

20140628 倫敦講臺(二) 臺灣民主憲政下的政治參與-瓶頸與展望

Emcee: The second panel discussion is "The Political Participation in Current Taiwan's Democratic Constitutional Development". The following discussion will focus on Taiwan's constitutional structure and how would it influence Taiwan's democratic development. The speaker is Associate Professor 黃國昌. He is currently a researcher of Academia Sinica in Taiwan. He specializes in empirical legal studies, civil procedure law and international litigation. Not only a scholar of law, he also devotes himself to several social movements. So now let's welcome him.

主持人：第二段討論的題目是「現今臺灣民主憲政發展下的政治參與」接下來的討論將聚焦在臺灣的憲政架構以及它會如何的影響臺灣的民主發展。講者是黃國昌副教授，他目前是臺灣中央研究院的副研究員，專長是法律實證研究、民事訴訟法以及國際訴訟。他不僅僅是一位法律學者，也投身於多個社會運動，那麼我們現在就來歡迎他。

Good afternoon everyone. I would like to take this opportunity to thank the student organizers for this lovely invitation and all the efforts they put to make this great event possible. As most of you...(Laughter) As most of you must be aware, Mr Zhang Zhi-jun, China's Taiwan Affairs Office Minister, had just concluded his trip to Taipei. My feeling is, the most important contribution for this trip is to give us a new definition of what "room service" could be. (Laughter)

各位朋友午安，我想先藉由這個機會謝謝學生主辦單位邀請我參加這次的講座，和謝謝他們的努力讓這個活動得以成功。

就如同各位(全場笑)，就如同各位一定知道的，中國國台辦的主任張志軍先生已經結束了他的台北之行，我個人的感覺是說，他的這趟旅程的最重要的貢獻是為我們「客戶服務」下了一個新的定義。(全場笑)

What was lesser known is when Mr. Zhang first met Mr. Wang Yu-chi, the Taiwan's China Affairs Council Minister, this past February in Nanjing; Mr. Zhang pressed Mr. Wang to make the "Cross-strait Service Trade Pact", the

"Cross-strait Service Trade Agreement", to come into effect as soon as possible. So what follows their first meeting in Nanjing, was a single congressman, his name is, I trust you all known, Chang Ching-Chung, acting as a chair person of internal affairs meeting of Legislative Yuan, that is the parliament in Taiwan. He declared the cross-strait service trade agreement has been deemed considered, reviewed, and passed within 30 seconds. Although there was no discussion, no debate, no deliberation, what so ever.

大家可能比較不知道的事情是說，在今年二月的時候，當張志軍先生第一次與我們的陸委會主委王郁琦先生在南京會面的時候，他催促王郁琦先生讓兩岸服務貿易協議盡速生效。在那次會面之後，有一個立法委員，我相信大家都知道他的名字，張慶忠先生是當時立法院內政委員會的召委，立法院就是臺灣的國會。他在 30 秒鐘之內宣布兩岸服務貿易協議已經視為審查通過，沒有任何討論、沒有任何辯論、沒有任何審議，通通都沒有。

After the incident, although there was some criticism about this 30 seconds incident, the general atmosphere in Taipei is shaped by the mass media was that the deal was done. Our President Ma Ying Jiou and his administration thank the Legislative Yuan for their efforts and hard work afterwards.

在張慶忠的 30 秒事件過後，雖然有些批評，但在台北被媒體塑造出來的氛圍是說，這件事情已經結束了。我們的馬英九總統和他的行政團隊在事後對立法院表示感謝、表示欣慰。

I believe, for all of you sitting here today, you must know what happened afterwards. When the politicians, our Legislative Yuan, fail to do their jobs. When they damage, the fundamental values, our democracy we fought so hard for 40 years to get, when they sacrificed our interest, sold it for the benefits of the very few privileged, people have to step in and take actions.

我相信今天在座的各位你們一定知道後來發生了什麼事情，當這些政客、我們的立法院沒有做到他們該做的事情，當他們傷害了臺灣的核心價值和前人努力爭取 40 年才得來的民主價值，當他們犧牲了我們的利益，為了少數權貴的利益

而出賣掉這些核心價值，人民必須介入，我們必須採取行動。

Through the action of occupying our congressional meeting hall, the people in Taiwan sent a message clear and loud to all the politicians: It's not OK for you to damage the fundamental values we cherish so much; It's not OK for you to sacrifice our future. The same message also goes to the Beijing government. We, the people in Taiwan, are not going to tolerate your private deal with Ma administration, we will act.

透過佔領立院議場的行動，臺灣人清楚的、大聲的發送一個訊息給所有這些政客是：你們這樣傷害我們所珍惜的核心價值是不可以的，你們這樣犧牲我們的未來是不可以的，同樣的訊息也傳達給了北京政府，在臺灣的人民不會容忍你們與馬政府的私下協議，我們會有所行動。

So, we saw over half million people gathering in Ketagalan Boulevard, we also saw a lot of people gathering on the 濟南路 when we decided to leave the congressional meeting hall. In thinking about the democracy crisis Taiwan is facing right now, it's not possible not to take Beijing and the Chinese Communist Party into account. Several days ago, when Hillary Clinton was interviewed by Business Weekly, that is a Taiwanese best business journal, 商業周刊. She cautious us that don't be too dependent on China or you will lose your independence, you will become vulnerable. The former secretary general of state department of the United States is absolutely right when she points out. She told us, "I think you have to be careful, thoughtful, every decision that has be made you have to look what you think the consequence will be, and what could be, what we called unintended consequence, you have to evaluate how far you can go before you lose your economic independence. Because it will affect your political independence.

因此我們看到了超過 50 萬人聚集在凱達格蘭大道，當我們決定要離開議場的時候，我們也看到了許多人聚集在濟南路。在思考目前臺灣所面臨的民主危機，不可能不把北京政府和中國共產黨納入考慮。在幾天前希拉蕊接受《商業周刊》的專訪時，《商業周刊》是臺灣最好的商業期刊，中文是《商業周刊》。她提醒我

們不要過度依賴中國，否則臺灣將喪失政治上的獨立性，台灣將會變得脆弱。美國的前國務卿希拉蕊女士完全是正確的，當她指出...她告訴我們：「我想你們必須要小心謹慎，深謀遠慮，每一個決定都必須想想結果是否會符合期待，會不會有始料未及的結果？在喪失經濟自主之前，你們必須評估未來要走多遠，因為經濟一定會影響政治上的獨立性。」

This morning when I read the news on the Internet, I was surprised her book, the newly published book, "Hard Choices", has been prohibited from publication in China. Is that because she is being too honest? I'm not sure.

今天早上當我在網路上看新聞時，我很驚訝她最近出版的《Hard Choices》自傳，在中國遭到命令下架、全面封殺。是因為她太誠實了嗎？我不知道。

By contrast, it's informing to observe Mr. Su Chi, our former Secretary General of Taiwan's National Security Council. When he gave a speech at Brookings Institute in Washington D.C. last week, he told an entirely different story about what the problem with Taiwan's democracy is, under the topic of "Taiwan's Legislative Yuan Oversight or Overreach." Mr. Su Chi said the problem with Taiwan's democracy lies in our Legislative Yuan in general and congress negotiation, somebody call it partisan negotiation, in Mandarin, we call it 朝野協商.

相較之下，我們來看看我們的前國安會祕書長蘇起先生，他上禮拜在美國華府智庫 Brookings 演講時，他的演講題目是：立法院是「過分干預」還是「監督制衡」，當談到有關於臺灣的民主問題時，他告訴我們一個截然不同的觀點，蘇起說臺灣現代議民主問題的根源在於國會的協商，就是所謂的朝野協商，中文我們叫「朝野協商」。

According to Su Chi, he said, Speaker Wang, that is the speaker of our parliament, is by far the most powerful person the silent real king in Taiwan. The feud between President Ma and Speaker Wang is at the root of the current stalemate in Legislative Yuan. As he sabotages the relationship between the Executive Yuan and the Legislative Yuan, paralyzed KMT (Kuomintang) and its caucus in our congress, give outside force, he was

referring to students, room to intervene. In discussing the cross-strait service trade agreement, Mr. Su Chi did not forget to mention that service agreement would required legislation amendments and awaiting Legislative Yuan consideration.

蘇起認為，王金平才是現在握有最大權力的人，真正「沉默的國王」，現在在立法院裡的僵局的根源在於馬王的失和，破壞了行政與立法的關係、癱瘓了國民黨立院黨團、也因此給了「外在勢力」(例如太陽花運動的學生)介入干預的空間，在討論兩岸服貿協議時，蘇起先生並沒有忘記提到服貿協議仍需要立法修訂，並等待立法院審查。

It seems that our former Secretary General of Nation Security Council, also an important adviser to Ma's administration in dealing with cross-strait relations, believe that the problem with our democracy is not the essence of oversight mechanism in Congress, but it's the existence of partisan negotiation mechanism in place. Because this mechanism, according to Mr. Su Chi, allows our Legislative Yuan to get in a way of Ma's China policy.

我們的前國安會祕書長，同時也是馬政府的重要顧問在處理兩岸服貿協議的時候，似乎相信我們民主的問題不是在立法院的監督制衡機制，而是在朝野協商的機制，依照蘇起先生所言，因為這個機制讓立法院得以從中阻撓馬英九的傾中政策。

But what Mr. Su forgot to mention is that insofar as the 21 agreements, Ma administration has signed with China government are concerned, Our Legislative Yuan acts like nothing more than a "rubber stamp." With only two exceptions, all agreements were sent to Legislative Yuan for record only, not for substantive review.

但蘇起他忘記提到什麼，他忘記提到說在馬政府與中國簽的21項協議當中，我們的立法院就像個橡皮圖章，除了兩個例外，所有協議被送到立法院只是為了備查而已，而非實質的審議。

Mr. Su also forgot to mention although our Legislative Yuan had entered

a joint resolution that the executive branch shall submit a bill providing cross-strait agreement oversight mechanism in year 2008, Ma government refused to comply with this demand and insisted no need for such legislation.

蘇起先生他也忘了提說，在 2008 年的時候，雖然我們的立法院做成了行政院必須提交兩岸協議監督機制法案的決議，馬政府悍然拒絕這項請求並且堅持沒有這個必要。

As a result, since Ma's inauguration in 2008, cross-strait negotiation had been conducted under the table, without the meaningful congressional oversight, and without participation from the civil societies.

因此，從馬英九在 2008 年上任以來，兩岸協議在沒有國會實質的監督以及公民社會的參與情況之下，一直是在台面下進行。

Insofar as the cross-strait service trade pact is concerned, Mr. Su forgot to mention, Ma government's original position was the Service Trade Pact did not require "substantive review" by the Congress. Last year when our Executive Yuan sent this agreement to Legislative Yuan it was for the purpose of record only.

就兩岸服貿協議而言，蘇起忘了提到馬政府原本的立場是服貿協議不需要國會的「實質審查」，去年當行政院將服貿協議送到立法院時只是為了要備查。

Insofar as the outrageous "30-second" incident is concerned, it was driven by Ma's public pressing on KMT legislators beforehand and was certainly welcomed by Ma's administration afterwards.

張慶忠先生那離譜的 30 秒事件，是馬總統對國民黨立委的公開施壓所造成，之後的結果當然也受馬政府所歡迎。

Without the intervention of students, there could not have been any opportunity for our congress to substantive review this agreement article by

article. Mr. Su's statement that "service trade agreement awaits Legislative Yuan consideration" would not have been true.

如果不是學生們的介入，我們的國會沒有任何機會逐條逐項地實質審查服貿，那麼蘇起先生所講的：服貿協議目前正等待立法院審議，也不可能成真。

To be short, caucus negotiation causes some problems and is often criticized as lack of transparency and accountability. But let's make clear, what happened on march 17th had nothing to do with caucus negotiation mechanism at all. It's no secret China wants Taiwan to become part of it; it's also no secret the Chinese Communist Party is hostile to Taiwan's democracy.

簡單來講，朝野協商的確造成了一些問題而且也常被批評說不夠透明、缺乏責任歸屬，但我們打開天窗說亮話，3月17號發生的事情跟朝野協商機制一點關係都沒有，中國想統一臺灣這是大家都知道的事情，中國共產黨敵視臺灣的民主也不是祕密。

It's puzzling to me how come our formal Secretary General of Taiwan's National Security Council fails to see what Hillary Clinton has observed, that is the greatest threat to Taiwan's democracy and way of life remains to be China, the Chinese Communist Party, and its agent in Taiwan.

讓我比較難以理解的事情是說：明明當過台灣國安會秘書長的人是蘇起，但為什麼希拉蕊講的話卻比較像是我國國安會秘書長應該有的認知？那就是對臺灣的民主以及生活方式有最大威脅的仍然是中國、中國共產黨和他在臺灣的代理人。

So the real question is not whether legislative Yuan is overseeing or overreaching, because it does neither. The real blame Legislative Yuan deserves is its meek compliance with Ma's command. When we talk about cross-strait agreement, the agenda is set on the KMT and the Chinese Communist Party platform rather than by the executive, legislative governing system in Taiwan. The KMT leaders and big corporation owners have formed

an alliance to distribute gain as well as losses in the cross-strait deals and the results have often been great benefits to the very few privileged at the expenses of ordinary Taiwanese citizens.

所以真的要問的問題並不是我們的國會到底是在監督制衡還是過分干預，因為它兩個都沒有。我們的國會真的應該受的指責是它只聽從馬意，當我們在講兩岸服貿協議的時候，它的議程是建立在國共兩黨的平台而不是在臺灣行政立法的政府體系上，國民黨的領導人和大企業的老闆們已經結盟準備去支配那些從兩岸協議中得到的利益和損失，而結果常常是非常少數的權貴獲得龐大的利益，而損失由一般的老百姓承擔。

How could this happen? For one thing, as many of you must have heard of, the check-and-balance relationship between the executive branch and the legislative branch is undermined, if not completely paralyzed, by Ma's chairmanship of KMT. As the chairperson of KMT, Ma has great influence over who is going to be nominated in the next election.

這是如何發生的？第一個事情是說，你們很多人一定聽過，即使還沒有被國民黨黨主席馬英九先生完全癱瘓掉，在行政部門和立法部門之間的權力分立相互制衡的關係已經逐漸被破壞，身為黨主席的馬總統有極大的影響力去決定下一次選舉時誰要被提名。

From the perspective of the KMT legislators, although they have to pay some attention to what their constituencies think, their priority has always been winning the party nomination in the next election and trying to gain some personal interests in the process.

從國民黨立法委員的角度來看，雖然他們必須把一些注意力放到他們的選民所想要的東西上，但他們最優先考慮的事情總是贏得黨內的提名，並在過程中謀取一些個人的利益。

The current single-member district first-past-the-post electoral system in Taiwan makes the party nomination extremely important. That is why often times Ma gets what he wants in Congress. In the occasion there when Ma



puts forward an unpopular policy, the best strategy for KMT legislators is to pay lip service at best, and hide behind the scenes at most. You can have quite a few examples to illustrate the point I just made, the nuclear power plant is a good example. Last year, when our prime minister, that is the President of the Executive Yuan, announced that he want to hold a referendum on whether or not we should stop the construction of the nuclear power plant, that is 核四.

現在臺灣的單一選區兩票制讓黨內提名變得非常重要,這也是為什麼馬英九經常可以得到他在國會中想要的東西,在這種情況下,當馬英九總統提出一個不受歡迎的政策時,這些國民黨立法委員最好的策略是說些好聽話,大不了躲起來不出聲。你可以舉出相當多的例子去說明我剛說的觀點,像是核四的議題,去年我們的首相,就是行政院長江宜樺先生說他想要辦一個「是否停建核四」的公投。

Have you ever thought about why not this referendum was not held eventually? The KMT clearly control the parliament, it enjoy a safe majority in parliament. Under this circumstance, how come the Ma administration fail to hold the referendum as he intended at the very beginning? Is that because the party, our caucus negotiation mechanism, or is that because this policy was so unpopular among Taiwanese citizens that even the KMT legislators feel quite reluctant to help Ma to hold this referendum.

不知道你們有沒有曾經想過為什麼這個公投最後沒有辦成,國民黨很明顯的控制了整個國會,它在國會享有一個安全多數,在這種情況下,為什麼馬政府沒有像當初打算要做的一樣舉行公民投票?是因為朝野協商的機制?還是其實是因為這項政策在臺灣人當中非常不受到歡迎,不受到歡迎到甚至連國民黨立委自己都覺得不願意幫馬政府舉辦這項公投?

From what I heard, most people in Taiwan right now are not happy with our democracy, because they feel that the general feeling is that the current representative democracy does not respond to people's will, and does not serve the public interest. Although it's not difficult to identify the problem, it's much harder to come up with possible solutions.

就我所聽到的，現在大部分的臺灣人對於我們現在的民主政治並不滿意，因為他們覺得，一般普遍的感覺是說，現在的代議民主並不能反映人民的意志，而且也沒有為公共利益服務，去找出這個問題事實上並不難，但難在於去想出解決的辦法。

Three approaches have been proposed. The first one goes to the amendment of our constitution. The second one is about the amendment of our referendum system. The third one has nothing to do with our constitutional system, it goes to our political system.

目前有三個方法被提出來了，第一個是修憲，第二個是修改我們的公投體制，第三個方法跟我們的憲政體制沒有關係，跟我們的政治體制有關。

As our former President Lee Teng-Hui suggested, I think maybe at the end of last week, or at the beginning of this week, he said Taiwan needs a second wave of democratization reform. This proposal uphold the demand made by the sunflower movement when the students and the citizens ask a consensus seeking conference which is composed of ordinary citizens to start a constitutional reform.

我想可能是在上禮拜快結束的時候還這禮拜初，我們的前總統李登輝先生建議說，臺灣需要第二波的民主改革，這項提議支持了太陽花運動的訴求，當時學生和公民們要求一個由一般民眾所組成的公民憲政會議去開啟憲政改革。

There are a lot of issues involved including whether or not it's desirable for us to switch from a semi-presidential system to parliamentary system. I understand many scholars in Taiwan support this idea. But let's think about it, when the president is directly elected from the people, is that possible for the president to have no authorities on what important public policy should be implemented in Taiwan? To me, it's very difficult, because when people directly elect our president, we have a lot of expectations for him to do good. The political influence of future Prime Minister is not going to be greater than a popularly elected president. Or are Taiwanese people willing to give up the right to directly elect our own president?

這當中牽涉到很多議題，包括我們是否希望由半總統制改成內閣制，我知道在臺灣有很多學者支持改成內閣制，但是問題是說，當總統是由人民直選出來的時候，有沒有可能這個總統在重要公共政策的實施上並沒有實權？對我來說，這件事情是非常困難的，因為當人民直選出我們的總統時，我們對他有很高的期待希望他可以把事情做好，未來的行政首長在政治上的影響力不會高於一個受人民歡迎而選出來的總統，或者是說，臺灣人是否願意放棄直選出我們總統的權利？

The second aspect of the future constitutional reform is about our electoral system, right now we have a mixed-member majoritarian system in Mandarin we call it 單一選區兩票制, which follows the Japanese model of 並立制. That system causes some concerns of some people, especially the minority, are not represented at all in our parliament, so scholars advocate we should switch from the mixed-member majoritarian system to mixed-member proportional system, which is adopted in Germany, in Mandarin we call it 聯立制.

第二個未來憲政改革的方向是有關我們的選舉制度，現在所採行的制度是混合名額多數制的選舉制度，中文叫作單一選區兩票制，這是來自於日本並立制的模式，單一選區兩票制導致一些人的擔憂，特別是弱勢的政黨，在國會裡將無法取得任何席次，因此有些學者倡議我們應該從並立制改為在德國採行的聯立制，中文我們叫作聯立制。

I am not saying we should not, I am not saying we should not amend our constitution or even to make a new constitution, but the difficulty lies in how can we accomplish it, do we really have a constitutional moment to push forward a constitutional reform right now? If we cannot provide sufficient incentives for the KMT camp, or the pan-blue camp, to join the party, it seems to me, we have a long way to go to create the constitutional moment.

我並不是說我們不應該，我並不是說我們不應該修改我們的憲法或甚至是制定新的憲法，但問題是什麼？問題是如何可能？我們現在是不是真的有那個憲政時刻去推動憲政改革？如果我們不能提供足夠的動機讓國民黨陣營或是泛藍陣營加入改革的行列，對我來說，我們似乎還有很長的一條路要走才能去創造那個

憲政時刻。

The second possible strategy to cure our representative democracy is to use direct democracy. I am talking about referendum. If people in Taiwan can enjoy the right of referendum, it's possible for us to overturn the unpopular decision made by our parliament. But the difficulty lies in our current referendum law prevents us from exercising this right.

第二種去矯治我們的代議民主策略是使用直接民主，我在講的是公民投票，如果臺灣人可以享有公民投票的權利，我們是有可能去推翻我們國會做的不受人民歡迎的決議，但問題是什麼，問題是現在的《公民投票法》它讓我們沒有辦法行使這個權利。

After the sunflower movement, some citizens who are not happy with the performance of some legislators, they initiate a new movement called 割闌尾. They try to recall some KMT legislators. This movement is still ongoing. I feel reluctant to predict its possible outcome at this moment, but compared to amending our constitution, which requires a very high ratio of our legislators to get on board, it's easier to amend our referendum law and our election law to take back our referendum right, which is granted to us by our constitution.

在太陽花學運過後，有一些公民他們不滿意某些立法委員的表現，他們發起了一個運動，叫作割闌尾，他們想要去罷免掉這些國民黨的立委，這個運動還在進行當中，我不太願意去預測它可能的結果在現在這個時間點，但跟修憲比起來，那是要相當高比例的立法委員支持，修改我們的公投法和選罷法是相對來講比較簡單的方法去拿回屬於我們被憲法所保障的公民投票權利。

The third possible strategy is to make neither party, I am talking about KMT, as well as DPP, to make neither party control the majority seats in Congress. There has been a lot of discussion of whether it is possible for Taiwan to have a new political force, a new political party. I know many friends are working very hard trying to make this happen right now or at the beginning of next year. They want to participate in the 2016 parliamentary

election. Under the current single-member district first-past-the-post electoral system, it might be very difficult for the new political party to win seats, to win any seat in a single district, but there is some room for them to win the seats in a proportional representation.

第三種方法是讓兩黨都不過半，我在講的是國民黨和民進黨，讓兩黨在國會的席次都無法過半，現在在臺灣有很多的討論關於是否有可能出現第三勢力，一個新的政黨，我知道有很多朋友非常努力的想讓這件事情馬上或者是明年初成為可能，他們想要參加在 2016 年的立委選舉，在現在單一選區兩票制的選制下面，要讓一個新的政黨在一個選區中去贏得席次，贏得任何席次，這件事情是困難的，但是如果是在聯立制下面，他們是有空間去贏得一些席次的。

This three possible solutions, the difficulty of each possible solution varies. For me, if the third option is not possible, if the third option is not possible, I am not sure whether or not the first and the second solution would become possible in the near future. It's a simple mathematic question. I understand, no, my personal feeling is, Taiwan is in a very difficult situation right now, but the good news is most people in Taiwan do not want to give up. They want to fight. They want to fight for the democracy; They want to fight for their way of life. The real question is: What is the best strategy for us to adopt? How could we change the status quo? I don't have a definite answer for that question. For me, and many many friends working together, we are trying to make this happen. I invite you to join us, and to give us your insights regarding which road we should pick to change the status quo. Thank you.

這三個可能的解決方法，他們的困難度不同，對我來說，如果連第三種方法都不能成功的話，我實在不知道說第一個和第二個解決方案在可預見的未來有成真的可能性，這是一個很簡單的數學問題，我知道...沒有...我個人的感覺是說，臺灣目前正處在一個很嚴峻的情況之下，但好消息是大部分的臺灣人並不想放棄，他們想要戰鬥，他們想要為民主奮戰，他們想要為自己的生活方式而戰，但很實際的問題是，對我們來說，什麼才是最好的策略？我們該如何改變現狀？我並沒有一個絕對的答案，對我和很多一起工作的夥伴來說，我們正試著讓這件事發生，我要邀請大家一起加入我們，就如何要改變現狀這件事情給我們你的見解，謝

謝。

Prof. S. Athar Hussain: Let me start first I'd like to thank Professor Huang for very thoughtful provoking speech and you raised many points. But I come as an outsider, I am not from China, or from Taiwan, but I have studied and do research in China so how do I look at the problem? It doesn't come to me as a surprise that some of the main ideas of Taiwan are not approved by the Communist Party of China, this is what I would expect and it's the nature of the conflict or the difference between the two cases.

The question, the point which is overlooked sometimes is that China is also undergoing change, so what impression I get is that we don't have to start with the assumption that China is unchanging and Chinese people have one will of acting. So it seems to me, that whatever the solution may exist to Taiwan problem, it cannot be based on suspicion of the whole of China and the Chinese people. The question I would like to ask is a very simple one: What is the possible solution to the Taiwan problem, and so the very simple answer is that under the present assumption, whether by the Communist Party of China or the government in Beijing, or the people of Taiwan, there is no solution.

So in some sense, the only way the solution can exist is that the two parties have to change their basic assumption. So let me take the case when something has happened, normally it doesn't happen, conflicts have been persisting indefinitely over time, so the Taiwan problem is not the only one in the world, which needs to find solutions, that question of border and territory problem being solved through amicable means, France and Germany provided an example. That is they fought over the territory. Especially in France as Alsace-Lorraine for 300 years, but the problem was very easily solved in the 1950. The way it happen, is the whole question of the border whether Alsace-Lorraine belongs to France or Germany itself was downgraded in political importance.

So first rule I would like to emphasize the country do not make changes

or concession in the issues that they consider politically important, so the first assumption for the solution to the Taiwan problem is sort of the old question of whether the one China, one China and what's its meaning, actually loses its relatively political importance. Because you cannot expect Communist Party of China, any other parties, to actually change from the fundamental position.

So the way the solution was proposed in France and Germany is that the two presidents got together and decide at least allow people to vote, and we would like to accept the solution. So as it happened, the Alsace-Lorraine, after that, remained in France, but the whole border becomes unimportant in Europe, in that part of France and Germany. People can live in France, work in Germany; live in Germany and work in France. So this looks like an ideal solution, but the possible move to the solution is really reducing the political importance of the historical baggage that is upon what we see in Taiwan's case is to repeat this historical question. So you can say that the history haunts the present.

Now let me come to the second issue of democratization of China. Well, obviously, it causes disbelief among many of the people, when we talk about democratization of China, but as Professor Huang rightly pointed out, and before then, also pointed out by the speaker, that is same could have been said what was said about Taiwan 30 years ago?

So first thing I would like to say is the democracy does not happen because people change their idea. Chiang Ching-Kuo was not born as a democrat, did not experienced as a democrat, but really he was a realist who came to the conclusion that Taiwan cannot keep on being governed in old possible ways. So first thing I would like to point out, democracy does not happen because the leader changes their views, but because they come to the conclusion that the old way of exercising power can no longer function. So in some sense it's like a political necessity. And the same thing you can observe not only in Taiwan, but in South Korea, so this gives us some way of understanding what forms of change has to take place in China that

democracy will happen.

Democracy in China will not happen because one day we will get up and see a headline that China has become a democratic country. It will happen step by step, and changing the crucial missteps of the constitution.

Well I leave it here, and I would be quite happy to take some questions. So as an outsider, the solution of Taiwan problem, I am pessimistic. (laughter) Just like we don't see many examples in the world, where countries like this amicably come to resolve the problem, but what we do observe, and this is said by the optimism, that they keep the conflict situation under control, and do not let it develop into situation where it leads to war or on conflict. Thank you.

Dr. Dafydd Fell: Are you going to respond or shall I go next?

**You just go ahead.**

Dr. Dafydd Fell: OK, fine. So first of all I would like to thank the organizers for putting this conference together. I know how much work has been involved and so and also of course I really appreciate professor Huang and the presentation. I think it really highlights for me why studying and teaching Taiwan politics is such a enjoyable topic, studying in Taiwan politics is never boring, it's always full of surprises. (laughter) So for me, it helps me to, if this kind of events taking place helps me to persuade students to take a year long course on Taiwanese politics.

I am a political scientist so I come to see some of these issues from slightly different angle but particularly focused on major political party in Taiwan, but also some of other smaller ones, but over the last 6 to 7 years I've started to become a little bit more interested in and have done some work on some of Taiwan's social movement. I'm particularly interested in the role they play in Taiwan's democracy and also the relationship between social movements and political parties.



And I'm also a book series editor I run ... I managed book series the Routledge Research on Taiwan book series. So one of the things here I'm trying to do is to raise the awareness about the really remarkable development of Taiwanese social movements, particularly since 2008. We've got a couple of books coming out this year on social movements, and last week we held a 2.5 day of conference looking at social movement in Taiwan since the KMT came back to Taiwan. So I'm trying to raise awareness and understanding about this really significant changes that have been largely neglected by a lot of the international media that looks at Taiwan.

Okay, let me come back to what I see is maybe, from a political scientist's point of view is one of the most important questions when we think about these social movements. And that is to what extent should be expected these social movements to actually have a transformative impact on Taiwanese politics. Are we seeing a revolutionary way that politics works in Taiwan or when we quickly get a return to normality? Clearly the KMT's hope or expectation is to return to normality.

A few months ago I read an article in which I was trying to compare the sunflower social movement with the 2006 "Red-Shirts" social movement. There are a lot of really interesting similarities in these two cases. Both emerge towards end of a unpopular presidential at term; both involve quite significant mobilization, and in both at least in the "Red-shirt" case we tend to think about it as being a failure. OK. In other words, Chen Shui-Bian stayed in power and at least initially in 2006 the election results were quite similar. That wasn't a kind of landslide defeat for the ruling party

But I argue that in fact the "red shirt" was actually quite succesful, in other words, it helped to undermine the legitimacy of the ruling party and helped the DPP's downfall.

So I think when we're looking at the sunflower movement and its effect, I think we also need to think about the long term transformative changes

rather than just looking ahead to the 2014 local elections. In last week social movement conference, one of the issues we came back to again and again over those 3 days was how do we measure the success and failure of social movements, what kind of tools should we use, particularly when we think about development post 2008, and I'd like to touch upon a couple of points that I think is really quite important. One of the two Professor Huang has touch upon, one of them I think is public opinion and changing values. OK.

So for example if we think about the feminist movement re-developed in Taiwan from the late 80s through the 1990s. I think it's really has a huge impact on value changes within Taiwan. Figure about things such as domestic violence, it's been real radical transformation in the way this kind of issues of huge. Sexual harassment is again another key area value change, we've seen a real impact in social movements

What about in more recent developments? To what extent are these social movements actually changing values? I think one case we can see it the effect is on nuclear power, something that's you touched the point. I'm pretty sure if we had a referendum in 2001 of the forth nuclear power station. I think the majority would call for continued construction but if you look at the opinion polls recently, there is really a clear majority opposing the forth nuclear power station, there we can see a clear impact.

A second way I think we can see a really interesting effect of the rise of the social movements is on the political agenda and changes in the public agenda and again I think your talk really highlighted this. In other words, constitutional reform is back on the agenda. For many of us political scientists, we've been very critical about the lack of constitutional reform and the inability to address institutional problems, many of which you've touched the point. That've really been swept under the carpet since around 2005.

So I think for me, I think the most kind of caught optimism from the sunflower movement is bringing constitutional reform back onto the agenda. Even though I know you talked about many obstacles, I think that's a positive

development.

One of the aspect you didn't touch the point, but I think has been raised by during this period has been for example giving the vote to 18-year-olds, which I think is a wonderful issue that submerged out of this movement. It really was reinforced from it because just as the sunflower occupation was taken place, my son has his first ever vote in the European elections here, and it really kind of brought home to me, what an important reform of this is.

Similarly I think your discussion about the electoral system is also really important. From the European perspective, a lot of European countries use proportional systems and I think the importance of diversity within the party systems. I mean of course in the UK we have a terrible electoral system probably worse than Taiwan. (laughter) We have very very similar problems, some I'm really delighted this come back onto the agenda, but I take your point that it's going to be extremely difficult to actually persuade those have interest in the current system to actually accept change.

Okay so overall, I would say the social movement in Taiwan play a key role in Taiwan's democracy. To a certain extent they compensate for the failure of the mainstream political parties. We see a huge alienation of political opinion from the mainstream political party. I think the system is really struggling to deal with this this due change, but of course social movements need to find a way of dealing with politics society. If social movement just ignore the political society, I think the impact is going to be extremely limited, and I think you touch the point that in your talk.

In the history of Taiwanese social movement they've taken different approaches to deal with mainstream political parties, some of them tried to maintain good relation with both main parties, other have adopted close alliance with one or the other mainstream political parties. But it would appear to me that the closer alliance model is really no longer viable, its just doesn't really work.

One of the things that struck me I should say I am currently working doing a

research project with Taiwanese Green Party, so I speak to a lot of environmentalists in Taiwan. And one of the things that strikes me is the people that I interview hate the KMT, but a lot of them really distrust and hate the DPP as well, (laughter) so when I hear this argument, so okay all the DPP conspiracy I find that very very unconvincing.

But of course we do... But then where do we go next? You touch upon the issue of forming a new political party, and I think... but of course there are challenges in this kind of project, the start-up costs of a new political party are extremely high, there's also a real danger that there'll be too many uncorrupted civil society groupings, and it will end up having a dilution effect.

Okay. And we see it to a certain extent for example when there is too many pan-blue political parties and that had quite detrimental effects in the past have split votes. One option which I guess I have a bit interests in, because some research in the Green Party, is to work with the Green Party which in many respects, the Green Party in Taiwan has very similar issue positions to a lot of the social movement activists on the things like gay rights for example, nuclear power, proportional representation, and number of similar kind of issues.

But of course from my experiences what can the Green Party I think we know it also has serious weaknesses it's extremely disorganized. (Laughter) So from my analysis it would seem to me that a kind of mix approach is necessary. I think it got to be some tactical alliances that perhaps on the issues basis with mainstream parties, and I think the Green Party offers one ally, but I think when we looking forward to 2016, I think more something more like a coalition of civil society groups rather than a single political party is going to be a pattern, a more effective method.

Okay, so let me just conclude. It seems to me that Taiwan's party system needs more diversity and we need to find a way to make it much more responsive to... to societal pressures. I think to a certain extent in the 1990s party politics worked, but I think this alienation is a real challenge and what I'm hoping is this would actually produce some kind of a positive impact. So I'm trying to be a little bit more optimistic than you are the one who taking more domestic politics angle. So I guess my final question is what do you see is being the best way to actually engage with political society, both mainstream party? But also some of the other existing political parties? Is there any kind of room for tactical alliances? That's where I finish.

(Applause)

Dr. Dafydd Fell: Too many points?

Dr. Dafydd Fell: 太多問題了嗎？

Yes! And all the questions raised are tough ones. I am not sure if I have good answers for those, because I myself is still thinking about how to take all the difficulties I just mentioned. But let me start with your questions. I think, okay let me, allow me to take a poll here. For those of you, who are dissatisfied with both parties, please raise your hand.

對，然後所有的問題都滿困難的，我也不太確定我有沒有好的答案，因為就我自己而言，我也還在思考如何去解決我剛提到的那些問題，但就讓我先從你的問題開始，我想...好，讓我...不是，請容許我在這裡做個民意調查，對現今兩黨都不滿意的請舉手。

So you see the market, right?

所以你看到市場了吧？

Dr. Dafydd Fell: Yeah, yeah!

Dr. Dafydd Fell: 對，對。

But it's going to be very difficult. As far as I know, many friends... have the consensus that we have to work together to initiate a new political party. If we split, there is no way for us to succeed. Even if we organize ourselves successfully, it is going to be a very huge challenge for us to win sufficient vote in 2016.

但這未來的路還是非常困難，就我所知，很多朋友...有一個共識是我們必須要一起努力去組成一個新的政黨，如果我們分散開來，我們不可能成功，但即使是我們把我們自己組織起來，要在 2016 年去贏得足夠的選票仍然是一個巨大的挑戰。

There is a a lot going on in my mind, but for strategic reason, allow me to keep it to myself for now, it is not because I'm going to do something dirty. (Laughter) No. It's nothing about that, but before we together to work out a strategy to form a reliable coalition as you suggested, I think the background information is there's has been a lot of discussion about whether or not the social movement should engaged in... in the political movement or the political market. I read some literature regarding this discussion. This discussion is especially rich in the year of 2008, when many people they form different political parties such as the Third Social...第三社會黨. I am not sure how to translate that, or even the Red Party coming out of the "Red-Shirt" movement you just mentioned, but they are all failed.

我腦海裡現在有很多想法，但因為策略上的因素，請容許我在暫時保密，但這並不是因為說我要去做一些骯髒的事情(全場笑)，沒有，不是那樣子，好，那但是在我們一起想出一個策略組成可靠聯盟之前，就像你剛剛所建議的，我想那個背景資訊是說，現在已經有相當多關於社會運動是否應該參與政治活動或是政治市場的討論，我有閱讀過一些關於這項議題的文章，這樣的討論在 2008 年特別多，當時很多人組成各式各樣不同的政黨，像是第三社會黨，我不知道怎麼翻譯這個詞，或者是所謂的紅黨，是由你剛剛提到的紅衫軍組成的，但是他們全部都失敗了。

So the next question is... how could we succeed in 2016? That is the real question for all the people, all the organizers who wants to compete with the two major, not two, maybe four, two big ones and two... with no disrespect, two small ones, the four political parties. I know it's quite difficult, but I cannot think of any other strategies to deal with the problem right now.

所以下一個問題是說，我們如何在 2016 年成功？這是一個對所有人和想要跟兩個主要的...不是兩個，四個，兩個大的兩個...沒有不尊敬的意思，兩個小的政黨，四個主要的政黨競爭的組織來說非常實際的問題，我知道這件事情非常困難，但我想不出其他的辦法去解決我們現在所面臨的問題。

And some people might ask why don't you just support the DPP, it might be a better solution to that.

可能有些人會問說，你們為什麼不直接支持民進黨就好了？這可能會是個比較好的解決方法。

(Sigh)

(嘆氣)

(Laughter)

(全場笑)

Sorry, that's another question that I cannot answer you probably. (Laughter)

對不起，那是另外一個我沒辦法回答的問題(全場笑)。

I understand, for personal interest, the best strategy might just be to flee Taiwan, to get out of there, to find a new life (Laughter) in another country. But many people they cannot afford to do that. They don't have the capability of immigration to another countries, and for some people who have that kind of resources to do that, they refuse to do so, because Taiwan

is the mother land they love it so much. So I probably do not have the luxury of being... pessimistic about the future of Taiwan. As I indicate in my presentation, I know it is tough, but there is a fight we have to engage, there is a fight we cannot avoid.

我知道，從個人私利的角度來看的話，最好的方法可能就是逃離臺灣，離開那裡，在別的國家尋求一個新的生活(全場笑)，但有很多人他們沒有辦法那麼做，他們沒有那個能力移民到別的國家，而對某些有資源可以離開的人來說，他們拒絕那麼做，因為臺灣是他們深愛的故鄉，所以我可能沒有那個資格對臺灣的未來感到悲觀，就像我剛才所報告過的，我知道這條路非常的困難，但那是一場我必須要打的仗，一場我們無法避免的仗。

But I think you are absolutely right, we should not... okay let me rephrase... I don't deem the Chinese Communist Party and the Chinese people as the same. They are different. So a lot of people in Taiwan they really support for the Chinese citizens to fight for democracy in China and I am one of them. For me, it's very difficult for me to understand why the people in China they care so much about whether Taiwan is part of China rather than care about whether they can have a vote in deciding their own future. Because to me the later question is much more important, if I am a Chinese citizen living in mainland china right now. From this perspective I have to admit the Chinese Communist Party is doing a very great job of educating the Chinese people.

但我想你是完全正確的，我們不應該...ok，這樣講好了，我並不認為中國共產黨和中國人民是一樣的，他們並不相同，所以有很多在臺灣的人他們是相當支持中國人民去爭取他們的民主，我也是其中之一，對我來說，我很難理解的事情是說，為什麼中國人民那麼在意臺灣到底是不是中國的一部分，而不是在意他們是否能夠投票決定他們自己的未來？因為對我來說，如果我現在是一個住在中國的公民，後面這個問題重要多了，從這個觀點來看的話，我必須要承認中國共產黨在教育洗腦中國人上真的做得太好了。

But I believe since we will be different in the future how fast could this happen? I am not sure, so I always tell my comrades, I am referring to the



people we are working together, we are in a race, race with time. I am not sure how much time we have right now, but the most important thing is we don't give up and we have to be intelligent about the approach we are taking. And in my presentation I said the third possible solution is to make neither party have a majority seats in Congress. That expression is only for the purpose of marketing. What I'm really saying is we have to find a way to make the KMT lose the majority in Congress.

但我相信既然我們將會變得不一樣, 問題是這件事情多快會發生, 我不知道, 所以我總是告訴我們的夥伴, 我指的是我們在一起工作的人, 我們正在一場競賽當中, 跟時間賽跑的競賽, 我並不確定我們現在還有多少時間, 但最重要的事情是我們不會放棄, 而且我們必須有智慧的去選擇我們所採取的方法, 在我剛才的報告當中, 我有說到第三種可能的解決方法是讓兩黨都不過半, 那個表達的方式只是為了行銷, 就是我真正要說的事情是我們必須找到一個方法讓國民黨在國會不會過半。

(Applause)

(掌聲)

By making the KMT lose the majority in Congress, at least we can... kind of decrease... the speed of Taiwan becoming part of China or allow us more time to... support the civic movement in China, hoping things will be different in the future. I understand that solution does not sound ambitious enough for many friends in Taiwan. Because for many Taiwanese people living in Taiwan or living abroad right now, what they really want is a true independent country. Don't get me wrong, I support the idea, but the most important question for us to think about is how to make it possible.

讓國民黨在國會不過半, 至少我們可以稍微減緩臺灣被中國統一的速度, 或者是說, 讓我們有比較多的時間去支持在中國的公民運動, 並期望未來事情有可能會變得不一樣。我知道這個解決方法對很多在臺灣的朋友來說不夠有野心, 因為對很多臺灣人來說, 不管是在國內還是在國外, 他們所真正要的是一個真正獨立的國家, 不要誤解我的意思, 不是我不支持, 我當然支持, 但對我們來說最重

要的問題是如何讓它成為可能。

I can go out and shout: "Taiwan is an independent country!" every day(Laughter), but that is not going to change anything, unless we can make KMT lose its majority in Congress. For me that is the most important thing to do and I am not sure my strategy is the best one, therefore, I invite you to contribute your insights and to work with us to make that happen. Thank you.

一種做法是我每天出去大聲喊：臺灣是一個獨立的國家。但那不會改變任何事情，除非我們讓國民黨失去在國會的多數，對我來說那才是最重要要去做的事情，我不知道我的方法是不是最好的一個，因此我要邀請大家一起加入我們工作的行列、提供你的見解，並讓這件事情成為可能，謝謝。

(Applause)

(掌聲)