; however, again unemployment has remained stubborn. Also seemingly inexorable has been the rise in economic inequality, which has been steady for the past two decades.

Selected Economic Indicators

- GDP per capita (nominal): US$21,592 (IMF 2011)/US$18,700(CIA 2010,est.)[8]
- GDP per capita (PPP): US$35,700(2010, est.)[9]
- 24th largest economy (IMF 2011, CIA 2010)[10]
- 16th largest exporting nation (2010,est.)[11]

[8] http://en.wikipedia.org/wiki/List_of_countries_by_GDP_(nominal)_per_capita
[9] https://www.cia.gov/library/publications/the-world-factbook/geos/tw.html
[10] http://en.wikipedia.org/wiki/List_of_countries_by_GDP_(nominal)
[11] https://www.cia.gov/library/publications/the-world-factbook/rankorder/2078rank.html

Social Indicators[12]

- Literacy: 96.1% (2003)
- Life expectancy: 78.32 years (2010, est.)
- Unemployment: 5.2% (2010, est.)

Taiwan has swiftly transformed into a largely modern, developed society. However, this very prosperity has created a set of new economic and social issues. For example, economic policy is struggling to keep up with the pace of economic transformation. Becoming a fully-developed country requires restructuring across the board, upgrading of R&D, and a wide range of other measures, but each specific policy generates questions: how much and how fast?

Likewise, the system of welfare protection is still rudimentary, with the exception of National Health Insurance. There is intense debate, in particular, over how to cope with the rapidly aging population, for example by establishing a pension system. Unemployment has also emerged as an issue as the economy matures and Taiwan faces significant long-term unemployment for the first time. In addition to labor insurance and other direct welfare measures for the unemployed, the issues of importation of migrant workers and industrial investment overseas (especially in China) are politically charged.

The traditional educational system is also widely viewed as inadequate to prepare young people for jobs or life in a modern society, but all measures of reform are fraught with political risks. Finally, environmental protection is increasingly valued by the more affluent population, requiring the state to strike a new balance between related measures and continued economic growth.

[12] https://www.cia.gov/library/publications/the-world-factbook/geos/tw.html

PART II

The Campaign

Recent historical context

1. The "319 Incident"

To a significant extent, the 2008 presidential election took place in the shadow of the previous contest in 2004. In that race, Chen Shiu-bian and Annette Lu Hsiu-lien of the DPP competed against the joint KMT-PFP ticket of Lien Chan and James Soong. Since, in 2000, Chen-Lu had received 39.3% of the vote, while Soong and Lien had received 36.8% and 23.1% respectively, the pan-blue camp was confident of success. In addition, many opinion polls also showed Lien and Soong leading, and as the polls closed, some pan-blue media reported that Lien was leading the early returns. Thus, when the final result showed an extremely narrow win for Chen, by a mere 0.22% (29,518 votes), many pan-blue supporters had difficulty believing it.

Pan-blue anger erupted onto the streets in Taipei and Kaoshiung, and Lien publicly called the election unfair and demanded a recount. Pan-blue supporters rallied for several successive weekends, especially in Taipei. Their complaints were eventually formally put to the judicial system in the form of two election lawsuits under the Presidential Election Law.

The lawsuits were handled by the High Court, which carried out a full recount in May 2004. The results of the recount validated Chen's lead (and indeed, his inauguration, which had by then taken place), although with a reduced margin of 25,563 votes.[13] The other complaints were also rejected by the High Court in the two separate judgments handed down in November and December 2004, both of which were appealed to the Supreme Court, where they were upheld in mid-2005.

The purpose of this description is not to assess the merits of these claims and counterclaims. It is, nonetheless, useful to recall these events, which significantly exacerbated polarization between the two camps. Despite the convincing victory of current President Ma Ying-jeou in 2008, for many people in both camps, the current presidential election is still a matter of settling old scores.

Memories of the "319 Incident" were strongly reinforced by the mysterious shooting incident which took place on the eve of the municipal elections in November 2010, when Sean Lien (son of Lien Chan) was shot in the face at a KMT campaign rally in New Taipei City (he recovered remarkably quickly). This produced an emotional reaction from "blue" supporters,

[13] The recount also demonstrated quite clearly the extremely high accuracy of Taiwan's voting and counting procedures. Out of over 13,000,000 votes, the 4,000 vote adjustment is a margin of error of only 0.03%.)

boosting their turnout and probably swinging the result in the race for the mayoralty of Taichung (where current vice-presidential candidate Su Chia-chyuan was defeated by the KMT's Jason Hu by 2.4%), and possibly even that of New Taipei City (where Tsai Ing-wen was defeated by the KMT's Eric Chu by 5.2%).

2. The cases against President Chen

Since 2008, the most prominent related issue is the prosecution of former president Chen and his family members for various instances of corruption. So far, some cases have ended in acquittals, others in guilty verdicts, and many appeals are ongoing. Naturally the case is highly politically sensitive, and it has received much attention from the international community. Contentious issues include the manner in which Chen was treated, notably his continuous detention during trials (after one guilty verdict was confirm, he has begun serving his sentence); unorthodox changes of judges; and publicizing of investigations. Finally, the fact that many other officials from the DPP administration were also investigated or prosecuted (most have been acquitted so far) has raised concerns of a broader politically motivated "witch hunt."

For purposes of this election, these cases are significant for two related reasons. First, the KMT continually reminds its supporters of these cases, trying to paint the entire DPP administration as a corrupt one. Specifically, it tries to link Tsai to President Chen whenever possible, apparently hoping to create an image of corruption around her. Second, many of the most committed supporters of the "green" camp feel that Chen was indeed a victim of persecution, and they hope to get at least a political revenge in this election.

Issues and political dynamics

Given this background, the election atmosphere in Taiwan has been thick for a long time. In the DPP camp, on the other hand, an extended period of jockeying for the nomination within the party led to a primary election in April 2011, in which Chairwoman Tsai Ing-wen won a narrow victory over former premier (and 2008 vice presidential nominee) Su Cheng-chang.

With the candidates selected, Taiwan's political environment entered campaign mode in earnest. Virtually all discussion of policy issues since then has been presented in the media and by rival politicians through the lens of the advantage or disadvantage gained by either side.

For many voters, basic economic questions are first and foremost in their minds. As described above, issues such as employment, real wages, rising inequality, and various welfare policies have dominated many of the debates and the campaign discourse. These are in many ways similar to the issues faced by many countries today.

1. Cross-Strait policy debates

Other countries also face the difficult problem of how to cope with a rising China, but for obvious reasons this is much more sensitive and controversial in Taiwan. In this campaign, two related issues in particular have been emphasized. First, the Economic Cooperation Framework Agreement (ECFA), was signed by the Ma administration in June 2010, capping a series of functional agreements on transportation, tourism, etc. The Ma camp is strongly asserting that this is the key to Taiwan's current and future economic prosperity. On the other hand, the DPP is asserting that it is creating a dangerous over-reliance on China, and they question as well the process of reaching the agreement and what political concessions may have been made.

Chief among the political foundations of ECFA and the other agreements is the so-called "1992 Consensus." This refers to a verbal understanding reached between the two semi-official bodies that began cross-Strait negotiations in that year. Now it has been elevated to a nearly theological status, as both the KMT and various Chinese government figures (most recently incoming president Xi Jinping) have asserted that all the current set of agreements and any future talks must be predicated on the "1992 Consensus." Since Tsai and the DPP have refused to accept it as a condition (or even deny its existence) this creates one of the sharpest contrasts between the two camps in policy terms. For further discussion of this topic, please refer to the Occasional Paper 3, appended below.

Finally, earlier in the campaign, President Ma floated an idea for a peace agreement, but later backtracked under great concerns for the implications of such a step.

2. The Soong factor

In terms of campaign dynamics, one unusual feature is the presences of a significant third-party contender for the presidency, People First Party chairman James Soong. Although it seems quite impossible that he could win, his political experience (his service as the only elected governor of Taiwan province, his second-place finish in the 2000 presidential election, and his vice-presidential candidacy in 2004) mean that he cannot be completely written off. Many polls (see below) predict that he could well receive more votes that the margin between the two main candidates. With his impeccable "blue" background, most people assume he will draw votes primarily from Ma, but he may also draw from disaffected supporters of either side and swing voters, some of whom might not have voted at all.

3. The Legislative Yuan election

Even more impressive than Ma's presidential win in 2008 was the impressive scale of the KMT's victory in the legislative elections held two months earlier. The super-majority the

KMT won surprised most people, and it is certain that the KMT's majority will at least be significantly reduced this time, if not lost altogether. Further analysis is contained in ICFET Occasional Paper 1, included in the annexes below.

The precise seat distribution will be crucial for the future administration. Obviously a re-elected Ma would greatly prefer the KMT to retain a majority, while under that circumstance a new Tsai administration would have great difficulties passing legislation. If no party wins an outright majority, then whoever wins the presidency will have to spend a significant amount of effort to win over independents, or possibly even members of the other party. Although Tsai has hinted at the last stage of the campaign that she would be ready to open some kind of coalition negotiations, this is uncharted waters in Taiwanese politics.

Concerns of ICFET

Despite all the progress Taiwan has made over the past decades, many people at home and abroad still have worries about aspects of the health and quality of Taiwan's democracy. This was the impetus for the formation of ICFET. In this election, ICFET is focusing on several areas of concern.

1. Foreign interference

Perhaps uppermost in the minds of many, and of especial relevance for the international community, is the issue of foreign interference in Taiwan's election process. Obviously, the unique political situation that Taiwan finds itself in with respect to its huge neighbor, the People's Republic of China, with its rising economic, diplomatic, and military clout and the increasingly overt anti-democratic policies of its government, is the most likely source of interference.

Indeed, in all past elections, the government in Beijing has interfered to a greater or lesser extent, and with various means, ranging from military exercises and missile tests in 1996 to verbal threats. Many observers have noted a gradual trend of increasing sophistication: as the heavy-handed tactics seem to have generated adverse (for Beijing) results, subtler methods have been used, as well as more efforts to deploy economic or other favors as blandishments. Nonetheless, the distaste of the government in Beijing for the DPP as a party has been and continues to be clear. For more detailed discussion of this topic, please refer to the Occasional Paper 2, appended below.

A further concern is to what extent other countries may take sides in Taiwan's election, whether in support of their policy towards China or for other reasons. Notably, despite repeated official assurances to the contrary, some observers have raised questions about whether the United States government has a preferred candidate. In recent weeks, several

members of the US Congress have written to the Department of State to emphasize the need for strict neutrality.

2. Misuse of state resources

A second major area of concern is the misuse of state resources in a campaign. All incumbents have certain advantages, in any country, but limits must be set to ensure fair competition. The most serious these was the revelation in an investigative report published on December 28 by *Next Magazine* of an operation by which the head of the National Security Council (NSC) allegedly bypassed official channels to order members of the Ministry of Justice Investigation Bureau (MJIB) to provide information about Tsai's campaign activities, meetings, etc. to the Presidential Office. Given the evidence provided, as well as the history of the agencies involved, the report seems to be credible.

ICFET released a public statement of concern on December 31, as follows:

"ICFET Gravely Concerned about Alleged Misuse of Intelligence Services

Calls for Independent Investigation to Resolve the Case Before Polling Day

"According to a report published in Next Magazine, agents of the Ministry of Justice Investigation Bureau (MJIB) carried out intelligence-gathering operations against an opposition party and passed their reports to President Ma Ying-jeou via the secretary-general of the National Security Council (NSC). Due to the severity of these allegations, the International Committee for Fair Elections in Taiwan (ICFET) expresses its grave concern, and we call for an independent, impartial, and thorough investigation.

"The Presidential Office has denied ordering the MJIB to carry out such intelligence-gathering operations. The MJIB has also stated that all of their related activities were done for the protection of the security of candidates. However, one of the documents obtained by Next Magazine is a table of items to be investigated, including not only schedules and meetings, but also estimated impacts in vote counts. Until now, the agencies involved have not denied the veracity of this document, nor explained how such information is related to ensuring the security of candidates.

"Taiwan is a country with the rule of law, and the actions of members of the intelligence services are regulated by law. President Ma, at his inauguration, solemnly pledged to the people that under his administration intelligence personnel will not carry out domestic intelligence-gathering or political monitoring. Indeed, it is a basic rule of the game for all

democratic countries that the intelligence services must not be involved in domestic politics. If the allegations in the Next report are true, then the Ma Administration has not only violated the law, as well as Ma's personal promises, but also the basic norms of democracy.

"Forty years ago, US President Richard Nixon's campaign employed former intelligence agents to wiretap Democratic Party figures, and subsequently lied about this to the American people, leading to Nixon's resignation. The lesson for all democracies was clear: such activities are illegal, and top leaders who tolerate them or try to cover them up must be held responsible.

"Last month, the Yu Chang/TaiMed case involved an apparent altering of documents by a top government official in order to magnify a smear against the opposition candidate, which also involved possible violations of the law. Together, these events have generated concern among many international friends of Taiwan, as well as doubts about the fairness of Taiwan's elections.

"Due to the severity of the allegations raised by Next Magazine, and the fact that many aspects of the case still require clarification, ICFET calls upon the Ma Administration, in order to clear its name, to immediately order an investigation by the Special Investigation Division (SID) of the Supreme Prosecutors Office. In particular, the SID must swiftly seize all related evidence and documents from all involved agencies. In addition, President Ma should invite representatives of all major political parties and members of the Legislative Yuan to form an independent investigative committee, which can review the evidence impartially. This committee should present a public report within 10 days. If the allegations are found to be false, the reputation of the Ma Administration will be cleared. If they are found to be true, we remind President Ma of his previous pledge to withdraw his candidacy if he abused state power to manipulate the election."

In addition, there are more common types of misuse of administrative resources. For examples, accusations have been made about mobilization of civil servants for election activities and improper get-out-vote campaigns by local governments. Other alleged violations include benefits being distributed near the election time, with candidates being given credit; government agencies' purchases of advertisement touting policy achievements; selective prosecutions or launches of investigations

3. Negative Campaigning

Most of the campaign, however, has been taken up with personality politics. Both sides have made great efforts to discredit the other's competence and integrity, while belittling those of the other. Basic questions of character of the candidates have also been frequently leveled in both directions.

Perhaps the most prominent example of negative campaigning in this campaign so far is known as the YuChang/TaiMed Controversy, which refers to the KMT allegations against DPP presidential candidate Tsai Ing-wen and DPP counter-claims of abuse of power and manipulation of the election. The KMT claims that Tsai, during her tenure as vice-premier (January 2006 to May 2007), played a role in approving National Development Fund (NDF) funding for a newly formed biotech company YuChang (later renamed TaiMed). Documents disclosed by Christina Liu, minister of the Council for Economic Planning and Development (CEPD) suggested that Tsai joined the company when she was still in government and misused her position to request funding for YuChang for her personal gain, and the Supreme Prosecutors' Office Special Investigation Division (SID) launched an investigation. Yet, the credibility of the accusation suffered a serious blow when it turned out that the time stamp on one of the key documents had been forged. Questions also arose about the timing of the allegations, since the case is not new and cannot be fully resolved either way before the election day.

Many analysts have bemoaned the negative aspect of the campaign, and hoped for more substantive policy discussions. Two presidential debates between Ma and Tsai were organized by media outlets, and three televised policy presentations organized by the Central Election Commission(plus one vice-presidential policy presentation) helped to a certain extent to bring more policy issues to the fore.

4. Campaign financing

Taiwan has made some progress in the reform of the campaign finance system, notably in the enactment of the Political Donations Act in 2004 and its subsequent revisions. However, the system is still far from effectively ensuring a level playing field. Although there are now limits to donations from individuals and corporations to candidates, they can also give large amounts to parties or through other channels, or, if they choose to forego tax credits, etc. simply in sacks of cash. All candidates have to establish separate official accounts which are monitored, but in practice they are able simply to bypass them when needed. Finally, there are no controls or effective monitoring of campaign expenditures, although it is apparent that they almost always significantly exceed reported contribution revenues.

In this campaign, this issue has arisen for a number of reasons. First, the KMT still retains significant resources in the form of party assets, which are not regulated by the Political Donations Act. Second, improper campaign contributions from business tycoons played a key role in several of the scandals involving former President Chen. Third, most tycoons are now publicly supporting President Ma's re-election, although to what extent they are backing that support up with significant contributions is unknown. Finally, the Tsai campaign successfully launched the so-called "three little pigs" fundraising campaign to raise small individual donations from a wider range of the public, it has tried to use this to draw a contrast with the "fat cat" politics as usual.

5. Vote buying

Vote buying, an old scourge of Taiwan's electoral politics, remains fairly widespread, although difficult to estimate precisely. Quite large numbers of complaints of violations have been lodged at all elections, with a somewhat greater frequency. One metric may be found in that 5 members of the Legislative Yuan elected in 2008 (out of 79 district seats) were convicted of vote buying and deprived of their seats. One can assume that many others were not caught. On the other hand, in the past few legislators have been deprived of their seat in such a manner. This may indicate either that the practice is increasing or, perhaps more likely, that enforcement is becoming more effective.

Following past practice, the Ministry of Justice has set up hotlines and undertaken a publicity campaign to encourage citizens to be vigilant for vote buying, and more importantly, to be courageous to step forward and report instances. ICFET supports these efforts.

Time for the people to choose

Opinion polls, in general, have been less reliable predictors of election results in Taiwan than in more advanced countries. Voters may not trust polling agencies, and the various political camps as well as certain media outlets have been known to selectively manipulate data for tactical advantage. In particular, polls taken at the same time show a wide range of results.

Much ink has been spilled over the reliability of Taiwan's polls. Indeed, historically, standard polling methodologies, even when followed correctly have usually been biased to a certain extent against the DPP. Explanations for this range from residual fear of revealing political preferences to strangers to inability of standard telephone calling to reach people who work odd hours.

Of course, as the investment firms say, "past performance does not guarantee future results." The question for observers of this election is, to what extent will that historical bias appear again? In addition, turnout may well be a key factor. Taiwan's turnout rate has historically

been very high, with 80.3% of voters participating in the 2004 presidential polls and 76.3% in the 2008 presidential contest. Even so, in such a tight race, the outcome may well depend on which camp is best able to maximize the turnout among its supporters on polling day.

Finally, the election law prohibits release of poll data for the last ten days before polling (i.e. after January 3), making it impossible to assess last-minute shifts as they are happening. In the table below, we present a round-up of the final polls from various major pollsters and media outlets. To summarize the results, all standard polls show Ma in the lead, with a range of margins ranging from 8 points (United Daily News, TVBS) to 0.7 points (Taiwan ThinkTank). The respective blue and green biases of those three sources seem to show through clearly. The DPP also released its internal polls, which are historically quite accurate, but of course they don't release the parts they don't want people to see. With a different methodology consisting of combining polls from over 60 legislative districts, they announced that they expect Tsai to win by 1 point, on a turnout of 78-80%. Finally, the much-talked about xFuture prediction market, not technically a poll at all, had Tsai in the lead by 7.2% on the last day.

Analysis reported by one scholar, Dr. Tung Chen-yuan of National Chengchi University (who also runs xFuture) stated that these final polls make him feel relatively confident in the xFuture prediction. He pointed out that in 2008, the final UDN poll showed Ma leading by 30 points, 13 points more than the actual margin of 17, and that China Times likewise overestimated the gap by 10% and TVBS by 7%.

Finally, we may observe, again with reference to 2008, that the DPP candidate Frank Hsieh received 42% of the votes, in the face of public dissatisfaction with the DPP administration and with Ma at the height of his popularity. It is hardly conceivable that Tsai would do worse than that; indeed she certainly will do significantly better.

The conclusion: the election is too close to call.

Data from Final Polls

Release Date	Source	Ma	Tsai	Soong	Undecided	Change in Ma's margin since last poll by same outlet*
Jan 3	UDN	44	36	7	13	Nil
	China Times	39.5	36.5	5.8	18.2	Down 2.0
	NOW News	36.7	32.3	10.1		Down 1.7
	DPP Internal Polls		Ahead by 1			
	KMT internal polls	Ahead by 10				
	xFuture	42.6	49.8	10.7		
Jan 2	Apple Daily	42.2	35.7	6.2	15.9	Down 1.5
	TVBS	45	37	6		Down 1.0
Jan 1	Taiwan ThinkTank	38.8	37.8	11.6		Up 0.6

* These earlier polls were conducted on various dates in December; however, they provide a different reference point.

Conclusion

The 2012 presidential and legislative elections mark another major milestone in the consolidation of Taiwan's democracy. They will not only produce a new president to lead the nation for the next four years, but also determine the extent to which he or she has a legislative mandate as well.

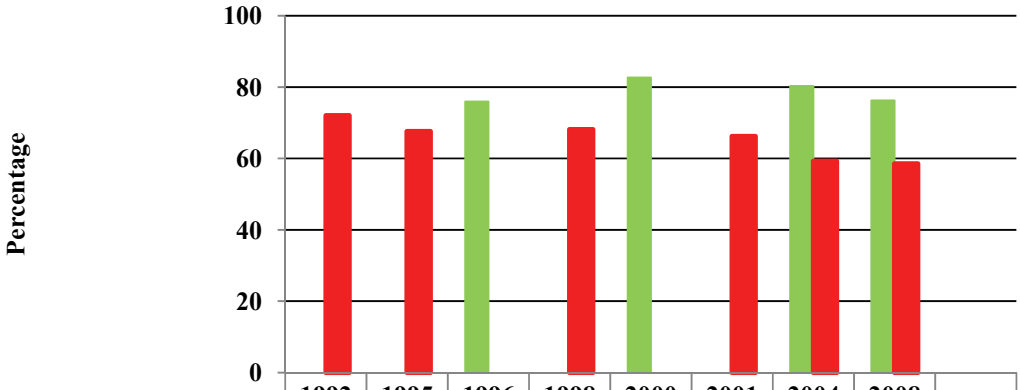
The election should also be a time for to reaffirm and deepen the commitment of the Taiwanese people to constitutional and democratic norms and procedures. However, it also is a time when the flaws that still persist in this young democracy are also most clearly visible. In particular, the general atmosphere of polarization and lack of trust between the two camps seem to be worsening, especially with the negative tone of the campaign. Efforts to manipulate the results by powerful actors, both domestic and international, also cast a pall over the process.

Given Taiwan's importance, especially in the Asia-Pacific region, it is our hope that the international community will study our case with care. We believe international solidarity will help to preserve the precious gains of democracy among the Taiwanese people. Only in this way can Taiwan make significant contributions to the development of democracy throughout the region, and indeed to provide valuable lessons for the global democratic movement.

Annex I

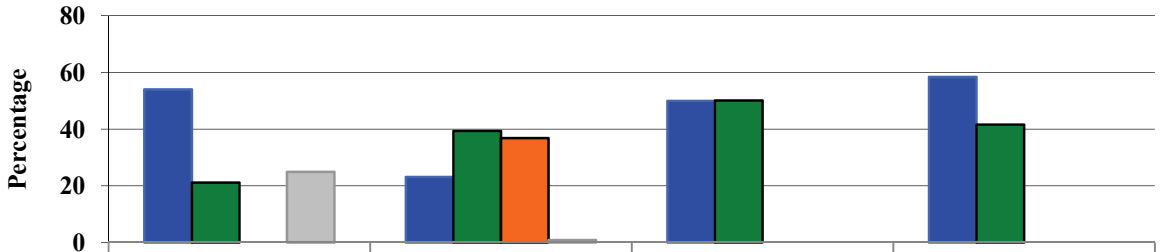
Data from Previous Elections

Voter turnout



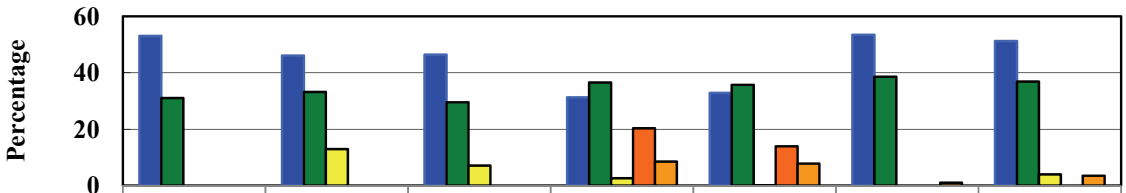
	1992	1995	1996	1998	2000	2001	2004	2008	
Presidential Elections			76		82.7		80.3	76.3	
Legislative Elections	72	67.6		68.1		66.2	59.2	58.5	

Results of previous presidential elections



	1996	2000	2004	2008
KMT	54.0	23.1	49.9	58.4
DPP	21.1	39.3	50.1	41.6
PFP		36.8		
other	24.9	0.8		

Results of previous legislative elections



	1992	1995	1998	2001	2004	2008 (District)	2008 (Party List)
KMT	53.0	46.1	46.4	31.3	32.8	53.5	51.2
DPP	31.0	33.2	29.6	36.6	35.7	38.6	36.9
NP		13.0	7.1	2.6	0.1		4.0
PFP				20.3	13.9		
TSU				8.5	7.8	1.0	3.5

Annex II

Sources for Further Information

The following websites provide additional information that may be of interest. All links also available on the ICFET website section "Election Resources": http://www.taiwanelections.org/taiwan-2012-elections/)

Official Resources

- Central Election Commission –http://engweb.cec.gov.tw/
- Legislative Yuan, http://www.ly.gov.tw/en/innerIndex.action
- Ma Ying-jeou's presidential campaign headquarters, http://www.taiwanbravo.tw/ (in Chinese)
- Tsai Ing-wen's presidential campaign headquarters, http://iing.tw/ (in Chinese)

- Presidential and Vice Presidential Election and Recall Law (2006), http://www.taiwanelections.org/wp-content/uploads/2011/11/Presidential-and-Vice-Presidential-Election-and-Recall-Law-2006.pdf (pdf)

Political parties with presidential candidates:

- Democratic Progressive Party (DPP), http://dpptaiwan.blogspot.com/
  - New Frontier Foundation(DPP-affiliated think-tank), http://www.dppnff.tw/(in Chinese)
- Kuomintang (KMT), http://www.kmt.org.tw/english/index.aspx (KMT)
  - National Policy Foundation(KMT-affiliated think tank), http://www.taiwannpfnews.org.tw/english/index.aspx
- People First Party (PFP), http://www.pfp.org.tw/(in Chinese)

Other political parties contesting the Legislative Yuan elections:

- Green Party Taiwan (GPT), http://www.greenparty.org.tw/
- New Party (NP), http://www.np.org.tw/(in Chinese)
- Taiwan Solidarity Union (TSU), http://www.tsu.org.tw(in Chinese)

Media

- The China Post, http://www.chinapost.com.tw/
- Taipei Times, http://www.taipeitimes.com/
- Taiwan News, http://www.etaiwannews.com/etn/index_en.php

Civil Society & Academia

- Asian Barometer, National Taiwan University, http://www.asianbarometer.org/newenglish/introduction/
- Citizen Congress Watch, http://www.ccw.org.tw/?cat=77 (In Chinese)
- Cross-Strait Interflow Prospect Foundation, http://www.pf.org.tw:8080/FCKM/inter/research_eng/indexEng.jsp
- Election Studies Centre, National Chengchi University, http://esc.nccu.edu.tw/english/
- Institute of National Policy Research, http://www.inpr.org.tw/?q=en
- Taiwan Advocates, http://advo.tw/en/about-taiwan-advocates
- Taiwan Brain Trust, http://www.braintrust.tw/
    - The Unfinished Democratization (新台灣國策智庫), Taiwan Brain Trust, January 2012, http://www.taiwanelections.org/wp-content/uploads/2011/11/The-Unfinished-Democratization-%EF%BC%88%E6%96%B0%E5%8F%B0%E7%81%A3%E5%9C%8B%E7%AD%96%E6%99%BA%E5%BA%AB%EF%BC%89-Taiwan-Brain-Trust-2012.pdf (pdf)
- Taiwan Front for Human Rights in Election, http://www.twelection.info/ (in Chinese)
- Taiwan Foundation for Democracy, http://www.tfd.org.tw/english/index.php
- Taiwan Think Tank, http://www.taiwanthinktank.org/english/welcome

International Resources

- Taiwan 2012, Ballots & Bullets, University of Nottingham, http://nottspolitics.org/category/taiwan-2012/

General Election Resources:

- ACE Project - The Electoral Knowledge Network, http://aceproject.org/
- Asian Network for Free Elections(ANFREL), http://www.anfrel.org
    - Taiwan Legislative Elections 2004, Report of International Observation Mission, ANFREL, December 2004, http://www.anfrel.org/report/Taiwan/Taiwan_2004/Taiwan_report_2004.pdf (pdf)
    - Statement on Taiwan Presidential Election Observation, ANFREL, 24 March 2008, http://www.taiwanelections.org/wp-content/uploads/2011/11/Statement-on-Taiwan-Presidential-Election-Observation-ANFREL-24-March-2008.pdf (pdf)
- International Foundation for Electoral Systems, http://www.ifes.org/
- International Institute for Democracy and Electoral Assistance(IDEA), http://www.idea.int/

Annex III

Polling Procedures Poster

Annex IV

ICFET Occasional Paper 1: "A Perspective on Taiwan's 2012 Legislative Elections"

Lin Iong-sheng

The 2008 Legislative Yuan election was the first time Taiwan's legislative body was elected by the newly established "single-member district, two vote" voting system, where constituents are now able to cast two votes: one for a candidate and one for a political party. Under the new system, the 73 of the 113 members were elected with 6 seats for the indigenous peoples' representatives (3 each for both "plains" and "highland" groups). The other 37 members are filled by one national district under the party-list proportional representation.

The upcoming Legislative Yuan election marks the second time this system is utilized. Consequently, academics and scholars should be able to engage in more in depth and precise examination and analysis on the overall system. However, a new factor is the combination of presidential and legislative elections this time, which is bound to have adverse effects on the level of attention devoted to the legislative election.

Unless such combined elections are held consistently in the future, the legislative election this year would not only be the only one the legislative representatives are elected along with the president, it would ultimately become one of the most unpredictable elections. As a result, the observations made from this particular Legislative Yuan election (and for that matter presidential poll as well) would certainly be unreliable for future electoral predictions.

That said, several general observations of the legislative election can be made, as follows:

- There will be a dramatic increase in voter turnout for the legislative election: The voter turnout for the 2008 legislative election was 58% (approximately ten million votes). In the combined election of 2012, various polls have indicated voter turnout would rise to between 75%-80% (over fourteen million votes). Naturally, the 18 to 22% increase in voter turnout is the result of combining the legislative election with the presidential election. Therefore, the ability of a political party to capture this increase will be a key determinant of success.

- Relations between presidential and legislative opinion polls: Opinion polls of the presidential and legislative elections can have effects on one another. According to the various polls released so far, a number of trends can be observed. First, in the 73 legislative election districts, most of the Kuomintang (KMT) legislative candidates

(especially the incumbents) have higher polling numbers that KMT presidential candidate Ma Ying-jeou's. On the other hand, the Democratic Progressive Party (DPP) presidential candidate Tsai Ing-wen's poll numbers are higher than all but the most powerful legislative candidates of her party. Second, as a result, many KMT legislative candidates have opted to differentiate and distance themselves from the President, while the DPP legislative candidates behave quite oppositely, in hopes that Tsai's popularity would subsequently help their own results.

- The hens (presidential candidates) overshadowing the chicks (legislative candidates) effect: As the poll numbers of the two major party presidential candidates drew closer, the presidential election has become more intense. In contrast, the legislative election seems to receive only lukewarm attention from the voters. Under this particular circumstance, the advantage of incumbents (most of whom are from the KMT) is likely to be magnified.

- An clear two-party electoral competition: The splitting and merging of parties seems to be largely confined to history, as the current electoral arena in Taiwan can be defined as simple competition between the two major political parties, the KMT and the DPP. Under the current electoral system, unless a major party offers an electoral alliance or other tactical cooperation, it is extremely difficult for small parties or a third party to successfully compete. Therefore, as the chances of electoral victory for the People First Party(PFP) presidential candidate James Soong is almost impossible, Soong's impact will likely only be observable through the second ticket that voters will cast for the political party of their preference.

- Lack of majority or small majority in the next Legislative Yuan: Compared to the result from the last legislative election in 2008, when the KMT captured 75% of the seats, the election in 2012 is most likely to produce either a small majority or possibly even a Legislative Yuan in which no party has a majority by itself. If that happens, the PFP and Non-partisan Solidarity Union may become key to coalition building and passage of legislation. The Legislative Yuan will become the venue for new coalition building, and even the possibility of a multi-party coalition cabinet cannot be ruled out.

In reality, the domestic politics of Taiwan in the past twelve years has demonstrated that the legislative election is as important as the presidential election. Even when a political party wins the presidency, without legislative majority, the party can only be said to have partial or crippled power. Nonetheless, so far we have seen that this important election is quite heavily overshadowed by the presidential election, and the political parties have also neglected to

propose effective legislative policies and agendas. This may ultimately be the biggest regret in this election season.

About the Author

Lin Iong-sheng is a Lecturer at National Yunlin University of Science and Technology, Graduate School of Science and Technology Law.

Annex V

ICFET Occasional Paper 2: "How the China Factor Influences Fair Elections in Taiwan"

Jaushieh Joseph Wu

China policy has always been a salient issue in Taiwan's major elections. In addition to the major political parties and their candidates vying for political power, China has also tried to influence Taiwan's elections whenever it has a chance with a simple reason: China does not want to confront the reality that presidential elections in Taiwan reinforce Taiwan's de facto independence.

China has tried to play a role

After Taiwan became democratized, relations between Taiwan and China have become more complicated. China claims that Taiwan is part of it and strives to block any formal involvement of Taiwan in international affairs to prevent Taiwan from being regarded as an independent player in international community. In addition, China also threatens Taiwan militarily to strengthen its claim of sovereignty over Taiwan. However, the economic relations between Taiwan and China have become closer after China opened up its economy. Consequently, the relations between Taiwan and China have become multi-dimensional, and the debate on how to handle Taiwan's China policy has intensified, often becoming emotional when it involves Taiwan's national identity.

Perhaps the most prominent memory of the international community regarding China's attempts to influence Taiwan's elections was the so-called missile crisis of 1996. Just before Taiwan held its first direct presidential election, China held massive military exercises in an attempt to forestall it, notably including testing ballistic missiles to land off Taiwan's coasts. As the international society observed the landmark election under such a military threat, the Taiwanese people bravely completed their first-ever presidential election and turned Taiwan into a genuine democracy.

In March 2000, on the eve of Taiwan's second presidential election, China's Premier Zhu Rongji went on TV and threatened Taiwan voters not to elect Chen Shui-bian of the Democratic Progressive Party (DPP). But again, the Taiwanese voters were not deterred and Chen was elected with a plurality of votes. A peaceful transition of power took place subsequently, and Taiwan's democracy was further consolidated.

A more subtle approach

After these first two failed attempts, China has become more subtle in influencing Taiwan's elections. However, China continues to make its preference of certain parties and certain candidates known. Furthermore, it allows supporters of those parties and candidates to form support groups among the Taiwanese living and working in China, while prohibiting supporters of other political parties to do the same.

In September 2011, an official of Taiwan's Strait Exchange Foundation (SEF) openly announced that low fare air tickets would be provided to the Taiwanese living in China to return to Taiwan for the 2012 election.[14] The announcement could be considered as a type of vote-buying, especially when followed more recently by comments by SEF Chairman Chiang Pin-kung to Taiwanese businessmen in China that "Because you are smart, I believe you know who you should vote for."[15]

Later, public reports said that the Chinese government pressured both Chinese and Taiwanese airlines to cut their fares.[16] Logically, China would not do this unless it considered that a majority of the 1.5 million Taiwanese living in China would be likely to vote for the political party and candidate preferred by the Chinese government, and thus that it represents an attempt to tilt the balance in the highly competitive election.

Similarly, beginning from 2010, high ranking Chinese officials have frequented southern Taiwan, traditionally a DPP stronghold, and signed lucrative contracts with local businessmen to procure agriculture and fish products. On these tours, they were often seen accompanied by local politicians and even legislators, naturally not including those from the DPP. This represents another avenue for Chinese influence to enter Taiwan's politics.

A further source of worry is infiltration into Taiwan's media market. The most overt case involves the takeover of a major media group by a China-based Taiwanese businessman in 2009. As of today, a moderate size Taiwanese company operating in China has inconceivably taken over the *China Times* newspaper and publishing group, terrestrial and cable television stations (CTV and CTI), launched the *Want Daily*, and announced its ambition to take over one of the major nationwide cable networks. On the surface, it is a successful Taiwanese

[14] "2012 ELECTIONS: Discount air fares not a vote-buying attempt: official," Taipei Times, December 1, 2011, available at http://www.taipeitimes.com/News/taiwan/archives/2011/12/01/2003519655.
[15] "2012 ELECTIONS: SEF boss gives 'Taishang' voting advice," Taipei Times, December 19, 2011, available at http://www.taipeitimes.com/News/taiwan/archives/2011/12/19/2003521109.
[16] Keith Richburg, "China frets as Taiwan president faces tough reelection bid," Washington Post, December 9, 2011, available at http://www.washingtonpost.com/world/asia_pacific/china-frets-about-taiwan-presidents-reelection-bid/2011/12/07/gIQAbVXvhO_print.html. The article links to a November 10 press release (in Chinese only) from the "Association of Taiwan Investment Enterprises on the Mainland" about the policy.

businessman making his way back to Taiwan for investment. But underneath the surface, no one can be sure that Chinese government capital is not involved. An ominous sign was the food tycoon-turned-media tycoon sitting in front of State Council Taiwan Affairs Office Director Wang Yi, listening to his instructions in an obedient manner.[17]

Other than physical takeover of public media, it has become frequent for various Chinese government agencies (such as provincial governments), to purchase costly PR reports disguised as news reports in some newspapers. Since many media outlets are financially struggling, they may well become dependent on such Chinese financial "support." Already one can observe that some outlets' reports as well as editorials now portray China in an overwhelmingly positive manner and support one-sided Taiwan's China policy accordingly.

Taiwan still under threat

During the past few years, many people are under the impression that cross strait relations have improved. However, the reality is that the structure of the relations remains the same, if indeed not worsening. The military threat against Taiwan and the blockade of Taiwan's international participation are essentially unchanged, and they are compounded by increasing economic dependence on China, which makes the situation of the more complicated and more difficult for Taiwan to reckon with. Some experts in Washington DC have found that China now can exert more influence over Taiwan than the United States.[18] At the same time, unprecedented calls have been heard from some American scholars and experts to consider abandoning Taiwan, urging the U.S. government to abrogate Taiwan Relations Act, or to halt arms sales to Taiwan. Only the most recent and notorious one was an article that advocated, in order for the U.S. to salvage its financial difficulties, it should, in so many words, "ditch Taiwan." Such views are, in turn, adding on to Taiwan people's sense of insecurity and are turning many people toward China as the key to solve Taiwan's many problems.

---

[17] Rebecca Lin, "*China Times* Joins a Snack-food Empire," *Commonwealth Magazine*, March 5, 2009 (No. 416), available athttp://english.cw.com.tw/article.do?action=show&id=10846. Other reports at that time further reported Chairman Tsai receiving other Chinese dignitaries by stating, "According to instructions from above, we are doing our best to report the prosperity of the motherland." See for example, this *Epoch Times* article (in Chinese): http://www.epochtimes.com/b5/9/4/22/n2502835.htm. In a possible quid pro quo, on March 30, 2010, Wang Yi gave his first-ever interview to a Taiwanese media: Want Want Group's new *Want Daily*, reported in Chinanews.com (in Chinese) http://big5.chinanews.com.cn:89/gate/big5/www.chinanews.com/tw/tw-lasq/news/2010/03-31/2199545.shtml.

[18] See, for example, Robert G. Sutter, "US Reengagement in the Asia Pacific Region: Where Does Taiwan Fit?" *Asia Pacific Bulletin*, Number 72, October 5, 2010, available at http://www.eastwestcenter.org/fileadmin/stored/pdfs/apb072.pdf.

In May 2009, Taiwan was allowed to participate in the World Health Assembly (WHA) as an observer, an objective sought by the previous Administrations. It was seen as China's goodwill gesture to the people of Taiwan. Nevertheless, it is still unknown to the public on what conditions China has agreed to allow Taiwan to sit in the WHA. One indication emerged in early 2011, when the WHO Secretariat began circulating a letter among the members of the World Health Organization to indicate that Taiwan should be labeled as "Taiwan Province of China." This shows that Taiwan's de facto independence and the cross-strait status quo that Taiwan is separated from China continues to be threatened by China's international maneuvers—even when they are disguised as goodwill gestures to the Taiwan people.

Moreover, the military balance between Taiwan and China is one issue that many in Taiwan feel strongly about, as China continues to deploy more and more modern weapons aimed specifically at Taiwan. Even though the obvious threat should unite the country, and national security should be a national consensus, partisan political interests have all too often superseded the national interest. The current president, back in February 2006 when he was the opposition party leader, was very proud to inform an interviewing BBC reporter that his party has blocked the military budget from passing the Legislative Yuan.[19] Indeed, the last few years have seen a steady decline in the defense budget. Moreover, the current Administration is planning to institute an all-voluntary military force, which will place new burdens on the budget, further shrinking funds available for necessary arms procurement.

Taiwan democracy needs international attention

Even though people in Taiwan are very proud to establish democracy in this island country, we have seen in the last few years a worrisome erosion of the democratic way of politics. One frequent tactic has been the use of criminal prosecutions to pursue opposition leaders. Although most of them were eventually found innocent, they have had to go through psychological torture in the lengthy process, as well as being labeled as criminals in the media. In addition, Taiwan's previously admirable record of media freedom has also suffered from setbacks, as indicated by the downgrade of Taiwan's ranking by internationally reputable organizations such as Freedom House.[20]

[19] BBC World, "Hardtalk," February 21, 2006, available athttp://news.bbc.co.uk/2/hi/programmes/hardtalk/4736846.stm. Transcript available at http://cleverclaire.blogspot.com/2006/02/hardtalk-interview-with-ma-part-i.html.

[20] The latest full country report on Taiwan in Freedom House's Freedom of the Press report is from the year 2010 report, available here: http://freedomhouse.org/template.cfm?page=251&country=7929&year=2010, where Taiwan was given a rating of 24, a significant decline compared to the level of 20 that Freedom House reported in 2008. In 2011, Taiwan's score dropped a further point, from 24 to 25.

Despite all these worries, the Taiwanese people are confident that Taiwan will remain democratic. In particular, they still believe that no one can take their freedom and democracy away, and that they can always vote out the government they do not support in the next election. People in Taiwan also understand that democracy is the foundation for Taiwan to establish an "alliance of values" with other democracies, and they regard democracy as their moral high ground, particularly facing China. Thus, we hope other democracies around the world will support Taiwan to further consolidate its democracy, if they consider democracy as a common value to be upheld and if they agree that a democratic Taiwan should not be absorbed by an authoritarian China.

About the Author

Jaushieh Joseph Wu is a research fellow at the Institute of International Relations, National Chengchi University. Previously, he served as Minister of Mainland Affairs and Taiwan Representative to USA.

Annex VI

ICFET Occasional Paper 3: "Cross-Strait Elements in the Presidential Debates,"

Liu Shih-chung

In a democracy, presidential debatesare one of the many methods to examine the political image, policy proposals, and ability to communicate with the electorates of the various presidential candidates. One classic example was the US presidential debate in 1960, with the young, vibrant, and charismatic John F. Kennedy and an aging, tattered, and grave looking Richard Nixon.

In the run-up to the 2012 presidential election in Taiwan, there were two presidential debates, including all three candidates were – the incumbent, Kuomintang (KMT) candidate Ma Ying-jeou; the challenger, Democratic Progressive Party (DPP) candidate Tsai Ing-wen; and the candidate from the Peoples First Party, James Soong. The candidates were allowed to pose questions to each other, as well as having to answer questions from journalists(in the first debate) and from social and civic organizations (in the second).

Generally speaking, the topics of discussion in a presidential debate usually do not stray far from social, economic, and welfare issues; however, Taiwan's unique sovereignty issue and her political and economic relations with the People's Republic of China have also been the key issues in the past four presidential elections. Furthermore, China's reaction to Taiwan's democratic elections has also evolved, from military intimidation and stark warnings to cooperation with certain political parties in Taiwan and indirectly pressuring the DPP through the United States, in order to ensure its favorite candidate is elected. This has become especially salient after President Ma Ying-jeou took office three and a half years ago, as the Kuomintang and the Chinese Communist Party(CCP) invoked the so-called "1992 Consensus" and the concept of "One China, Two Interpretations" in order to sign sixteen agreements, including the Economic Cooperation Framework Agreement (ECFA).

Beijing's unwavering definition of "One China" as the People's Republic of China and its arduous promotion of this definition in the international community have left the Ma administration seemingly talking to itself with its definition of "One China" as the Republic of China. However, as much as Beijing insists that China should only be defined as the People's Republic, when comparing Ma to Tsai, who refuses to accept the so-called "1992 Consensus," Beijing's preferred candidate is still Ma.

With a record of domestic policy achievements that have failed to impress much of the public, in the first presidential debate Ma attacked Tsai under two major themes. 1) Tsai's

participation in the previous, allegedlycorrupt, Chen Shui-bian administration and 2) the risk that Tsai's refusal to accept the so-called "1992 Consensus" will cause the backsliding of cross-strait relations. The leaders in Beijing have echoed this second theme. First, China's Taiwan Affairs Office Director Wang Yi announced the "Four Unacceptables": 1) denial of the "1992 Consensus"; 2) backtracking on cross-Strait relations; 3)loss of peace in the Taiwan Strait,and 4) destruction of the interests of the compatriots on both sides of the Strait. Subsequently, China's President Hu Jintao reiterated the importance for Taiwan to accept the "1992 Consensus" at his meeting with Ma's special envoy, Lien Chan. More recently, Chinese People's Political Consultative Conference Chairman JiaQinglin emphasized that the "1992 Consensus" should be the foundation of cross-strait negotiations and the bottom line for Beijing. He also elaborated that the "1992 Consensus" and the understanding of the existence of only "One China" was reached orally betweenTaiwan'sStraits Exchange Foundation (SEF) and China's Association of Relations Across the Taiwan Strait (ARATS) in 1992.

Facing the combined pressure from the KMT and the CCP, Tsai offered her vision of a "Taiwan Consensus" to be implemented after her election. Since the so-called "1992 Consensus" (this termhaving been invented after the fact by former Mainland Affairs Council minister Su Chi) was only an agreement reached by representatives of two political parties, Tsai's "Taiwan Consensus" emphasizes that a true national consensus must be built on democratic procedures and open discussions amongthe citizenry as a whole.

Tsai's "Taiwan Consensus" is thus positioned as being more democratic and transparent in naturethan the "1992 Consensus." Moreover, in August the DPP introduced its "10 Year Policy Platform," which emphasized the importance of opening the path to China through the world and the essentiality of regional and international security. The "10 Year Policy Platform" served as a stark contrast to the Ma administration's derivation of national policies through the lens of China.

The KMT criticized Tsai's "Taiwan Consensus" as a hollow promise,since it wouldn't be implementeduntil after Tsai's inauguration as president. Beijing also rejected Tsai's proposal. Therefore, knowing she would be at the receiving end of Ma's attack during the debate, Tsai held a press conference a day prior to the presidential debate to further clarify and elucidate her "Taiwan Consensus" proposal and cross-strait policy.

According to Tsai, once she is elected but prior to her inauguration, she wouldconvene a "Special Taskforce on Cross-Strait Dialogue" to open communication with Beijing. Furthermore, Tsai also emphasized her intention to invite leaders of all political parties and leaders of the Legislative Yuan to form a "Cross-party Committee of Cross-strait Relations" to

discuss the “Taiwan Consensus.” Finally, Tsai promised to adhere to the agreements already signed by the Ma administration with Beijing. Taken together, these steps pointed to Tsai’s strategy tomake stability the theme of her cross-strait platform and thus to redirect the campaign focus to the Ma administration’s lack of progress in social programs and domestic policies.

Notwithstanding Tsai’s expressed intent to have opendialogue with China, Beijing still insists that she first accept the so-called “1992 Consensus.” Otherwise, Beijing has threatened to stop communication with the Straits Exchange Foundation for an “observation period”to force Tsai to make major concessions, for example in her inauguration address. However, many analysts have noted that China’s own power transfer is imminent, and that the United States will be observing closely any negative reactions from China about the election. Thus, the most likely scenario for cross-strait relations in the six months after a Tsai victory would be a stalling of dialogue, not a dangerous crisis. Furthermore, in the past months, Chinese academics linked with the Taiwan Affairs Office have been engaged in dialogues with “pan-green” figures in hopes to develop a new foundation for future discussions with the CCP. The success of such efforts would depend on various factors, including the makeup of the newly elected legislature, the changes in the political environment of Taiwan after the election, the US factor, as well as the interaction between Tsai herself and Beijing.

For Tsai, even if she is successful in directing voters’ attention to the Ma administration’s domestic record and thereby achieving electoral victory, the DPP is ratherunlikely to obtain a majority in the Legislative Yuan. Therefore, the newly elected Tsai administration, despite having administrative power, will have to create an effective cross-partycooperation or coalition in order to implement her cross-strait policies. At the same time, if Tsai is elected, the new DPP administration will have to reinvigorate its image and reputation in the international community in order to be successful in both cross-strait and international relations.

About the Author

Liu Shih-chung is Senior Research Fellow at Taiwan Brain Trust.

About ICFET

The International Committee for Fair Elections in Taiwan (ICFET) is founded with the following basic aims:

- To safeguard the tremendous gains in democracy and human rights that the Taiwanese people have fought so hard to achieve over the past three decades.
- To ensure that, in the unprecedented joint elections for President and Legislative Yuan in January 2012 , the will of the people is fully manifested, and in particular to prevent any untoward interference from any external actor.
- To ensure a peaceful environment, domestically and internationally, for both the elections process and the post-election period.

To achieve these objectives, the International Committee will engage in activities to raise awareness in the international democratic community about the importance of preserving Taiwan's democracy. At the same time, the International Committee will endeavor to raise confidence among the Taiwanese people that they can make their choice freely, and that their choice will be respected by the international community.