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President Lai's Inauguration Speech: Resurrecting "Two Sides, Two Constitutions"

By: Russell Hsiao

Russell Hsiao is the executive director of the Global Taiwan Institute (GTI) and editor-in-chief of the Global Taiwan Brief.

President Lai Ching-te (賴清德) delivered his much-awaited inauguration speech on May 20. As Washington, Beijing, and the international community listened with bated breath as the democratically-elected leader—the self-proclaimed "[pragmatic worker for Taiwan independence](#)"—took center stage in front of Taiwan's presidential office to deliver his vision for the future of the island nation and its relationship with Beijing. In contrast to the reckless and dangerous assertion of Taiwanese independence that [officials from the People's Republic of China \(PRC\)](#) and [Chinese propagandists](#) insist the speech represented, a careful reading of the [inaugural speech](#) of the 16th president of the Republic of China (ROC) presents a fairly nuanced and balanced formulation that is generally within the bounds set out by his predecessors, in terms of both Taiwan's place in the world and the relationship between the ROC and the PRC.

Most commentaries focused on the absence of any mention of the so-called "[1992 Consensus](#)" ([九二共識](#)), and how Beijing would react to the address—which did so predictably with [military exercises](#). Yet, not nearly enough attention has been given to the legal and constitutional foundation that Lai used to undergird his approach to relations between Taiwan and China, and how it only deviates modestly from his predecessors' approach. Indeed, the substance of President Lai's speech did not represent anything groundbreakingly new.

In fact, the 16th ROC president chose to emphasize the role of the Republic of China (ROC) Constitution (中華民國憲法), and Lai referenced the ROC 13 times in his speech. (By comparison, Tsai referenced the ROC five times in her [2016 inauguration speech](#).) A closer reading of Lai's speech also reveals that his position on the ROC Constitution—and its role in defining the relationship between the ROC and PRC, and the current status quo—bears striking resemblance to the interpretation of former Democratic Progressive Party (DPP, 民進黨) premier and current Taiwan representative to Japan Frank Hsieh's (謝長廷) "[two sides, two Constitutions](#)" (憲法各表) or "respective interpretation of constitutions." Interestingly, this is a

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proposal that Beijing was not necessarily opposed to when the former premier pitched the framework back in 2012.



Image: ROC President Lai Ching-te delivering his inaugural address in Taipei, May 20. (Image source: [ROC Presidential Office](#))

The ROC Constitution: A Primer

In one of the opening lines of President Lai's speech, the ROC president [pledged](#): "In accordance with the Republic of China Constitution system [*sic*], I will take on that solemn responsibility of leading the nation bravely forward." [1] Through this statement—which former President Tsai also [similarly used in 2016](#)—President Lai rooted his authority to lead the nation in the ROC Constitution. Central to this statement is the fact that the meaning of "nation" in relation to the constitution and its territorial scope is undefined. Formed in Nanjing in 1946, the ROC Constitution claimed to cover both the mainland and Taiwan areas. While the ROC Constitution has never officially relinquished its claims over the "Mainland Area" (大陸地區), it has gone through seven revisions in the more than 50 years since the government relocated to Taiwan. Therefore, while the ROC Constitution itself does not explicitly define the territories under its effective control, in practice it defines the geographic jurisdiction in which its laws are applicable under domestic law.

Promulgated in accordance with the ROC Constitution, the 1992 [Act Governing Relations Between the Taiwan Area and Mainland Area](#) (臺灣地區與大陸地區人民關係條例, hereafter referred to as "Act"), these areas are "[Taiwan, Penghu, Kinmen, Matsu, and any other area under the effective control of the Government.](#)" The Act also proceeded to define the "Mainland Area" as "[the territory of the Republic of China outside the Taiwan Area.](#)"

Indeed, the ROC and the PRC are founded on two distinct constitutions with overlapping claims of territory. Yet, the PRC has

never exercised control over Taiwan and the ROC Constitution only applies to the Taiwan Area as defined by the Act. By placing the ROC Constitution as the centerpiece for his governance of Taiwan, Lai is simply recognizing the objective reality that the Mainland Area is effectively governed by the PRC Constitution (中華人民共和國憲法) and the ROC Constitution does not apply to PRC citizens (since they are not citizens of the ROC). Even though these two constitutions have overlapping claims to territories, they are still two separate constitutions applicable only to their respective jurisdictions.

Despite Lai's judicious position, Beijing has taken pains in conversations with foreign diplomats to assert that he is already departing from his commitment to follow his predecessor's stance, and PRC spokespersons have zeroed in on Lai's more frequent use of "Taiwan" versus "Republic of China." A more measured critique could be to point out how Lai used "China" more frequently in his speech than did Tsai in her inauguration to refer to the People's Republic of China—with the suggestion that it is a distinct entity in relation to Taiwan (and, oddly enough, the Republic of China). However, Lai did in fact use "[cross-strait](#)" twice to refer to relations between the two sides. Although such word plays may mark a slight deviation from his predecessor (who would use "cross-strait" or "Taiwan Strait"), Lai's emphasis on the ROC Constitution demonstrates that his approach is not markedly different from the past.

Lai's Definition of the ROC Constitution

Contrary to some views that Lai did not reaffirm the approach of his predecessor by his omitting an acknowledgment of the so-called "1992 Consensus" meetings, and for not explicitly referencing the [Act Governing Relations Between the Taiwan Area and Mainland Area](#), Lai has rooted his cross-strait approach in the ROC Constitutional Order and perhaps went a step further by clearly defining the relationship between the ROC and the PRC in explicitly referencing articles in the ROC Constitution. In addition to calling on Beijing to recognize the existence of the ROC, President Lai [cited](#) specific articles within the ROC Constitution to support his assertion:

"We have a nation insofar as we have sovereignty. Right in the first chapter of our Constitution, it says that 'The sovereignty of the Republic of China shall reside in the whole body of citizens,' and that 'Persons possessing the nationality of the Republic of China shall be citizens of the Republic of China.' These two articles tell us clearly: The Republic of China and the People's Republic of China are not subordinate to each other."

By embedding this principle and articles of the ROC Constitution into his approach to cross-Strait relations, Lai implies the existence of the two related but separate jurisdictions within two constitutional systems—which is consistent with Hsieh’s [“respective interpretation of constitutions.”](#) Former President Ma Ying-jeou (馬英九), who endorsed the “1992 Consensus” referring to the tacit agreement between the Chinese Nationalist Party (國民黨, or *Kuomintang* (KMT)) and the Chinese Communist Party (共產黨) that there is “one China with different interpretations (一中各表), has been quoted as saying that Hsieh’s formulation [“is not different than the Chinese Nationalist Party’s position.”](#) As such, Lai’s speech could also be seen as an olive branch to Taiwan’s opposition parties and the CCP.

Indeed, even according to Frank Hsieh back in 2012, after reportedly meetings with then-Taiwan Affairs Office Director Wang Yi (王毅), who is now director of the CCP Central Committee Foreign Affairs Commission Office and minister of foreign affairs, had stated how the [“spirit of the 1992 meetings, was in fact respective interpretations of constitutions”](#) (但九二年會談的精神，其實就是憲法各表). In further explanation of Hsieh’s logic, Jessica Drun [wrote](#):

“In regards to the mainland, he [Hsieh] argues that the ROC Constitution was implemented in the Mainland for two years and thus cannot be separated from ‘One China.’ By logical extension, officials in Beijing cannot accept ‘One China’ and reject the ROC Constitution. Hsieh’s policy, though he is widely seen as the most open to working with the PRC within the party, is still rejected by officials in Beijing. In response, Hsieh has argued that if the mainland rejects the ROC Constitution, then Taiwan will need to draft a new constitution, for which Beijing will need to bear responsibility (Conversation of CSIS delegation to Taiwan with Frank Hsieh, August 2013).”

While the ROC Constitution has never relinquished its claims over the Mainland Area, Lai has made it clear that the ROC does not claim or exercise sovereignty over the PRC—while at the same time asserting that the PRC never exercised sovereignty over the ROC or Taiwan. Indeed, according to the ROC Constitution, sovereignty resides in the whole body of the citizens—and all ROC presidents have based national sovereignty on the ROC Constitution.

Although not explicitly stated, by emphasizing the ROC Constitution and asserting that the ROC and PRC are non-subordinate, Lai’s speech could also be seen as acquiescing to a “One China” within two constitutions. Even if the two sides are non-subordi-

nate, they share a commonality in the design of their respective constitutions and overlapping claims of territory—even if ROC sovereignty does not extend to the Mainland Area.

Conclusions

In perhaps a stroke of unintended brilliance, incremental constitutional reforms in the 1990s and the 2000s created the socio-political conditions and a pathway—albeit sometimes a choppy one—to a political convergence in the mainstream positions of the DPP and the KMT on the ROC Constitution. [The ROC Constitution and its revisions](#) have provided a legal basis for the definition of two distinct jurisdictions and have clearly distinguished the legal rights of the two peoples on the two sides without overlapping sovereignty. While Hsieh’s proposal was met with harsh criticisms at the time—most fervently from people even within his party—Lai’s apparent nod to the formulation reflects how far the DPP has moved to the center in the last decade.

As former American Institute in Taiwan Chairman Richard Bush presciently [wrote](#) back in 2013: “a failure to agree [within Taiwan] on what aspects of Taiwan’s sovereignty must be defended at all costs and which are relatively trivial will only handicap Taipei’s negotiating position.” It appears that Lai has done his homework on this and [delivered his answer](#):

“So long as we identify with Taiwan, Taiwan belongs to us all – all of the peoples of Taiwan, regardless of ethnicity, irrespective of when we arrived. Some call this land the Republic of China, some call it the Republic of China Taiwan, and some, Taiwan; but whichever of these names we ourselves or our international friends choose to call our nation, we will resonate and shine all the same. So let us overcome our differences and stride forward, with our shared aspirations, to meet the world.”

By emphasizing the ROC Constitution in his inaugural speech as president, Lai reflects the view that the president’s authority is based on and limited by the ROC Constitutional Order—which is inclusive of its structure and associated laws. A careful and close reading of President Lai’s speech underscores a constitutional basis for his approach to cross-Strait relations. As laid out already, incontestable reality states that two constitutions exist across the Taiwan Strait and neither is subordinate to the other—a position that is well within the bounds set by his predecessors and, moreover, consistent with the status quo across the Taiwan Strait.

The main point: Despite Beijing’s assertions that Lai deviated

from Tsai's approach to cross-Strait relations in his inauguration speech, a careful reading shows that Lai's approach is based on the ROC Constitution and its defined territorial bounds—which is not markedly different from his predecessors.

The author would like to thank Ya-Hui Chiu Summer Fellow Jonathan Harman for his research assistance.

[1] The original Chinese term used in the speech was “[中華民國憲政體制](#),” which could be generally translated as “ROC Constitutional Order” and not system—as such it may not necessarily represent a new formulation as a different English term may suggest.

Taiwanese Business in Bulgaria Suffers as Istanbul Maintains Trade Barriers

By: James Baron

James Baron is a Taipei-based journalist, whose writing is focused on Taiwan's history, culture, and foreign relations.

On May 14, an event was held in Sofia, Bulgaria that aimed at fostering dialogue and collaboration among Bulgaria, the European Union, and Taiwan. Organized by Taiwan's Ministry of Foreign Affairs, the Taipei Representative Office in Greece, and the [Atlantic Club of Bulgaria](#) (a Sofia-based nongovernmental organization), the event was titled “[Bulgaria/EU – Taiwan Relations: Promoting Democratic Resilience](#).” One of the event's [several panels](#) focused on “collaborative strategies” for “economic development” and another on “expanding institutional ties.”

While they might sound encouraging for Taiwanese who are considering investment opportunities in Bulgaria, such events do not appear to represent the needs of Taiwanese businessmen who have already established a presence in the country. Taiwanese entrepreneur Danny Liu, who says that his small factory in Svilengrad, Bulgaria is struggling because of Turkey's failure to honor trade commitments with the EU, the event offers little cause for optimism. “I haven't heard anything about it,” says Liu. “But I don't think this type of meeting will affect our company.” [1]

When Liu set up shop in Svilengrad, Bulgaria in February 2020, he had high hopes that European Union (EU) standards would provide some much-needed stability for his Istanbul-based textile business. A confluence of circumstances had convinced him to establish a plant in the town's industrial zone for the processing of raw materials used in polyurethane (PU) leather manu-

facturing.

“In Bulgaria, if we follow the rules, we can get all the required certification,” says Liu. “But in Turkey, we can pass this or that test, then in two or three years, there [are] many more rules: change this, change that. That's why we made the decision to invest in Bulgaria.” [2]

Businesses Struggle with Government Restrictions and Custom Rules

In addition to the push factor of Turkey's flagging economy, Svilengrad's location close to the Turkish border was an attractive feature for Liu's investment. Another consideration had been a contract with Spanish multinational Inditex, which required that its orders of PU leather to be free of the solvent dimethylformamide (DMF). Following the [announcement of new regulations](#) by the European Commission (EC), DMF was to become severely restricted from December 2023. As Inditex would not permit a joint-production arrangement, Liu had a decision to make: Apply for a separate license for a non-DMF facility in Turkey, where he had become increasingly disillusioned with the opaque bureaucracy, or else find a hassle-free alternative.

“Thank God, I chose the second option, because Inditex stopped PU shoe production,” says Liu. He notes that the Spanish firm has dramatically scaled down its presence in Turkey—and, like several other multinationals, looks set to exit the market due to concerns over rampant inflation. “Our last order was May 2023,” he says. “If I'd opened the second [non-DMF] factory in Turkey, I would have been screwed.” By far the biggest motivation for setting up shop in Bulgaria was Istanbul's increasingly harsh tax regime and its seemingly arbitrary application. “When I came to Turkey more than 20 years ago, it wasn't like this,” says Liu. “But their [value-added tax, VAT] and customs rules have become more and more ridiculous.” A series of presidential decrees in 2023 rendered the already slender margins for importers of raw materials practically unsustainable. In July, the general VAT, which covers imported goods, was raised from 18 percent to 20 percent, with manufacturers able to recoup only half that amount through sales of finished products. “There's always 10 percent stuck in stock,” says Liu. “No one can work like that.”

While importers are, in theory, entitled to refunds, it has become almost impossible to claw anything back, in part because of the questionable use of protectionist provisions passed in December. “They call it anti-dumping,” says Liu. “But often the products are not comparable with what can be made in Turkey, and in our case, Turkey doesn't have the know-how to produce

these raw materials.” With the Turkish lira in a seemingly inexorable spiral of depreciation, any refunds that are issued are “almost worthless” by the time they materialize, added Liu.

With this in mind, Liu decided to outsource the pre-processing stage of his operations to Bulgaria, where the harmonized EU VAT system guarantees transparency and regular refunds. However, the move has not extricated him from the clutches of Turkey’s tax and trade authorities. Indeed, Istanbul appears to have acted extraterritorially in conducting inspections of Liu’s premises in Svilengrad. “They behave like the police, and even the Bulgarian Chamber of Commerce and Industry [BCCI] can’t help,” says Liu. “They just tell me when there will be inspections and say there’s nothing they can do. I don’t think Turkey should be able to behave like this in an EU country.”

In response to Liu’s objections, Turkish trade officials have told him to move the raw materials plant to Istanbul. When he explained why this is not feasible, the officials recommended relocating to a “bigger country like Germany, Italy or Spain.” Goods produced in Bulgaria, he says, are treated with suspicion. “They don’t trust the Bulgarian government and think everything is fake,” he says.

A Bulgarian think-tanker with expertise in EU-East Asia trade relations offered insights into the reasons for this. She highlights cases of companies trying to dodge tariffs for heavily regulated industries in Turkey. “They import Chinese goods through Bulgarian ports, then simply repackage or relabel them in a Bulgarian factory and import them into Turkey as products made in the EU,” she says. In this way, they can “circumvent not only taxes but also certain safety standards and certification procedures.” However, the academic, who noted that the topic of Taiwan is assiduously avoided at meetings with Bulgarian government officials [3], stresses that the items in question “were definitely goods intended for direct sale or consumption and not raw materials in a production cycle.” [4]

Acknowledging the legitimacy of such grievances, Liu stresses that his Bulgarian operation handles a specific type of PU film used for processing the surface of backing textiles. “These are not finished goods but raw materials from Taiwan and China,” says Liu. “But the Turkish government doesn’t accept this and insists they are ‘Chinese products.’” To make matters worse, Liu has presented all the required documentation only to have it routinely rejected by Turkish customs officials. This includes the [ATR.1 status certificate](#) that allows businesses to benefit from lower customs duties under the EU-Turkey Customs Union; an EU-accredited and BCCI-issued Certificate of Origin; and proof

of his factory’s BCCI registration. “For each of the three years we’ve been in Bulgaria, we’ve had to apply for these documents,” says Liu. “And almost every time, they say the ATR or the Certificate of Origin is not real.” To smooth things over, the customs authorities invariably demand a hefty deposit while the authenticity of the documents is supposedly assessed. The sum, says Liu, could be upwards of EUR \$30,000 (USD \$32,500) and the “investigation” could take anywhere from six months to a year. Once again, when the deposit is returned, depreciation has taken its toll.

“I’m lucky if I get anything back,” Liu says. “And my factory is just one small case. How about all the rest?”

Government Responses, While Moving the Right Direction, Are Still Not Enough

The obstacles that Liu continues to face indicate that the establishment of a [Taiwan-Turkiye Parliamentary Amity Association](#) in Taipei in March is unlikely to yield substantive progress. The inauguration ceremony was attended by Turkish Representative to Taiwan Muhammed Berdibek and Deputy Minister of Foreign Affairs Hsieh Wu-chiao (謝武樵) of the ruling Democratic Progressive Party (DPP, 民進黨). In her capacity as chairwoman of the association, DPP legislator Lai Hui-yuan (賴惠員) spoke of “expanding trade and cooperation in business.” For Taiwanese exporters, this will seem like more hot air.

Yet, Taiwanese exports have been welcomed with open arms when it suits Istanbul’s purposes—some of which are nefarious. In January, a [joint investigation](#) by *The Reporter*, an independent Taiwanese news outlet, and *The Insider*, a Riga-based, Russia-focused online newspaper, revealed that Taiwanese-made machine tools are being illegally transhipped to Russia via Turkey. Between January and July 2023, almost 40 percent of Taiwan’s machining centers arrived in Russia from Turkey— in direct contravention of sanctions imposed by Taipei. Business, it seems, is booming—as long as it’s the right kind.

In response to inquiries about ostensible failures by Turkey to honor its Customs Union commitments, pro-Taiwan Member of the European Parliament (MEP) Reinhard Bütikofer pledged to contact the European Commission’s Directorate General of Trade (DG Trade) “in order to flag this issue.” [5] Bütikofer, who has organized the [Berlin Taiwan Conference](#) over the past two years and serves as vice chair of the European Parliament’s Delegation for Relations with the People’s Republic of China, is a vocal supporter of Taiwan.

After repeated follow-up e-mails from the author and Bütikofer’s

office, DG Trade finally responded more than two months after the initial inquiry. Nele Eichhorn, head of DG Trade's Unit E2, which is responsible for the EU's southern neighbors, the Middle East, Turkey, Russia and Central Asia, wrote that the EU's engagement with Turkey was "focused on providing for the smooth functioning of the Customs Union [CU], ensuring that CU rules are fully and correctly implemented, and addressing trade irritants." [6]

Thanks to ongoing negotiations, Eichhorn wrote, more than half of the 26 barriers that had been identified had been "effectively addressed," with "progress under way" on the remaining obstacles. Among the concrete achievements was the removal of "additional duties on 500 product groups coming from third countries in violation of the EU-Türkiye Common Customs Tariff." [7]

However, while addressing irritants related to Turkey's import surveillance regime, including in the areas of textiles, Eichhorn observed that both Turkey and the EU were entitled to "use trade defense measures in line with the WTO rules." The EC was tasked with monitoring whether trade defense instruments were being legitimately applied, Eichhorn wrote. Therefore, formal complaints about perceived violations of bilateral agreements could be registered via the Single Entry Point – a mechanism under DG Trade for handling complaints related to non-compliance and trade barriers. [8]

For Bulgarian MEP Andrey Kovatchev, who is vice chairman of the European Parliament-Taiwan Friendship, such problems highlight the need for "a more formalized trade agreement" between Taiwan and the EU. He highlights EU rejection of a bilateral investment agreement (BIA) with Taiwan last year as a missed opportunity. "Bulgaria cannot take the lead on this," says Kovatchev, who led an EU delegation to Taiwan in November 2023. "We're always going to follow developments on the European level." While the official reason for the rejection of the BIA was a lack of demand on both sides, Kovatchev and other Taiwan-friendly MEPs believe the "terminology" and proposed content of the agreement made it politically sensitive. Still, he remains hopeful that a reformulated version can pass muster. [9]

Meanwhile, the [passage of resolution 2023/2829 \(RSP\)](#) by the European Parliament in December gives some cause for optimism. The decree relates to Taiwan-EU trade and investment ties, and requires the EU to sign a deal on supply chain resilience and Taiwan's participation in international organizations.

As for the May event in Sofia, even Taiwanese representatives

in Bulgaria seem lukewarm about the prospects of it yielding significant change, especially with Bulgaria mired in political instability. "At least it's something," says one individual with a Taiwanese quasi-governmental organization. "But we have another election coming up [in June] after parliament was dissolved [in February], so ..." With Sofia facing its fifth change of government in two years, no long-term policy changes can be expected, he suggests. [10]

Other Challenges for Taiwan-Owned Businesses

Elsewhere, Taiwanese businessmen with operations in Bulgaria have highlighted disparate work cultures as a factor in the teething troubles they have faced. Taiwanese OEM Davmore has been supplying components to a Bulgarian bicycle frame manufacturer for five years now, and is in the process of establishing its own manufacturing plant in Sofia.

However, it has been from smooth sailing, as the Bulgarian firm is often reluctant to adapt to the unfamiliar but tried-and-true methods offered by its Taiwanese partner, says Davmore head Tim Chen. "It's difficult to get them to adapt and follow a new, better SOP," says Chen. "They just stick to what they know." He gives the simple example of a production line set up where each worker has a specific role, and the frames are welded "station by station." While this is standard practice in manufacturing, the Bulgarian factory insisted on "one person, one complete frame," says Chen. "After three years, they realized this was just too slow," he says. "Now, things have become much more stable." [11]

Still, Chen is hopeful that the incentives that drove his decision to establish a presence in Bulgaria will bear fruit. Like Liu, he cites favorable tax conditions as a major factor, as the EU seeks to encourage manufacturers from the bicycle industry—which is centred on Taiwan, China, and Southeast Asia—to relocate parts of their supply chains to Europe. "We've been consulting with European brands over the past few years, and they want more 'made in the EU' [products]," says Chen. "Depending on the percentage manufactured in the EU, the tax is different, so that's why we set up the factory in Bulgaria."

While this may bode well for the future, it is of scant consolation for Liu and other Taiwanese businesspeople who are struggling in the face of lax enforcement of existing regulations. "We hoped Bulgaria would [be a base to] expand into the EU market," says Liu. "But we're in a bad situation now. At this point, with such high barriers, we can't do much more there." [12]

The main point: Despite tax incentives encouraging Taiwanese

businesses to settle in Bulgaria, lax custom rules and Turkey's import surveillance both cause difficulties for Taiwanese companies. While recent events, such as the May 14 conference held in Sofia, show interest in deeper cooperation between Bulgaria, the European Union, and Taiwan, more practical solutions like the establishment of an EU-Taiwan bilateral investment agreement are needed.

[1] From conversations with the author via WhatsApp, April 24, 2024. The name "Danny Liu" is a pseudonym.

[2] Interview at company office in Taichung, February 20, 2024.

[3] From conversations with the author via e-mail, December 22, 2023 and interview via Zoom, December 28, 2023.

[4] From conversations with the author via e-mail, February 12, 2024.

[5] From conversations with the author via e-mail, February 24, 2024.

[6] From an email from Nele Eichhorn to Reinhard Bütikofer, April 29, 2024; forwarded to the author on May 3, 2024.

[7] Ibid.

[8] Ibid.

[9] Interview via Zoom, January 5, 2024.

[10] From conversations with the author via e-mail, April 25, 2024.

[11] Interview via Microsoft Teams, January 15, 2024.

[12] Interview via Microsoft Teams, January 16, 2024.

The PLA's Inauguration Gift to President Lai: The *Joint Sword 2024A* Exercise

By: John Dotson and Jonathan Harman

John Dotson is the deputy director of the Global Taiwan Institute and associate editor of the Global Taiwan Brief.

Jonathan Harman is GTI's 2024 Ya-Hui Chiu Summer Fellow.

On [May 23](#), the People's Liberation Army (PLA) launched a two-day military exercise in the wake of Republic of China (ROC) President Lai Ching-te's (賴清德) May 20th inauguration. The exercise was the largest PLA exercise in the vicinity of Taiwan since April 2023, and had several notable features. First, while

it was smaller in size and scope as compared to the 2023 exercise, it covered a [larger](#) area than 2022 and was more focused on [five key areas](#). Second, for the first time the drill included significant coast guard activity around Taiwan's smaller island chains. Third, the PLA named the operation [Joint Sword-2024A](#) (聯合利劍-2024A)—the same designation it gave to the 2023 operation. However, the addition of the year and letter implies that this recent exercise will be part of a future series of exercises. While these developments do not indicate an imminent invasion or other military attack, they do imply that the PLA will likely engage in further blockading drills—and that, in the future, these could expand to include Taiwan's outlying islands.

The PLA's Major Exercises Around Taiwan in the Past Two Years

Although the People's Republic of China (PRC) has been steadily ratcheting up coercive military pressure on Taiwan for several years—part of a larger process of what Taiwan's Ministry of National Defense (MND) has termed "civil attack, military intimidation" (文攻武嚇) intended to psychologically target Taiwan's public morale [1]—the current phase of PLA political-military pressure dates to August 2022, when the PRC leadership invoked the pretext of then-US House Speaker Nancy Pelosi's visit to Taiwan to carry out a series of large-scale military operations around the island. Those exercises represented a significant increase in more provocative actions on the part of the PRC—to include missile firings into multiple points in the sea area around Taiwan, as well as what PRC state media described as demonstrations of "sea-air joint blockade and control capability" (海空聯合封控能力). (See *summary discussions of the August 2022 exercises* [here](#) and [here](#).)

The August 2022 exercises were followed by the [inaugural Joint Sword \(聯合利劍\) exercise](#) in April 2023, which PRC messaging linked to transit stops made in the United States by then-ROC President Tsai Ing-wen (including a [meeting in California with then-US House Speaker Kevin McCarthy](#)) while undertaking official visits to Belize and Guatemala. Highlights of that exercise included an emphasis on simulated aerial strike missions, accompanied by a high rate of sorties crossing the Taiwan Strait centerline; and as many as 80 J-15 fighter sorties from the PLA Navy aircraft carrier *Shandong* (山東艦), which was operating in the Philippine Sea off the southeastern coast of Taiwan. Like the August 2022 exercises, *Joint Sword* in spring 2023 emphasized "encirclement" operations around Taiwan—although the actual scale of operations fell short of the actual requirements for any effective blockade.

The Joint Sword 2024 Exercise in May 2024

After three days of relative quiet following President Lai Ching-te's inauguration, the PLA commenced its [series of military drills](#) on the morning of May 23. The PLA Navy (PLAN), Air Force, Rocket Force, and Army were all involved, as well as the China Coast Guard. The exercise [involved](#) a total of 19 PLAN ships, 16 coast guard vessels, and 49 aircraft (35 of which flew across the Taiwan Strait median line).

The military exercise operation was divided into five main operational areas—zones in the southwest, west, north, east, and southeast. In addition to these zones, the coast guard conducted drills around Taiwan's outlying islands. (*A comparison map of the May 2024 Joint Sword exercise zones with the August 2022 exercise zones may be seen [here](#).*) While the exercise operations did not intrude into Taiwanese territorial waters (12 nautical miles from shore), the PRC's announced exercise areas off Taiwan's east coast (off Hualien) and to the southwest (off Kaohsiung) appeared to [broach Taiwan's contiguous zone](#) (24 nautical miles from shore).

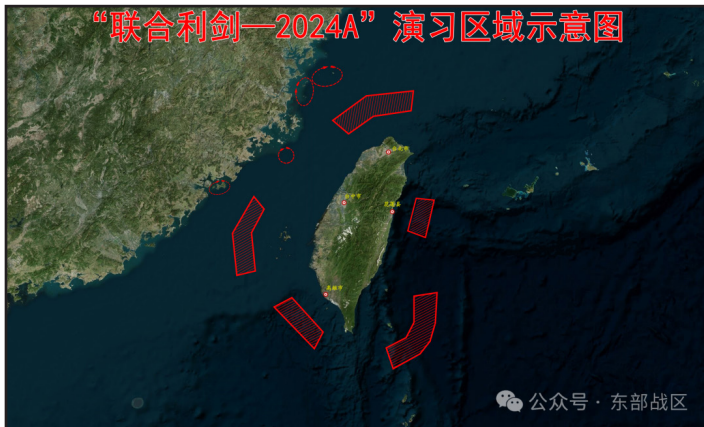


Image: The declared exercise activity areas for the Joint Sword-2024A exercise, involving five areas around Taiwan, and four smaller areas nearer to the PRC coast—including the Taiwan-administered islands of Kinmen and Matsu. (Image source: [PRC Ministry of Defense](#))

Declared Exercise Areas for Joint Sword-2024A

The declared exercise areas were as follows:

- The southwest zone took place off the coast of Kaohsiung (高雄市)—Taiwan's premier trading hub and one of the [main ports for importing crude oil](#). The port is also home to the Zuoying naval base (海軍左營基地). This operating zone's purpose, according to [Zhang Chi](#) (張弛) a professor at Beijing's China National Defense University (中國人民解放軍國防大學), was to practice "strangling" foreign trade and "Taiwan's lifeline of energy imports," and to "block the

support lines that some US allies provide to 'Taiwan independence' forces."

- The western zone was an area the [PLA](#) had not featured in the 2022 and 2023 exercises. Located just west of the Penghu Islands (澎湖縣), this operating zone was meant to demonstrate the PLAN's ability to cut off access to the Taiwan Strait. According to Taiwan's Ministry of National Defense (MND) (中華民國國防部), three Chinese Coast Guard vessels operated south of this zone on May 23.
- The northern zone concentrated on demonstrating the PLA's ability to position forces close to Taiwanese leadership and strike Taipei (臺北) and Taoyuan (桃園). Unlike the 2022 exercise, which had three separate zones in the area, this drill featured a single (albeit much larger) operating zone. This iteration's operating zone was also not as close to shore as the operating zones in the 2022 exercise.
- The eastern zone near Hualien (花蓮市)—another major shipping port—focused on practicing blocking energy imports and blocking alternate escape routes for Taiwanese leadership. The PLA operated closer to the Taiwanese mainland in this zone than it did in 2022, reaching well within Taiwan's contiguous zone.
- The southeastern zone was larger than a similar operating zone in the 2022 drill, reaching all the way to the Bashi Channel (巴士海峽) (the channel between Taiwan and the Philippines, which connects the South China Sea to the Pacific Ocean). Because of its location, the channel is not only a major economic corridor, but is [strategic in military terms](#), serving as a regular flight path for PLA aviation assets flying to the south of Taiwan. With a US military presence in the Philippines, controlling the channel would be a necessary step to prevent foreign intervention if the PRC were to invade or blockade Taiwan.

PLA Platforms Involved in Joint Sword-2024A

The [exercise](#) featured all four combat branches of the PLA (army, navy, air force, and rocket force), and the PRC produced propaganda images of six main platforms and weapon systems that the PLA deployed for the exercise. These platforms included the J-20 stealth fighter aircraft (殲-20), the J-16 fighter (殲-16), the Type 052D destroyer *Kunming* (052D型驅逐艦 昆明), the Type 071 amphibious transport dock (071型登陸艦), *Dong Feng* (東風) series ballistic missiles, and the PHL-16 Multiple Rocket Launch System (MRLS) (砲兵火箭-16). However, while the PLA featured all these platforms in publicity materials, it does not

appear that it conducted any missile live fire exercises.

It also does not appear that the PLA employed significant new platforms in this exercise, as compared to the previous two years (see comparisons [here](#) and [here](#)). The PLA deployed all the platforms it used in *Joint Sword 2024A* in previous exercises. In fact, in many respects this drill was more [restrained](#) than the previous two. While there were more vessels in this exercise than in previous exercises, this year's drill was shorter and did not feature nearly as many aircraft. Likewise, fewer aircraft crossed the median line (especially as compared to April 2023). The PLA also refrained from deploying an aircraft carrier strike group as it did in 2023, and it did not declare off-limits areas for maritime traffic. Rather than testing new platforms, this drill was more focused on honing precision [striking](#) abilities and integrating the coast guard to practice "joint seizure of comprehensive battle-field control."

The Role of the PRC Coast Guard

This was the first time that the [PLA used the coast guard in a significant way](#) in its military exercises around Taiwan. (While the 2023 *Joint Sword* exercise claimed to include law enforcement inspections on foreign vessels, neither the United States nor Taiwan detected such activity.) The primary focus of PRC Coast Guard activity was around Taiwan's outlying islands of Kinmen (金門縣), Matsu (連江縣), Wuqiu (烏坵鄉), and Dongyin (東引鄉). PRC messaging [described](#) this activity as a "comprehensive law enforcement exercise... to test its joint patrol, rapid reaction and emergency response capabilities." As part of this, the coast guard engaged in mock inspections of foreign vessels. In addition to conducting law enforcement exercises around Taiwan's outlying islands, the PRC coast guard sent four vessels near the eastern exercise zone, and three vessels to the southern entrance of the Taiwan Strait. This suggests that the PRC was practicing using the coast guard as a supporting force for military operations around Taiwan.

PLA Political Messaging Surrounding the Exercise

On the day the drills commenced, PRC Foreign Ministry spokesperson Wang Wenbin (汪文斌) [stated](#) that "The joint drills of the PLA Eastern Theater Command are a necessary and legitimate move to safeguard national sovereignty and territorial integrity, crack down on "Taiwan independence" separatist forces and their separatist moves and send a warning to external interference and provocation." The PRC Taiwan Affairs Office issued a statement that [described the exercise as punishment](#) for Lai's "downright confession of Taiwan independence" in his inauguration speech.

Although the *Joint Sword-2024A* exercise was almost certainly planned far in advance, the PRC likely waited a few days before announcing the exercise, in order to posture it as a spontaneous response to Lai's inauguration speech. By presenting the drills as a response to Lai's "separatist" rhetoric, the Chinese Communist Party (CCP) leadership sought to make itself appear more measured, while painting Taiwan's new administration as reckless and destabilizing. Shifting blame to the Taiwanese government in order to establish legal justification for military action is a typical CCP strategy, which was also seen in the [previous *Joint Sword* exercise](#).

PRC propaganda materials also appeared to exaggerate live fire aspects of the exercise. For example, rather than doing live missile tests—a provocative centerpiece of the August 2022 drills—the PLA ran footage on [CCTV \(中國中央電視台\)](#) on May 24 of the PLA Rocket Force moving mobile artillery and missile systems into position. The reasons behind the decision to use footage instead of actual live firings is unclear, but it is possible that the CCP wanted to avoid unintended consequences like those it faced from 2022's live fire exercises—which saw Japan deciding to [develop counterstrike missile capabilities](#). As stated by [Su Tzu-yun \(蘇紫雲\)](#), the director of Taiwan's Institute for National Defense and Security Research (國防安全研究所, INDSR), the PLA's more restrained actions were likely "to avoid a backlash and protests from many countries."

Conclusions

Like the previous *Joint Sword* drill, *Joint Sword-2024A* was relatively short and limited in scope. Rather than lasting for a full week like the exercise in 2022, both the 2023 and 2024 drills only lasted two to three days, and featured limited to no live fire exercises. Because *Joint Sword* exercises have so far been more limited, the PLA needs less time to plan them. This will allow the PRC to implement future *Joint Sword* operations on a shorter-notice basis, depicting them as "punishments" for ROC actions the CCP deems to be "separatist". As further evidence of this, PRC Defense Ministry spokesman [Wu Qian \(吳謙\)](#) stated in reference to the recent exercise that "Every time 'Taiwan independence' provokes us, we will push our countermeasures one step further until the complete reunification of the motherland is achieved."

The operation's name of *Joint Sword-2024A* implies that it will be part of a [series](#) of regular drills—and that there could be a "B" planned for sometime later this year, perhaps in the autumn timeframe. While *Joint Sword-2024A* was not as significant as the exercises in 2022 and 2023, the implication that these ex-

ercises will become recurring events further demonstrates that the PRC is working to continue ratcheting up its coercive military pressure against Taiwan. As Deputy Commander of U.S. Indo-Pacific Command Lt. Gen. Stephen Sklenka described the matter, this most recent operation is the “normalization of abnormal actions.”

PRC messaging surrounding *Joint Sword-2024A* clearly indicates the preeminent role of propaganda in the operation, and of the exercise’s place in a much broader CCP campaign of psychological pressure against Taiwan and its people. However, it also demonstrates the role that such exercises play in the incremental improvement of PLA operational capabilities: as [stated by analyst Eric Chan](#) in describing the first *Joint Sword* of April 2023, “the scale and progression of these exercises indicate a long-term plan of action and milestones for the PLA to improve operational capability, rather than as a military demonstration alone.” *Joint Sword-2024A* is unlikely to be the last of its kind

The main point: The PLA conducted the exercise *Joint Sword-2024A* in the air and sea space around Taiwan over the course of two days on May 23-24. Although nominally undertaken as “punishment” for the “separatist” content of the inauguration speech made by Taiwan President Lai Ching-te on May 20, the exercise was almost certainly planned in advance. Although the exercise was heavy on propaganda content, such exercises also play a role in the gradual improvement of PRC military capabilities.

[1] ROC Ministry of National Defense, 2022 Chinese Communist Military Power Report [111年中共軍力報告書], September 1, 2022 (pp. 20-21).

Necessary Reforms or Power Grab? A Recap on the Recent Legislative Yuan Drama

By: Ben Levine

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Taiwan’s Legislative Yuan (LY, 立法院) has long been a dynamic and sometimes tumultuous arena for political maneuvering. The [most recent elections](#), held in January 2024, resulted in no party obtaining a majority in the LY—but with the Kuomintang (KMT, 國民黨) winning a plurality of seats. In a bid to reshape legislative processes and [potentially exert further influence over the new Lai Ching-te \(賴清德\) administration](#), the KMT—

in collaboration with the Taiwan People’s Party (TPP, 民眾黨)—recently proposed and passed significant changes to the rules governing the LY’s investigative powers. This move has sparked intense debate, with the Democratic Progressive Party (DPP, 民進黨) [strongly opposing the proposal](#), viewing it as a threat to democratic norms, legislative efficiency, and the separation of powers between branches of the government. Conversely, the KMT argues the bill is necessary to strengthen Taiwan’s democracy by establishing a more robust system of checks and balances. In order to understand the potential implications of these changes, it is important to understand what is included in the KMT/TPP’s proposal and the DPP’s counter proposal, as well as how Taiwan’s LY functions.

How the Legislative Yuan Functions

Although the LY’s function is similar to the US Congress, Taiwan’s legislature is unicameral (meaning one house) while the US Congress is bicameral (with two houses, the House of Representatives and the Senate). The LY is an important branch of government in Taiwan that has the authority to enact legislation on a wide range of matters, [including](#): statutes, budgets, martial law, amnesties, declarations of war or peace, treaties, and other significant issues of national importance. The LY can also potentially check the power of the executive branch through impeachment.

The [lengthy process](#) behind getting bills proposed and passed in the LY is different from that of the US Congress. All bills—except budgetary bills, which must originate from the Executive Yuan—can be proposed from the Executive Yuan, Judicial Yuan, Examination Yuan, Control Yuan, legislators themselves, or political parties that are represented in the LY. After a bill is sent to the LY, the title is read aloud in the first reading of the bill. After this, the bill gets sent to the appropriate committee for further consideration, or else sent directly to the second reading. When a bill gets sent to an appropriate committee, the committees may ask for the relevant government agencies or members of the public with specialized knowledge to provide legislators with advice. After the committee deliberations, the bill is sent to the second reading process, wherein the LY can debate the bill further. After a bill passes the second reading, then the third reading occurs. Only statutory or budgetary bills are required to go through three separate readings; all other bills require two readings. If a bill passes the third reading, it is sent to the president, who can either sign the bill into law or veto it.

It is important to note that the LY already possesses established investigative powers. Taiwan’s Constitutional Court, in [Interpre-](#)

[tation No. 585](#) (法院大法官釋字第585號解釋) issued in 2004, addressed the scope and limitations of the LY’s investigative powers. The Court recognized the importance of investigative authority for the Legislative Yuan to effectively fulfill its legislative duties. Underscoring the need for the LY to respect the authorities of other government branches—particularly regarding executive privilege—the interpretation emphasized that the LY’s power is not absolute and must be exercised within the bounds of the Constitution. Additionally, the Court advocated for resolving disputes concerning the scope of investigative power through negotiation or judicial review. Despite the LY already having investigative powers, why has the bill proposed by the KMT/TPP [drawn so much controversy](#)?



Image: The floor of the Legislative Yuan, with legislators displaying contending signs supporting or opposing the draft amendment on the LY’s oversight authorities (May 24, 2024). (Image source: [Legislative Yuan / Wikimedia Commons](#))

The Content of the Bills

The amendments to the [Legislative Yuan Exercise of Official Powers Law \(立法院職權行使法\)](#) has prompted considerable controversy in and out of Taiwan. Taiwan has witnessed [public protests](#) in response to the KMT-TPP alliance’s attempt to expedite a bill enhancing legislative powers over the executive branch. These protests reflect widespread concern over the potential implications for Taiwan’s democratic governance. Additionally, a group of [30 international scholars](#) has voiced its opposition through an open letter, highlighting the bill’s risks and urging a reconsideration of its rapid progression.

Here are the key points of the [KMT/TPP bill](#) (based on the May 24 second reading of the bill) and the DPP’s counterproposal:

[There has been a third reading of the KMT/TPP bill (May 28) – but the contents of the third reading bill have not been made publicly available as of June 10, 2024]

Aspect	KMT/TPP Bill	DPP Bill
Investigative Bodies / Powers	<p>Investigation Committees: Composed of members from each political party proportional to their seats in the LY. Investigate specific bills and submit reports with findings and recommendations.</p> <p>Investigation Task Forces: Established by specific committees within the LY. Investigate specific aspects of a bill and report findings to their parent committee.</p>	<p>Investigative Powers: Establishes a new investigative committee through a resolution by the entire LY. Limits investigative power to matters closely related to the LY’s constitutional powers. Allows requesting documents, reviewing originals, holding public hearings, and inviting experts for opinions.</p>
Document Access	<p>Who Must Comply: Agencies, legal persons (businesses, organizations), and individuals related to the specific bill under investigation.</p> <p>Documents Requested: Documents and files relevant to the investigation.</p> <p>Timeframe: Must be provided within five days unless there’s a legal reason or legitimate justification.</p>	<p>Who Must Comply: Agencies, relevant scholars and experts, and public interest groups</p> <p>Documents Requested: Grants agencies the right to request documents if there are legitimate reasons.</p> <p>Timeframe: Maintains the 5-day deadline for providing documents with justifications for refusal. Allows the committee to extend or shorten the deadline (with minimum 3 days notice for shortening).</p>
Hearing Process	<p>Notification: The LY must notify relevant parties 15 days before a hearing with details on the matters to be discussed.</p> <p>Witness Obligations: Those invited must attend unless they have a justifiable reason. Personnel invited to hearings at the LY should answer truthfully and may not refuse to make statements, make incomplete statements, or make false statements.</p>	<p>Witness Obligations: Agencies must provide requested documents or information within five days unless refusal is based on legal or legitimate reasons. If relevant documents are already obtained by judicial or supervisory authorities, the agency must state reasons and provide a copy. If unable to provide a copy, legitimate reasons must be stated.</p>

<p>Hearing Process (cont.)</p>	<p>Hearing Type: Hearings shall be held in public unless they involve matters that must be kept confidential by law, in which case they shall be held in secret meetings.</p>	<p>Hearing Type: Public hearings are mandatory for personnel consent and investigation matters, involving input from relevant stakeholders. Secret meetings are held for matters involving national security or sensitive issues.</p>
<p>Penalties</p>	<p>Non-Compliance with Document Requests: Government agencies/public servants face referral to the Supervisory Yuan for potential disciplinary action. Public servants, legal persons, and individuals can be fined NTD \$20,000 – NTD \$200,000 (USD \$619 – USD \$6,169), with potential for repeated fines until compliance. Individuals can appeal through an administrative lawsuit.</p> <p>False Statements During Hearings: Same potential fines and referral to the Supervisory Yuan as above.</p>	<p>Penalties for Non-Compliance: Increases the fine range for refusing, delaying, or concealing documents to NTD \$10,000 – NTD \$300,000 (USD \$308 – USD \$9,253) with potential consecutive fines.</p>
<p>Reporting</p>	<p>Deadline: Investigation committees or task forces must submit reports with their findings and recommendations within 30 days of completing the investigation.</p> <p>Transparency: Hearing records shall be kept.</p>	<p>Deadline: The LY decides the interim and final reports deadlines.</p> <p>Transparency: Requires video and audio recording of bill negotiations between party groups. Mandates publishing the entire negotiation process in the official report. Demands broadcasting video recordings of consultations in real-time. Enforces attaching written explanations and legislative reasons for amendments significantly different from the original proposal.</p>

Potential Implications for the New Lai Administration

While the KMT/TPP bill bolsters legislative oversight and information access for the LY, this amendment to the Law on the *Exercise of Powers of the Legislative Yuan* carries the potential to be a political weapon and expose sensitive information that could fall into the wrong hands—particularly given [concerns about potential ties](#) between certain KMT legislators and the Chinese Communist Party (CCP). Granting the LY unfettered access to documents, unrestricted summons power, and the ability to levy fines for subjective non-compliance creates a prime opportunity for the KMT to hobble the newly elected Lai Ching-te administration. Frequent and intrusive investigations could become a tool to disrupt Lai’s agenda and paint his administration as obstructive or lacking transparency.

The true danger, however, lies in the erosion of Taiwan’s democratic checks and balances. The proposed amendments could tilt the power dynamic heavily towards the legislature, paving the way for politically motivated investigations and potential abuses of power. In the absence of safeguards against abuse, fines levied against individuals and entities unwilling to comply with LY demands could have a chilling effect, discouraging open and honest engagement with the government. A healthy democracy thrives on a delicate balance: empowering the legislature for effective oversight while safeguarding the executive branch from undue interference. The KMT’s proposal, if enacted without robust safeguards, threatens to tip this balance, potentially weakening the very foundations of Taiwan’s democracy. In response to comment, the DPP’s Washington DC mission stated that it is “concerned that the role of legislative investigations could evolve in a way that threatens the democratic fabric of Taiwan over the next decade. If the LY’s power to subpoena and penalize individuals is expanded without adequate checks, it could lead to an environment where elected officials with partisan intentions might misuse these powers, potentially leading to significant civil rights abuses and a decrease in political and judicial independence.” [1] Notably, the KMT’s Washington DC mission did not respond to this query about the future implications of the bill, leaving questions about the party’s stance on this critical issue unanswered.

The DPP’s counter-proposal, while aiming to address the KMT’s potentially weaponized oversight, introduces a different set of challenges. The emphasis on limitations and confidentiality safeguards, though necessary, could create bureaucratic hurdles that slow down investigations. Additionally, the DPP’s focus on transparency through public reports and video recordings might be met with resistance, raising concerns about selective

Table source: [KMT bill](#) and [DPP bill](#)

leaks or the potential for sensitive information to be unintentionally revealed, even with redactions.

Both proposals highlight the need for a nuanced approach that strengthens legislative oversight without jeopardizing Taiwan's democratic equilibrium. Striking a balance between transparency and confidentiality, and between efficiency and safeguards, will be crucial. Collaborative efforts from both parties are essential to crafting effective legislation that empowers the LY for responsible oversight while maintaining healthy checks and balances within the government.

After the passage of the amendment during the third reading, on June 6, Taiwan's premier Cho Jung-tai (卓榮泰) sent the bill back to the LY, in which seven reasons were cited for not being able to promulgate the law. The [seven reasons](#) include there was lack of substantive discussion (沒有實質討論), questioning the president is unconstitutional (質詢總統違憲), the scope of hearings is too broad (聽證範圍過廣), violation of procedural justice (違反程序正義), indefinite review of personnel approval reviews (無期限審查人事同意權), the definition of contempt of LY is unclear (藐視國會定義不明), and that officials may be punished for making false statements (懷疑官員虛偽陳述可課以刑責). The LY will have 15 days to vote on the bill again, and if it passes with a simple majority, then the President must promulgate it.

The main point: The KMT and DPP amendments on the Legislative Yuan's investigative powers represent opposing ends of a spectrum, with the KMT prioritizing broad legislative oversight authority and the DPP emphasizing safeguards to avoid infringing on executive functions. Finding a balanced approach that ensures effective oversight while protecting democratic principles is critical for Taiwan's future.

[1] E-mail communication between the author and DPP representative office in Washington DC (May 30, 2024).

Towards a More Equal Equality: LGBTQ+ Rights in Taiwan's Post-2019 Political Landscape

By: Juliet Paulson

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On May 24, 2019, Taiwan made international headlines as [mar-](#)

[riage equality legislation](#)—the first of its kind in Asia—went into effect. Though a watershed moment for local LGBTQ+ activism, the new law stopped short of granting same-sex couples a status on par with their heterosexual counterparts, and left a broad range of concerns beyond marriage unaddressed. Five years later, Taiwan's legal framework encompasses a broader array of LGBTQ+ rights, incorporating significant updates to the 2019 legislation aimed at establishing a more “equal” marriage equality. Still, difficulties mobilizing long-term support for gender and sexuality issues among members of the public and politicians alike—as showcased by Taiwan's 2024 elections—complicate the path to future progress.

Equality After Marriage

Though many civil society organizations at the forefront of Taiwan's LGBTQ+ movement celebrated 2019's legislative win as a step in the right direction, they were also quick to [point out its limitations](#). Notably, activists had pushed for a direct amendment to Taiwan's civil code that would expand the definition of marriage to include same-sex couples. Instead, the legislature passed the separate Act for Implementation of *Judicial Yuan Interpretation No. 748* (司法院釋字第七四八號解釋施行法)—often simply referred to as the “special marriage law” (婚姻專法)—in the wake of the [2018 national referendum](#), which supporters of marriage equality widely saw as a major setback. Excluding same-sex couples from the civil code has barred access to protections such as legal recourse when experiencing abuse by an in-law, a gap only recently addressed by a November 2023 [revision](#) to Taiwan's *Domestic Violence Prevention Act* (家庭暴力防治法).

In recent years, same-sex couples have gradually gained a host of other rights, bringing Taiwan's special marriage law closer to true marriage equality. Regulations limiting some transnational couples from being legally married were [repealed](#) in January 2023, though Taiwanese citizens with a same-sex partner from the People's Republic of China (PRC) are still unable to register for a marriage license. Comprehensive parental rights were also missing from the original legislation, which only allowed same-sex couples to jointly adopt children biologically related to one partner. Following successful [legal challenges](#), the government subsequently granted full co-adoption rights to same-sex couples in [May 2023](#). While this process received somewhat less domestic and international attention than the marriage equality legislation itself, the updated policy means couples no longer need to [choose between marriage and parenthood](#)—a landmark achievement that can be tied to the tireless advocacy of Taiwanese civil society.

Despite the legalization of adoption, assisted reproductive technology (ART) remains exclusively available to heterosexual couples, and thus inaccessible to both single individuals and same-sex partners. This issue has attracted greater attention since late 2023, when the Ministry of Health and Welfare (衛生福利部) announced its plans to [propose a draft amendment](#) to Taiwan's *Assisted Reproduction Act* (人工生殖法), possibly motivated by concerns over Taiwan's [declining fertility rate](#). In addition to ART access, [transgender rights](#) have increasingly gained visibility, while activists are pushing for the passage of Taiwan's first [comprehensive anti-discrimination "Equality Law"](#) (平等法).

In this context, while major legislative strides have been made towards expanding the rights available to Taiwan's LGBTQ+ community, significant opportunities remain for further political and social progress. Even as general attitudes towards LGBTQ+ individuals are [gradually becoming more positive](#), discrimination persists in venues such as [schools](#) and [workplaces](#). Furthermore, the social divides that characterized the buildup to the legalization of marriage equality have not entirely receded. In a 2023 Pew Research Center [survey](#), 42 percent of Taiwanese respondents were opposed to same-sex marriage. As marriage equality becomes increasingly institutionalized in Taiwan, many members of this group have turned to transphobic rhetoric in their attempt to galvanize the public. This has led to the establishment of organizations like [No Self ID Taiwan](#), which claims to protect the rights of women while advancing an anti-trans agenda.

The current situation reflects an overall trend in which legislative progress in Taiwan is not always matched with an equal amount of consideration when it comes to its practical implementation. Experts have long pointed out how this manifests with regard to gender equality, such as the [discrepancy](#) between robust anti-sexual harassment legislation and informal tolerance of such behaviors. With a policy environment that outstrips many of its neighbors in terms of accounting for the needs of marginalized communities, Taiwan nonetheless struggles to make these laws meaningful in a day-to-day sense, which has a profound impact on the lived experiences of local LGBTQ+ community members. Simultaneously, despite inclusive policy updates over the past five years, an overall lack of political willpower from major parties to make gender and sexuality rights a core agenda item represents another major challenge to LGBTQ+ advocacy.

LGBTQ+ Rights in the Arena of Electoral Politics

The inauguration of Democratic Progressive Party (DPP, 民進黨) president-elect Lai Ching-te (賴清德) took place on May 20,



Image: Marchers at Taiwan's 2016 Gay Pride March, just outside Taipei's Liberty Square (October 2016). (Image source: [Wikimedia Commons](#))

2024, only four days before the fifth anniversary of the legalization of same-sex marriage in Taiwan. Unlike his predecessor Tsai Ing-wen (蔡英文), who [campaigned](#) on explicit support for marriage equality, Lai did not make gender and sexuality rights a major part of his platform. (However, in October 2023 he became the [most senior government official](#) to attend Taipei's annual Pride march, the biggest in Asia.) Mere months after a home-grown [#MeToo Movement](#) that swept across Taiwan during the summer of 2023, some commentators remained [pessimistic](#) as to the prospects for sustained social or political change, while the short-lived reckoning that transpired did not seem to have any long-term impacts on the 2024 election.

Indeed, former Taipei city mayor and Taiwan People's Party (TPP, 台眾黨) chair Ko Wen-je (柯文哲), who has repeatedly [faced criticism for sexist comments](#), picked up [26 percent](#) of the presidential vote share—a considerable margin for a third-party candidate. Only two months before the election, Ko [suggested](#) that schools should treat LGBTQ+ students as though they have a mental or emotional disorder. Meanwhile, a cohort of young candidates with a record of support for LGBTQ+ rights who came to politics by way of the 2014 [Sunflower Movement](#) suffered an ["overwhelming defeat"](#) at the polls. One of them was current Social Democratic Party (SDP, 社會民主黨) city councilor Miao Poya (苗博雅), known for being one of the [first openly lesbian candidates](#) elected to a prominent public office. In this context, whether the incoming administration will prove responsive to LGBTQ+ civil society—and the overall salience of gender and sexuality rights in Taiwan's political discourses going forward—remains to be seen.

On Taiwan's long road to legalizing same-sex marriage, LGBTQ+ rights have become a hot-button issue that both the supporting and opposing camps have mobilized to spark mainstream social discussion. More recently, however, [economic issues](#) have been at the forefront of Taiwan's elections, as social inclusion took a backseat to more immediate frustrations over [rising housing prices paired with consistently low wages](#). Additionally, while small-scale, negotiated policy shifts can contribute to building a more equal Taiwan, they are unlikely to make the same international splash as marriage equality—an issue that tends to attract comparatively [heightened focus](#) worldwide. This means that future policy adjustments may not provide the government with the same global reputation boost, reducing political incentives to enact meaningful change in the absence of sustained, cross-cutting pressure from Taiwanese society.

Despite these barriers, incremental changes are underway that could form a path to a more inclusive future. According to the [PrideWatch](#) initiative of the [Taiwan Equality Campaign](#) (彩虹平權大平台), the 2024 election saw [more LGBTQ+-friendly candidates](#) both participate and win seats compared to the previous cycle. In Kaohsiung, the formerly independent DPP newcomer Huang Jie (黃捷) became Taiwan's [first openly LGBTQ+ legislator](#). And while Miao Poya lost her legislative bid, she captured an impressive [45 percent](#) of the vote share in Taipei's Da'an District, a Kuomintang (KMT, 國民黨) stronghold. Persisting through repeated [attacks](#) on her sexuality and progressive platform, Miao's success in rallying support for key issues related to social and economic justice could provide lessons for politicians with similarly ambitious agendas. Ultimately, the mixed bag of these electoral results showcases existing obstacles facing LGBTQ+ candidates and campaign issues along with future possibilities.

Meanwhile, change is afoot in Taiwan's neighboring countries. As of early 2024, legal challenges to Japan's constitutional ban on same-sex marriage have been [picking up steam](#), while marriage equality legislation remains pending in [Thailand](#). What [human rights monitors](#) hoped would come to pass in 2019 may well be on the way: Taiwan's legislative progress could herald a deeper commitment to LGBTQ+ rights regionally. At the same time, the case of Taiwan demonstrates the degree to which such gains may be accompanied by new challenges, both socially and politically. While marriage equality developments are most likely to make the news, civil society and policymakers must devote consistent attention to a broader suite of relevant issues for LGBTQ+ communities to experience a truly equal version of equality.

The main point: Five years after Taiwan's landmark marriage

equality legislation, gradual updates to this law have led to an increasingly inclusive legal environment for LGBTQ+ residents. However, outstanding advocacy priorities and difficulties with gaining a firm foothold in Taiwan's current political landscape point to the challenges ahead on the road to equal rights.

What's New for the Bluebird Movement? Advancing Asian Democratic Solidarity between Taiwan and Southeast Asia via Digital Technology and Partnership

By: Alan H. Yang and Hsin-Huang Michael Hsiao

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A New Political Landscape in Taiwan Since 2024

After the general election in January, a new political landscape has begun forming in Taiwan. President William Lai Ching-te (賴清德) started a record third presidency for the Democratic Progressive Party (DPP, 民進黨). However, no single political party exists as a dominant party in Taiwan's Legislative Yuan (LY, 立法院). Although the Kuomintang (KMT, 國民黨) lost the presidential election, it still won [52 of the total 113 seats of LY](#). In order to counterbalance the DPP government led by William Lai, the KMT negotiated a [coalition](#) with the emerging third force, the Taiwan People's Party (TPP, 民眾黨) (which obtained [eight seats from the propositional list](#)). By becoming the majority alliance in the LY, the KMT-TPP coalition has surpassed the DPP's 51 seats in terms of numbers, resulting in a divided government. The fact that the KMT-TPP coalition is enough to win any vote and monopolize the LY by relying on numerical superiority has led some public groups to voice concerns that such an arrangement would [erode Taiwan's resilient democracy](#).

The Characteristics of Taiwan's Youth Activism

Taiwan's student-led activism enjoys the longest history among all Asian countries. Dating from the 1922 student movement at the Taipei Normal College to the present, this marks over 100 years of student-led movements. Over the past century, Taiwan's student-led activism has evolved from time to time, and it has continued to strengthen in influence—evolving from *facilitating*

Taiwan's democracy to consolidating Taiwan's democracy.

Over the past 100 years, Taiwan's youth activism has developed the following five features:

1. It is considered to be a time-honored tradition;
2. It extends beyond campus, to society as a whole;
3. It leverages the use of technology;
4. It contributes to a broader legacy of political reforms;
5. And, more recently, it demonstrates regional influence.

The first four characteristics are driving forces for enabling political and social changes, as well as propelling reforms within Taiwan. The fifth one demonstrates the unique political and civil society connectivity between Taiwan and Southeast Asian countries—in particular as shown in the “Sunflower Student Movement” (太陽花學運) of 2014 and the “Bluebird Movement” (青鳥行動) of 2024.



Image: Senior citizens from southern Taiwan joining the “Bluebird” protests outside the Legislative Yuan in Taipei (May 2024). (Image source: Provided by the authors.)

The Origin of the Bluebird Movement

Regrettably, prevailing concerns among Taiwanese society regarding the new political landscape of a 2024 divided government came true. In May, the KMT partnered with the TPP to speed up the LY's passing of amendments to the [Legislative Yuan Exercise of Official Powers Law \(立法院職權行使法\)](#). This

amended law, passed by the KMT-TPP coalition without any substantial deliberation, would create an [excessive concentration of power](#) under the LY—and threaten the checks-and-balances of Taiwan's constitutional framework. (For a more detailed analysis of the KMT-TPP amendments, see “Necessary Reforms or Power Grab? A Recap on the Recent Legislative Yuan Drama” by Ben Levine, [elsewhere in this issue](#).)

Due to their concerns, young activists and political activist groups gathered outside the LY and launched a peaceful protest [against the contentious push to amend the law](#). On May 24, the number of people participating in the movement reached 100,000 in Taipei. At the same time, [13 other counties and cities in Taiwan](#) launched corresponding protests, which attracted social attention and international concern. Moreover, in early June, supporters of the “Bluebird Movement” raised USD \$2.6 million in a couple of hours—with the money raised used to broadcast a 30-second video advertisement every five minutes for 24 hours on a major billboard in in [New York City's Times Square](#) to garner international support for Taiwan's democracy.

Taking place during the 10th anniversary of the 2014 Sunflower Movement, the Bluebird Movement can be regarded as the most significant example of youth activism after the Sunflower Movement for four main reasons. First, both movements aimed to safeguard Taiwan's sovereignty and democratic values. Second, the Bluebird Movement's participants, who even included high school students, were much younger than those in the Sunflower Movement. While traditional activist groups were constructive in offering assistance in logistics, experience sharing, advocacy and strategy, youngsters made up the majority of the protestors. Third, the role of technology has become comparatively more important, including in the dissemination of information, communication, and broadcasting to the international community. etc. Fourth, the Bluebird Movement enjoyed substantive international support from overseas, in particular from like-minded activist groups in Southeast Asian countries and Hong Kong.

Enlightening New Social Activism: from Taiwan to Southeast Asia

Digital Technology as a Tool or Interface

The Sunflower Movement of 2014 had a profound impact on youth activism and democratic solidarity in Asia. In particular, the movement showed how to strategically utilize digital technology for the following six functions:

1. Rapid dissemination and mobilization (social media and in-

stant messaging tools);

2. Improving transparency and credibility (live broadcast and video);
3. Resource and information sharing (cloud collaboration tools);
4. Expanding social influence through online social media (digital activism);
5. Creating online communities (formation of online communities);
6. Fighting against disinformation warfare and public opinion manipulation (dealing with false information with timely clarification).

During the 2014 Sunflower Movement, digital technology facilitated even closer exchanges and partnerships between activist groups in Taiwan and Southeast Asia, particularly in the following fields:

1. Regular communications and mutual learning between activist groups;
2. Curating solidarity and support;
3. Co-organizing rallies;
4. Networking with like-minded partners;
5. Stimulating democratic awareness and action;
6. Sharing references to tactics and strategies for organizing activism;
7. Strengthening international linkages;
8. Sharing media and publicity strategies;
9. Raising legal and human rights awareness;
10. Advancing support from activist groups in Southeast Asian countries.

One legacy of the Sunflower Movement is the emergence of closer ties between young activist groups in Taiwan and the region. In the past few years, activists in Southeast Asian countries have kept contact and maintained close interactions with Taiwan's activist groups and counterparts, including in the Bluebird Movement. Indeed, the Bluebird Movement can be regarded as the most influential culmination of recent advancements in digital technology and growing regional partnerships. Many activists from Southeast Asian countries and Hong Kong came to



Above: Traditional activist groups helping to share resources during the "Bluebird" protests. Below: Signs and reminders are everywhere to warn the activists not to get out of control and rush into the LY. (Images source: Provided by the authors.)



Taipei to join the rally, to offer support as observers, to volunteer to assist with logistics, and to participate in sit-ins. There were in total 25 activists across 10 organizations from Thailand (four participants), Malaysia (five participants), Indonesia (four participants), the Philippines (five participants) and Hong Kong (seven participants). [1]

Conclusion

Despite the efforts of the Bluebird Movement, the [controversial bills proposed by the KMT and TPP still passed in the LY](#). Howev-

er, democratic solidarity will not be discouraged. Modern youth-led activism in Taiwan has navigated two transformations: one was the transition from democratic facilitation to democratic consolidation; while the other was reorienting from exerting domestic influence to creating regional and international impact. Both of these transformations have been achieved under the proactive leadership of youngsters in Taiwan, which also contributes to deepening Asian democratic solidarity between Taiwan and Southeast Asia.

The main point: The recent youth-led Bluebird Movement protests built upon the 2014 Sunflower Movement's successes in leveraging digital technology and regional ties. Although protesters were unsuccessful in blocking the controversial KMT-TPP coalition-led bills from passing, the movement was a significant example of how Taiwan's youth activism has continued to uphold regional democratic solidarity.

[1] Information based on author interviews and participatory observation.