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The resilience of the Taiwanese democracy challenged from the outside and the inside

A look back at William Lai term's beginning during the 2024 year

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As the 2024 year ended and while the Trump administration is preparing to start its operations at the end of January 2025, it seems necessary to look back at Taiwanese President William Lai (Democratic Progressive Party – DPP) term's beginning during the 2024 year in order to define what kind of challenges linked to Cross-Strait relations a Trump II presidency will have to deal with, as the China-US rivalry will be at the core of international relations dynamics. With several large scale and joint forces drills from the People's Republic of China (RPC) Peoples' Liberation Army (PLA) from May to December, to be added to other Chinese actions in hybrid domains (lawfare, information warfare, economic coercion, e.g.), the *status quo* within the Strait has been further eroded. Yet, what seemed to trigger less attention from the international observers but could have no less significant impacts on Taiwanese action to strengthen its resilience towards Chinese pressure, are the different legislative reforms supported by the opposition within the Legislative Yuan, Taiwan's unicameral Parliament, and more generally KMT's ambiguous position on Cross-Strait relations, raising questions on a potential weakening of Taiwanese democracy from the inside.

An increasing and further erosion by the PRC of the *status quo* within the Strait

An intensification of PLA's military drills around Taiwan in 2024, with a constant redefinition by the PRC of the supposed threshold not to be crossed

The 2024 year has been characterized by an important – but not unprecedented[1] – number of Chinese People's Liberation Army (PLA) joint maneuvers around Taiwan. Obviously, these drills serve operational training purposes for the PLA, different patterns being tested during these life-sized wargames. Yet, the PRC is also attempting to normalize, as it has done with the intrusions into the ADIZ[2], the non-respect of the median line and the restricted and regulated waters[3], and whether this is

[1] Indeed, it has to be reminded that within the 2023-year, three major drills around Taiwan have been organized by the PLA as well: In August 2023, the People's Liberation Army (PLA) Eastern Theater Command conducted training in the sea and airspace north and southwest of Taiwan during one day, describing the exercise as a response to William Lai's transit to the United States (when he was the Vice-President). From April 8 to April 10, 2023, the Joint Sword drill of three days was held and presented as an answer to Tsai Ing-wen stopover at the US and her meeting with Kevin McCarthy, the Speaker of the House of Representatives. From September 11 to 19, 2023, the PLA conducted an exercise whose scenario was likely, the PLA's denial of access to one or more American carrier groups in the context of a crisis in the Strait. Interestingly, the September 2023 exercise was not described as triggered by any external event.

[2] Gen. Kevin Schneider, commander of the U.S. Pacific Air Forces, said in November 2024 that China has increased its incursions around Taiwan by 300 percent since President William Lai took office, whether entering the air defense identification zone [ADIZ] or crossing the median line of the strait. From May to November 2023, Chinese aircraft entered Taiwan's ADIZ 335 times, according to Taiwan's Ministry of National Defense data, compared with 1,085 times in 2024, about three times more.

[3] On February 14, 2024, an incident between a Chinese fishing vessel and a Taiwanese coast guard vessel led China to deny the existence of the "regulated" and "restricted" waters around the Kinmen and Mazu Islands – that were respected so far –, resulting in Chinese vessels (including coast guard vessels) entering these waters. China and Taiwan have each stepped up their coast guard patrols around the Kinmen and Matsu Islands. On July 31, 2024, a consensus has been found between the two sides for the February incident. Néanmoins, si suivant l'accord, le pêcheur taïwanais retenu sur le continent depuis 4 mois et demi devrait pouvoir regagner Taïwan mercredi 7 août, on peut douter de l'efficacité du consensus pour modifier la « nouvelle normalité » que Pékin tente d'instaurer peu à peu dans le détroit : alors que le document venait d'être signé, les garde-côtes taïwanais ont enregistré le 31 juillet une présence inhabituellement élevée de bateaux de pêches chinois opérant dans les eaux taïwanaises. However, we can doubt the effectiveness of the consensus to change the "new normal" that Beijing is

in the eyes of the Taiwanese population or the international community, a military response to political statements or gestures, which had otherwise occurred in the past without provoking a military reaction of this magnitude. By doing so, the PRC is increasing the pressure on a *status quo* which it is already modifying in its favour and imposing a new normality in the Strait. This normalization process has several objectives. In the context of the cognitive war launched against Taiwan, the aim is to make the Taiwanese leadership, and not the Chinese leadership, increasingly responsible to the Taiwanese population for Cross-Strait tensions, and to present them as the triggers for these large-scale exercises. This also serves to dissuade them from crossing a red line that Beijing is gradually redefining, forcing them to scale back their freedom of action vis-à-vis the United States.

- **On May 23 and May 24, 2024, the PLA launched a two-days military exercise, dubbed *Joint Sword* 2024-A.**

William Lai's inaugural speech on May 20, following his victory[4] in the January 13 presidential elections, was presented by Beijing as the justification for this exercise.

The main critics from Chinese officials among others were that this speech failed to recognize that Taiwan was part of China, promoted the "two-state theory"[5] and labelled China as a foreign country, was seeking outside assistance and intervention to support Taiwan's independence and used democracy as a pretext to pursue independence. However, William Lai followed in Tsai Ing-wen's footsteps by reminding his commitment to maintaining the *status quo*, not to be provocative or give in to pressure, and to respect the Four Commitments[6] defined by Tsai Ing-wen when she was re-elected in 2020. He mentioned Taiwan's openness to dialogue with China (evoking tourism and student exchanges which could be reintroduced). On the other hand, unlike Tsai Ing-wen's 2016 and 2020 speeches, no mention was made of the 1992 Act[7] governing relations between the peoples of the Taiwanese and mainland areas, certain provisions of which were called into question by China after the Kinmen incident on February 14, 2024 (see note 3). A more direct reference to "China" as opposed to "Taiwan" was made (in her 2020 speech, Tsai Ing-wen referred to the PRC as "China" once, as opposed to seven times for William Lai). William Lai referred more frequently in his speech to Taiwan's sovereignty (the term "sovereignty" was not mentioned once by Tsai Ing-wen in her 2020 speech, as opposed to six times for William Lai). He also mentioned Taiwan's strategic position within the first island chain, with reference to US support for peace and security in the Taiwan Strait and the Indo-Pacific region (while Tsai Ing-wen did not mention the US in her 2020 speech). Eventually, he mentioned and detailed China's military activities and grey-zone coercive actions "considered the greatest strategic challenge to global peace and stability", as well as Beijing's refusal to renounce the use of force against Taiwan.

This exercise was not unprecedented as it followed in the footsteps of previous large-scale military maneuvers (August 2022, April 2023, as well as August and September 2023), but had several novel features. The most noteworthy were 1) an invasion's scenario in addition to the encirclement's one 2)

gradually trying to establish in the Strait: the Taiwanese coast guard recorded on July 31 an unusually high presence of Chinese fishing boats operating in Taiwanese waters. And while they were chasing them using water cannons, a Chinese fishing boat collided with a boat registered in Kaohsiung, thus causing a new incident, described as a "malicious collision" by the Chinese authorities.

[4] See Maëlle Lefèvre, "Security implications of Taiwan's presidential and Parliament elections", *Asia Centre*, January 15, 2023. On Saturday 13th, Lai Ching-de (or William Lai), the candidate of the Democratic Progressive Party (DPP), the current ruling party, won a third and unprecedented mandate (40 % of votes; 5,583,974 votes, almost one million votes more than the ones for Hou You-yi, the KMT candidate).

[5] Refers to a theory proposed by Lee Teng-hui, the first democratically elected President of Taiwan, in 1999, which characterized the Republic of China (Taiwan) and China as two different jurisdictions.

[6] 1) The commitment to a free and democratic constitutional system; 2) the commitment that the ROC (Taiwan) and the PRC should not be subordinate to each other; 3) the commitment to resist annexation or encroachment upon our sovereignty; 4) the commitment that the future of the ROC must be decided in accordance with the will of the Taiwanese people.

[7] Regulations on Relations between the Taiwanese People and Mainland China of 7 October 1992. This regulation defines "prohibited" and "restricted" waters around Kinmen. The definitions of "prohibited" and "restricted" waters are those of territorial waters and contiguous zones in international law and therefore define, in Taiwanese law, the customs and police rights that justify the action of the coast guard in matters of pursuit and arrest, in particular in matters of trafficking and organized crime.

an exercise name that potentially indicated a sequence of maneuvers to follow 3) the involvement of outlying islands other than the main island of Taiwan in the exercise areas 4) the associated use of the Chinese Coast Guards (CCGs), which was unprecedently involved to the southeast of the main island. In line with grey zone tactics used by the PRC that have been already largely employed in South China Sea disputes, more especially against the Philippines, the CCGs and other law enforcement actors are likely to play an increasing role in military and quasi-military operations against Taiwan, alongside the PLA. Enhanced PLA and CCGs operations could strengthen China's ability to quarantine or blockade the main island of Taiwan or any of Taiwan's outlying islands - measures that China could take in the future to significantly intensify pressure on Taiwan. The greater concentration of ships in the Strait for this exercise was also in line with a scenario of operations to inspect or disrupt commercial traffic in the Taiwan Strait, or to cut off Taiwan's outlying islands from Taipei. The use of the CCGs also enabled the division of tasks in a larger-scale exercise: they were in the lead with the PLA in support to put pressure on the four outlying islands, while the PLA was in the lead and the CCGs in support to put pressure on the main island of Taiwan. Besides, it also supports the PRC in its attempts to internalize the waters of Taiwan Strait, through a revisionist reading of the international law.

Eventually, **it was the first time that a Presidential inauguration speech triggered such an exercise**, even though it was not unprecedented that a speech from a Taiwanese President was used as a pretext for a military response, as illustrated by the 1995-1996 third Strait's crisis[8].

- **On October 14, 2024, the PLA launched a one-day military exercise, dubbed *Joint Sword* 2024-B.**

On October 10th, on the occasion of the 113th anniversary of the Republic of China (ROC - Taiwan), William Lai delivered a speech whose elements already echoed terms agreed by previous administrations, and went no further than his May 20 inaugural speech, already described by Beijing as sufficiently provocative to justify the launch of *Joint Sword* 2024-A.

In comparison with President Tsai Ing-wen's National Day speech in 2023, the following key elements stand out: 1) a more direct mention of the ROC and the People's Republic of China (PRC) as "not subordinate to each other" [an element of the Four Commitments of Tsai Ing-wen, yet, see note 6] and the fact that "the PRC has no right to represent Taiwan"; 2) a mention of "resistance against annexation [term also already mentioned in the Four Commitments] or encroachment on [sovereignty]" (instead of "efforts to guarantee our sovereignty, democracy and freedom" mentioned by Tsai Ing-wen in her 2023 speech) ; 3) a more direct mention of the Taiwanese island territories of Penghu, Kinmen and Mazu, surely as a clearer reminder of the limits of the ROC's sovereignty, in the face of increasing Chinese pressure on these islets, via regular CCGs' patrols; 4) a more regular use of the term "Taiwan" as an entity (48 times versus 15 in 2023). On the other hand, President Lai mentioned some form of cooperation with China on global issues such as climate change and health.

In comparison with *Joint Sword* 2024-A, the following differences can be noted. In terms of objectives, if the *Joint Sword* 2024-A included for the first time an invasion objective in addition to encirclement, for *Joint Sword* 2024-B, the official PLA's East Theatre Command[9]'s communication, seems to have focused more on the encirclement scenario, with an emphasis put on blockading ports. In terms of drill's zones, 6 were around the main island of Taiwan, facing the main ports, 3 others were

[8] The crisis began when, in May 1995, resolutions passed by the US State Department to allow Lee Teng-hui, the Taiwanese President, to visit the United States, were adopted by the House and Senate. The visit allowed him to give a speech at Cornell University on the democratization of China. In mid-1995, the PLA launched a first series of missile tests to send a signal to the Lee Teng-hui government, accused of following a path contrary to the one-China policy. The second series of missile tests, in early 1996, were reportedly intended to intimidate the Taiwanese electorate in the run-up to the 1996 presidential election, the first election by direct universal suffrage.
[9] In charge of operations linked to Taiwan.

around the islands of Mazu, Wuqiu and Dongyin. Some operation zones were closer to Taiwan than in previous exercises, showing to what extent the PLA is increasing pressure, as getting closer to the 12 nautical miles' limit of territorial waters, and crossing the 24 nautical miles' limit of contiguous waters that was respected during the May 2024 exercise, in what the Admiral Tang Hua, Chief of Navy, described in November 2024 as an "anaconda strategy"[10]. In terms of resources deployed, 1) the CCGs were used once again but, this time, they were much more concentrated around and on either side of the main island (whereas in May 2024, they had sailed to the east and southwest of Taiwan only) ; 2) the deployment of an aircraft carrier (Liaoning) on the Pacific coast and to the south-east (which had not taken place during *Joint Sword* 2024-A, but was a part of the April 2023 *Joint Sword*, with the Shandong deployment), and, for the first time, J-15s were deployed from the aircraft carrier (36 times); 3) the deployment of naval and air forces for *Joint Sword* 2024-B was slightly different (150 aircrafts, of which more than 111 crossed the median line, 14 warships and 12 "state" vessels took part in this Chinese operation, compared with 111 aircrafts with 82 median line crossings for the two days of May exercise, 19 vessels and 16 CCGs' vessels on May 23, 27 PLA vessels on May 24), showing a more substantial air and more limited naval deployment compared with the May 2024 exercise.

Interestingly, **it was the first time a speech for the celebrations of the national day (Double Ten) was used as an excuse for launching such a drill.** It shows to what extent the PRC is redefining its supposed "red lines". It is indeed highly likely that China will continue to lower the limit to justify the exercises against perceived lesser transgressions.

- **From December 9th to 11th, the PLA held a major drill but did not make any statement on it**

Just as William Lai had completed his official visit to the last three Oceanic island states that maintain diplomatic relations with Taiwan (Marshall Islands, Tuvalu, Palau), with transits[11] through Hawaii and Guam that enabled him to make telephone calls with members of the US Congress, on December 9, Taiwan's Ministry of Defence put its army on high alert. On Monday, it noted the increase in the number of Chinese ships around the island and the reservation of 7 air zones close to the southeast coast of mainland China until December 11. The deployment of 90 vessels (military, coastguard, official) from the North, East and South Theatre Commands, the largest in the vicinity of Taiwan since 1996, was observed, although in reality some 20 vessels (more than a dozen military, just under a dozen from CCGs) were concentrated around Taiwan, with the remainder deployed in the vicinity of Japan's southern islands, in the East and South China Seas, but also in the Pacific, past the 1st island chain. In terms of air force, between 50 and 30 aircraft were detected per day in the vicinity of the main island (with around 20 intruding into Taiwan's ADIZ). On December 12, the Taiwanese authorities confirmed that the Chinese vessels had returned to China, signalling the end of the exercise, about which the PLA made no communication[12].

This maneuver could constitute a large-scale denial-of-access exercise[13], necessary for the success of a blockade. It stretched from the north to the south and east of Taiwan, passing through the

[10] And in November 2024, the Taiwanese Defense Minister Wellington Koo officially declared that Taiwan air raid warning was now triggered at 24 nautical miles, while before the warning was given when the PLA's aircraft or naval vessels were crossing the 70-nautical-mile limit from Taiwan's coast. If it is giving citizens less time to seek shelter in the event of a conflict, Taiwanese military officials said the move was aimed at better aligning their defenses with the PLA's strategies, perhaps to avoid issuing warnings too early or unnecessarily. Alerts triggered too often, without any real perceptible threats, could indeed in the long term wear down the morale of the Taiwanese and make them lower their guard, which would become counterproductive.

[11] Such a transit in the American territories of the Pacific was not unprecedented (Tsai Ing-wen's stopover in Honolulu in 2019, Tsai Ing-wen's stopovers in Hawaii and Guam in 2017; Ma Ying-jeou's stopover in Hawaii in 2014; Ma Ying-jeou's stopover in Guam in 2010).

[12] When answering a media inquiry regarding the exercise, Chinese Defense Spokesperson Senior Colonel Wu Qian answered that "the Chinese People's Liberation Army (PLA) will decide whether and when to conduct military exercises in accordance with the needs and the situation on the ground," assuming the ambiguity.

[13] See "China-Taiwan Weekly Update", *Institute for the Study of War*, December 12, 2024. https://understandingwar.org/backgrounder/china-taiwan-weekly-update-december-12-2024

Strait, and naval formations also formed two "walls", one on the eastern periphery of Taiwan's ADIZ and the other further out in the Pacific, targeting potential foreign support, particularly American, from that direction. In comparison with *Joint Sword* 2024-B, this third significant joint exercise for the 2024 year, differs in 1) its reporting (no communication from the PLA, no declaration of exercise zones), 2) its signalling (going beyond the 1st island chain and involving different Theatre Commands, it is sending a message to the regional and international partners of Taiwan as well) 3) its duration (three days) and 4) its component (no aircraft carrier involved, no coastguard deployment around outlying islands, no firing simulation by the PLA Rocket Force, but a much larger naval deployment over a wider geographical area). It must be noticed that it was the first time such joint operations were observed between Northern, Eastern and Southern Commands.

This lack of communication about the exercise is not unprecedented yet. From September 11 to 19, 2023, without a triggering event being used as a pretext, the PLA had already carried out a denial-of-access exercise without making any communication about it (see note 1). Therefore, although this maneuver was not presented as the *Joint Sword*-2024C that some were expecting, it illustrates once again Beijing's cognitive warfare linked to these military maneuvers. By hiding the intention (letting the international audience to decide whether or not it was a reaction to President Lai's trip to the Pacific with stops in Guam and Hawaii), it creates opacity and uncertainty about the nature of the maneuver (exercise, preparation for a real operation, e.g.). Such uncertainty can lead to miscalculation and errors of interpretation and judgment, and, therefore, to potential wrong decisions from the adversary that could be exploited to the advantage of the PLA. Besides, this silence has the advantage to trigger less official reaction against China, as it is not presented as a reaction to any political gesture or declaration from William Lai, and could be even a kind of retribution to the fact that William Lai did not make any "provocative" remarks during his trip.

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Both exercises of May, October and December, to be added to other military maneuvers during the whole year (Chinese sailing through Taiwan Strait at the end of October for instance) contribute to trivialize the PLA's maneuvers around Taiwan, through the regularity of high-intensity deployments, to 1) wear down the Taiwanese forces and therefore weaken them, test them nervously and ultimately make them lower their guard, 2) and banalize such behaviour in the view of international community.

An erosion of the status quo by the PRC which is not limited to the military field

Besides, the increasing Chinese pressure towards Taiwan during the 2024 had been visible in other fields as well, in a logic of hybrid warfare.

For instance, in the diplomatic arena, China is putting efforts to promote its interpretation of the Cross-Strait issue in order to internalize the Taiwanese issue, oppose its internationalization and gain legitimacy towards most of UN countries in case of a major conflict occurring in the future. The most recent case was Nauru ceasing to have diplomatic ties with Taiwan and establishing diplomatic relations with the PRC, just a few days after the January 13 election of William Lai.

A media release of January 15 also stated that "Nauru follows UN Resolution and moves to One China principle"[14] and that the country "will be moving to the One-China Principle that is in line with UN Resolution 2758 which recognizes the People's Republic of China (PRC) as the sole legal Government representing the whole of China and seeking resumption of full diplomatic relations with the People's Republic of China" (PRC). This statement is also showing how China is trying to promote

[14] https://www.facebook.com/republicofnauru/posts/**MEDIA-RELEASE-Nauru-follows-UN-Resolution-and-moves-to-One-China-principle**monday/685824347046739/

on a regular basis a misreading of the UN 2758 resolution[15] and imposing its "One-China Principle"[16], to be distinguished from each State's One-China policies[17], within a broader lawfare strategy against Taiwan. This instrumentalization of the legal instrument for strategic purposes and targeting Taiwan has been also seen during the entire year of 2024. For instance, as soon as the end of January, China unilaterally changed the flight path (6 nautical miles to the East) of the M503 that can be seen as a further effort to "normalize" China's air presence over the disputed waters, followed by the unilateral activation, on April 18, of air routes W122 and W123 for commercial purposes, further encroaching on the flight space around the island, and, in this case, the Taiwanese islands of Kinmen and Mazu, near which the recently activated routes pass. This activation contributes to increasing the pressure on Taiwan, and on its air defence in particular, already strained by regular incursions by PLA aircrafts. More recently, in June, the PRC promulgated "Opinions on Punishing the Crimes of Splitting the Country and Inciting Splitting the Country by 'Taiwan Independence' Diehards" which could apply criminal punishment, and even death penalty to so-called "secessionists" in absentia. The broad scope – "using one's job or influence, such as in government, education, or media, to misrepresent or falsify the history of Taiwan's status as part of China", "consistently taking part in or playing a major role in activities that support Taiwanese independence" – can be interpreted extensively and could apply to both ROC and non-ROC citizens.

In terms of economic coercion, Beijing used different tools as well. For instance, after the May drill, China announced on May 31 that it will reinstate tariffs on 134 items imported from Taiwan, under the *Economic Cooperation Framework Agreement* (ECFA).

Eventually, these grey zone actions have to be added to 1) disinformation campaigns – improved in terms of quality and credibility thanks to the increasing use of AI and which have been highlighted by several Taiwanese fact checking NGOs and institutions – of which ultimate goal is to undermine public trust in Taiwan towards its political institutions, and 2) cyber-attacks targeting Taiwan: "published estimates range from five million cyberattacks per day against Taiwanese government agencies to the detection of 15 000 cyberattacks per second, including attempted intrusions, in Taiwan during the first half of 2023"[18], a trend which had continued in 2024.

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These various events, whether grey zone tactics or strategic use of law, show the extent to which the *status quo* is gradually being eroded to the detriment of Taiwan in various areas. The connection between this strategic use of law and China's military and coercive activities shows a two-step strategy: 1) Beijing is putting in place an internal legal framework to increasingly legitimize its way of dealing with the Taiwan issue and 2) is implementing it opportunistically by taking different pretexts to create a new normal. This is also why Chinese lawfare must be understood as a tool supporting its military and hybrid maneuvers.

Internal politics and the opposition's role in Cross-Strait relations: another challenge to Taiwanese democracy's resilience to face Chinese pressure

[15] The UN 2758 Resolution of 25 October 1971, established the PRC as the "sole legitimate representative of China to the United Nations" and does not mention Taiwan, does not address the political status of Taiwan, does not establish the PRC's sovereignty over Taiwan, does not address Taiwan's status in the UN or Taiwan's participation in UN agencies.
[16] That is to say, there is but one China in the world, Taiwan is an inalienable part of China's territory, and the government of the PRC is the sole legal government representing the whole of China.
[17] Different from the "One-China Principle", they vary in their wording and most of them do not acknowledge that Taiwan is a part of China, such as the US or Japan's One China policy for instance.
[18] Franklin D. Kramer, Philip Yu, Joseph Webster, and Elizabeth Sizeland, "Toward resilience: An action plan for Taiwan in the face of PRC aggression", *the Atlantic Council*, July 2024. https://www.atlanticcouncil.org/wp-content/uploads/2024/07/Toward-resilience-An-action-plan-for-Taiwan-in-the-face-of-PRC-aggression.pdf

KMT delegations' trips to China and exchanges with the Chinese Communist Party (CCP)'s authorities: a dialogue that may be necessary but is helping Beijing in its strategy of discrediting the DPP

In the logic of Chinese cognitive warfare, Beijing's increasing use of coercion through the various tools mentioned above is complementary to the employment of other tools of seduction vis-à-vis the Taiwanese population. As the KMT is the only party recognizing the so-called "1992 Consensus"[19] which has been established as a precondition by Beijing for establishing a formal dialogue, this opposition party is therefore used as a channel by the PRC to keep communication lines opened with the Taiwanese society.

- **The first meeting between a former Taiwanese President and the current Chinese President in China since 1949.**

From April 1st to April 11th, the former Taiwanese President (2008-2016) Ma Ying-jeou, from the KMT, visited China and was received by Xi Jinping in Beijing, at the Great Hall of the People, on April 10. It was the first meeting in China of this kind since 1949[20].

This bilateral meeting was not trivial and was used once again by Beijing to put pressure on the new DPP administration, Taiwanese society more generally and "outside meddling forces" by insisting on the fact that Cross-Strait dialogue and negotiations on the island's status in the event of "reunification" are only possible with those in Taiwan who accept the idea that both sides of the Strait belong to "one China". At the same time, Beijing wanted to signal to the Taiwanese population as well as the Chinese one that Beijing does not abandon its agenda of "peaceful reunification" (which remains the prime objective for the stability of the CCP, to avoid the PLA embarking on a risky military adventure) and wishes to promote Cross-Strait cultural and economic exchanges (especially between the younger generations). But by continuing to focus its efforts on Ma Ying-jeou as a relay of influence with Taiwanese society even though he has not been in office for years and has little power to shape Taiwan's political reality, Beijing is perhaps revealing its inability to find or cultivate another Taiwanese political figure of comparable stature who is willing to play the role of proxy.

- **A delegation from KMT deputies at the end of April 2024, followed by some Chinese positive economic measures towards Taiwan**

Indeed, following the visit of 11 days of Ma Ying-jeou, the former KMT President Hung Hsi-chu was received on April 25 by Guangdong Party Secretary Huang Kunming and a delegation of 17 KMT deputies was received by CPPCC Chairman Wang Huning. Interestingly, after this meeting, China announced the resumption of Chinese imports of certain Taiwanese seafood products - which had been suspended after Nancy Pelosi's visit to Taiwan in August 2022 - and the reopening of traffic to Matsu

[19] The "1992 Consensus" refers to discussions held in Hong Kong between China's Association for Relations Across the Taiwan Strait (ARATS) and Taiwan's Straits Exchange Foundation (SEF) to discuss Cross-Strait trade relations and the One China policy. The 1992 Consensus – misnamed because in reality no consensus was reached, and there was no evidence of agreement on Beijing's part that there would be different interpretations of one China – refers to the fact that each Taiwanese and Chinese side would have recognized the fact that there would be only one China, but with different interpretations of what that one China is. Ma Ying-jeou was the first and only President to recognize the 1992 Consensus in 2008, leading to negotiations between Taiwan and China resulting in the ECFA in June 2010, and an informal meeting between Xi Jinping and Ma Ying-jeou in Singapore in 2015. The 1992 Consensus is thus rejected by the DPP in the sense that it supports the One China idea, to which the DPP does not adhere, unlike the KMT, which retains the legacy of its civil war with the Chinese Communist Party and has long hoped to reclaim mainland China and integrate it into the Republic of China, Taiwan's official name. It is also because the Chinese interpretation of the 1992 Consensus has evolved that it is becoming increasingly problematic in the eyes of the Taiwanese population. China is interpretating it to mean that there is only one China, that Taiwan is part of China and the People's Republic of China is the only legal government representing China. In 2019, Xi Jinping started to associate it with the concept of "one country, two systems" which is even more rejected by the Taiwanese people (and the KMT as well).

[20] From March 27 to April 7, 2023, Ma Ying-jeou made the first visit to China of a former Taiwanese President, but he did not meet Xi Jinping. They also already met in 2015, but in a third country, in Singapore.

for Fujian residents. On April 28th, Fujian's provincial authorities announced a package of 13 new measures to promote the integrated development of the two shores[21]. It illustrates once again the "carrots-stick" policy of Beijing towards Taiwan and its attempts to present the KMT as the only party capable to improve Cross-Strait relations.

- **Ma Ying-jeou leading a delegation of young Taiwanese students in China and the organization in Taipei of the Taipei-Shanghai forum, only one week after the 9-11th PLA's drill**

Presenting this new contact as helping to "build a bridge for peace across political danger" and insisting on the fact that "there will be fewer conflicts between the two sides in the future with more cross-strait youth exchanges and deeper understanding between them", Ma Ying-jeou led a delegation of young Taiwanese students in China from December 18th to December 26th.

Besides, despite the fact that a major exercise was held till December 11th, an annual forum bringing together officials and business representatives from Shanghai and Taipei was held in Taipei on December 17th. KMT Taipei mayor Chiang Wan-an declared that "the more tense or challenging the situation, the greater the need for exchanges. Building understanding is far better than fostering misunderstandings" and called for "more olive branches of peace and fewer bitter grapes of conflict", "more fishing boats [to] lit against the sunset and fewer roaring warships and planes"[22].

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These different encounters – which are not exhaustive, including as well regular visits from the KMT Vice Chairman Andrew Hsia in China, such as in March and August 2024 for example – have the merit to establish communication channels that can mitigate the risk of miscalculation and miscommunication between the two sides of the Strait at a time of increased tensions. However, by accepting such contacts while the PRC is not slowing down its military intimidation and harassment around Taiwan, and not using this opportunity so far to deliver strong messages and condemn Chinese military actions against Taiwan – the declarations of Taipei's mayor in December showing to what extent the language elements are still diluted –, the KMT is partly playing the game of the PRC. China is indeed instrumentalizing these exchanges in an attempt to divide Taiwanese society over Cross-Strait issues and to present the KMT as the party capable of improving economic, human and cultural exchanges between the two shores, and conversely the DPP as hindering this process, being responsible for increasing tensions around Taiwan. It is even more true that, despite the DPP's calls for a dialogue with the PRC, the Chinese government refuse to establish such official discussions as long as the DPP does not recognize the 1992 Consensus. Besides, if such engagements are an opportunity for Beijing to exert influence on the legislative and, more generally, democratic process within Taiwan, the KMT is then helping China with its United Front Work strategy.

KMT's supported legislative reforms: another tool affecting the DPP's government efficiency and weakening Taiwanese democracy?

- **The proposed amendments to the Legislative Yuan Exercise of Official Powers Law (立法院職權行使法) weakening the separation of powers**

[21] In line with the 21 points presented by Beijing on September 15, 2023, to promote the integrated development of Fujian and Taiwan, and the 10 measures to facilitate migration and customs formalities for Taiwanese travelling to Fujian published on November 6, 2023, by the National Immigration Administration.
[22] Lawrence Chung, "Taipei-Shanghai forum goes ahead, with calls for 'olive branches' and exchanges", *South China Morning Post*, December 17, 2024. https://www.scmp.com/news/china/politics/article/3291234/taipei-shanghai-forum-goes-ahead-calls-olive-branches-and-exchanges

On May 28th, just a few days after the inauguration of William Lai for the start of his term, the opposition-dominated Parliament[23] adopted a series of legal amendments giving legislators greater power to investigate the government. The legislators, through investigation committees composed of members from each political party proportional to their seats in the Legislative Yuan, could request information from government agencies, military units (which raised confidentiality issues), private companies or individuals concerned by an investigation. Refusal, blocking or withholding of information could result in a consequent fine up to 200,000 Taiwanese dollars or even imprisonment. Charges could also be imposed for "contempt of the legislature", or the vaguely defined term of "reverse-questioning", raising fear about its partial application against political opponents of the KMT. From May 17th to May 28th, these proposals of amendments triggered massive protests, later termed as the "Bluebird Movement", which grew to 100,000 participants in the span of a week. They were the largest set of demonstrations that Taiwan has seen in the decade since the 2014 Sunflower Movement[24].

Those in favour of broadening the power of the assembly were saying that this measure was necessary to fight corruption, but their critics feared that these laws could weaken democracy in Taiwan under China's influence. It is indeed noteworthy that these laws were proposed following the visit to China by KMT parliamentarians even though no evidence of collusion has been found. Besides, the substance was as much a problem as the form, as the deliberations were carried out by show of hands, without public reading or article-by-article examination.

However, the DPP took the case to the Taiwanese Constitutional Court (TCC), and, on October 25th, the latter ruled that most of the amendments passed by the KMT and TPP to expand the Legislative Yuan's oversight powers were unconstitutional, violating the separation of powers as written in the Constitution. Measures deemed unconstitutional included contempt of court penalties for failing to answer legislator's questions and compelling the president to give a state of the nation address before the Legislative Yuan and subsequently answer questions from legislators. The Constitutional Court ruling led to dissolve the investigation committees that were set under the new powers of the KMT: the two committees were targeting the approval process for Mirror TV[25], the first new television outlet approved for broadcast in over a decade, and egg imports by the Tsai administration to handle the issue of egg shortages during the summer.

- **The proposed amendments to the Constitutional Court Procedure Act (憲法訴訟法): a weakening of the Rule of Law**

As a consequence of this ruling, the KMT-TPP alliance has intensified its critiques against the TCC, more particularly regarding the impartiality of the justices. And as what can be considered as a retaliation

[23] For the 2024 elections, neither the DPP nor the KMT won more than 57 seats (the absolute majority). The DPP won 51 seats, the KMT won 52 seats and the Taiwan's People Party (TPP) got 8 seats. This situation gives an important power to the Taiwan People's Party (TPP): it can either paralyse the President by blocking his legislative priorities or advance his agenda while shaping it.

[24] The movement started in 2013, in response to the *Cross-Strait Services Trade Agreement* (CSSTA), a controversial agreement between Taiwan and China, which had been negotiated in secret, signed on June 21, 2013, and sent for ratification without prior consultation, even excluding some legislators from Ma Ying-jeou's own camp (KMT). A series of audits then prevented the implementation of the CSSTA in 2013 as Ma Ying-jeou had planned: the government had to agree to do a clause-by-clause review of the text. The content was as controversial as the form: the CSSTA offered Beijing an opportunity to influence the media, telecommunications, advertising, publishing, and translation industries. KMT lawmakers who wanted to push the bill opposed this clause-by-clause review process and also blocked the legislature that was supposed to discuss the terms of the bill's review, leading to high tensions within the Legislative Yuan itself as the activist sit-in outside began to take shape. On March 17, 2014, Article 61 of the "Legislative Yuan Functions Law"— which experts said could not apply to a prospective treaty like the CCSTA, but only to an executive order — was invoked by KMT legislator Chang Ching-chung to have the text considered final and sent to the plenary session on March 21 for a final vote (with 65 KMT members out of 113 seats, victory was assured). Hundreds of young Taiwanese launched a three-week occupation of the Legislative Yuan on March 18, with the support of tens of thousands of people. On April 10, 2014, the government compromised and promised to revoke the CSSTA and review it again clause by clause.

[25] The KMT accused the DPP to fast-track the approval of Mirror TV as this television network would politically favor it. This accusation could appear as retaliation against the decision of the National Communications Commission not to renew the broadcast license for CtiTV, one of the outlets owned by Tsai Eng-mengs' Want Want Group. Want Want Group owned media outlets were indeed accused of being funded by Chinese government and therefore allowing Chinese interference into Taiwanese information space.

against the TCC, the KMT-TPP alliance proposed an amendment to revise the Constitutional Court Procedure Act (CCPA). This revision would set the TCC decision quorum at "two-thirds of the legally prescribed members" and increase the decision-making to a two-thirds majority of the judges present. With this new amendment, the number of justices participating in the Constitutional Court must not be less than 10, and the number of justices agreeing to the declaration of unconstitutionality must not be less than 9. If the justices are fewer in both cases, no decision could be taken by the TCC.

The TCC shall have 15 justices. But the chief justice and six other justices had retired on 31 October 2024. To fill these vacancies, William Lai appointed seven nominees for the TCC, subject to the approval of the Legislative Yuan. Therefore, as the KMT-TPP alliance might refuse to confirm any of William Lai's nominees, the passage of this amendment to the CCPA would paralyze the current TCC as it only has eight justices currently serving.

This proposal has sparked protests from hundreds of lawyers and triggered a rare statement form the Judicial Yuan, worried about the judicial autonomy of Taiwan if such an amendment passed. Besides, this proposal is not trivial as it reminds the lack of judicial autonomy under the KMT's martial law rule over Taiwan (1949-1987): in 1958, the TCC lost its procedural independence to the Legislative Yuan and could function only under a three-fourths majority requirement for both quorum and decision making, a retaliatory move by legislators offended by a TCC decision. Then, with the democratization of Taiwan, the Legislative Yuan enacted the 1993 TCC procedural reform, relaxing he decision threshold, from three-fourths to two-thirds. And the legislature has again revised the TCC's procedures by promulgating the CCPA, taking effect on January 4, 2022, as a substantive push to regain procedural independence and judicial autonomy.

A reform of the TCC with a higher threshold of justices to reach for taking a decision is, on the principle, defendable: "the simple majority threshold can easily make the court more ideological, if not partisan. Before 2022 [the date the CCPA was introduced], the supermajority threshold ensures that the TCC would be bipartisan by forcing justices with opposite viewpoints to negotiate and compromise with each other if they wanted to hammer out any constitutional solutions"[26]. Yet, in this case, it seems that this amendment is much more about a KMT-TPP partisan retaliation against the TCC currently dominated by the DPP and an attempt to paralyze the Court and avoid that the next legislative reforms proposed by the KMT would meet the opposition from the Court, as it was the case for the May 2024 amendments.

The amendment was passed on December 20th, despite the attempts from the DPP members of the Legislative Yuan to block KMT legislators from entering the chamber.

- **The proposed amendments to the "Public Officials Election and Recall Act" (公職人員選舉罷免法): a weakening of Taiwan's innovative democratic tools?**

The "law on the recall of civil servants" (公職人員選舉罷免法)[27], a law paradoxically passed during martial law as the "law on the dismissal of civil servants during the period of mobilisation and counterinsurgency" (動員戡亂時期公職員工選舉罷免法), allows a popular vote to be triggered from an initial "base" of 1% of the electorate (article 76; 2016 reform which lowered the threshold from 2% to 1%).

[26] Chien-Chih Lin, "The Pros and Cons of Taiwan's Constitutional Court Procedure Act", *US-Asia Law Institute*, Vol 2, N°7, April 7, 2022.
[27] There are few recall models for central-level officials and public representatives. In the United States, where the recall system is most commonly used, only 19 states can recall their governors or state legislators, and most of them can do so only for specific reasons, but only two governors have been successfully recalled since the country's founding. In Switzerland, where direct democracy is the norm, only six cantons can recall their local leaders and representatives.

Since the 2000s, this measure has mainly been used to remove township or village mayors, legislative councillors and, much more rarely, municipal councillors and mayors of large cities. In December 2019, this threshold (approximately 29,000 signatories) was crossed in the city of Kaohsiung (a rare phenomenon given the importance of this city), targeting its KMT mayor, Han Kuo-yu[28], elected in the 2018 municipal elections. Then, before the expiry of the 30-day period, the second threshold of 10% of the electorate (lowered from 13 to 10% in 2016) was crossed in order to launch the revocation procedure (within the required 60 days), with the vote taking place on 6 June 2020, half a year after Han Kuo-yu's defeat by Tsai Ing-wen in the presidential campaign. The recall vote demonstrated the hostility of the electorate towards Han Kuo-yu (almost a million against, twice the number needed to trigger his dismissal requiring a simple majority of an electorate declared representative if it exceeds 25% of those registered). This vote, while illustrating a mechanism that directly links a political leader to his electoral base and limits potential impunity if not immutability, showed the extent to which changing opinions could be expressed in real time in Taiwanese society, without necessarily having to wait for the four-yearly election cycle to carry weight in the political sphere. Han Kuo-yu's controversial stance on China, which also coincided with the rise in tensions in Hong Kong from 2019 with a bill to extradite him to mainland China before the national security law is passed at the end of June 2020, was one of the factors behind his dismissal.

It should be noted that the procedure and its impact on democracy were already in 2020 the subject of debates in Taiwanese society. Its use has increased significantly since 2020 (and more likely since the dismissal of Han Kuo-yu, which acted as a catalyst for the introduction of such procedures) and might sometimes be more a matter of inter-party squabbles or electoral logic, exploiting a process that is sometimes disconnected from public opinion. Criticism has also been levelled at the fact that, regardless of who is targeted (mayor, legislative councillor or municipal councillor), the threshold of 25% of the district's electorate to be exceeded was the same, whereas a municipal councillor or a member of parliament, for example, is elected via a multi-seat constituency system, which means that the threshold for dismissal is much higher than the number of votes obtained in the election.

In 2022, discussions were already underway regarding a potential amendment to the law, with the additional condition that the number of votes for recall must be greater than the number of votes required to elect the person in question. It could allow to overcome (partially, as it is not in favour of councillors elected in a pluralist constituency) the shortcomings in proportionality discussed above, and also to avoid the triggering of a recall vote by an election loser against his rival as a counter-attack (the margin of victory being very narrow in a two-man race for the chief executive, city or county mayors or the legislative council, for example, and making it easier to obtain 25% of the votes of voters in a constituency, which would easily overturn the election results). A revision of the 25% threshold was also being discussed.

Therefore, the KMT recently proposed amendments to this law, a part of them being passed on December 20th. The new amendments will require individuals initiating a recall petition and those who sign up to such an initiative to provide photocopies of their IDs when submitting their petition signatures (while before, the campaigners had only to present the ID numbers and registered addresses of endorsers of the recall petition to local election commissions, a process critics argue has been abused). Besides, the new amendments also include punitive measures: individuals found guilty of using someone's else identification or forging an ID for a recall petition may face up to five years in prison or a fine of up to 1 million NTD. However, the most controversial amendments, including the requirement that the number of votes in favour of ousting an elected official would have to exceed the votes the official got when originally elected for the recall to pass, were not addressed yet.

[28] See Jean-François Di Meglio, Maëlle Lefèvre, « Taïwan : laboratoire de toutes les audaces », *Asia Centre*, June 15, 2020.

- **The proposed amendments to the Act Governing the Allocation of the Government Revenues and Expenditures Act (财政收支劃分法): a negative impact on Taiwan's defence expenditures?**

The third series of amendments to be passed on December 20th was regarding the Act governing the allocation of the Government Revenues and Expenditures Act, mandating that the central government transfer about 375.3 billion NTD (around 11.47 billion USD) annually to local governments (a majority of them being KMT governed after the 2022 November local elections, therefore leading the DPP to accuse this amendment to be a clientelist measure and to favour potential bribes).

Critics also fear that it will undermine the central government's capacity to allocate resources towards critical national priorities, such as the defence field. Indeed, this amendment could reduce the defence budget by 28% (80 billion NTD, that is to say, around 2.44 billion USD), which would "have a serious impact on the national military's buildup and preparedness"[29], the Ministry of Defence said in a statement. The Ministry also warned that the defence budget would probably shrink from 2.4% to less than 2% of the GDP after the cut, "at a time when every country in the region is increasing its defence spending […] It may create a negative image in the international community that we lack the determination to defend ourselves"[30]. It could indeed undermine the credibility towards the international community, and more especially the US, of the Taiwanese government capacity to bolster its defence efforts, as it is not backed by the majority of the Legislative Yuan and is even hindered by it in its expenditure efforts[31]. This lack of capacity for strengthening its own defence would be even more criticized when Trump would come to power, as he already asked NATO, Japan, South Korea and the US's key allies and partners to spend more on defence. Elbridge Colby, the nominee for US undersecretary of defence for policy, has also repeatedly called for Taiwan to raise its defence spending to at least 5% of GDP.

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The three amendments mentioned above triggered the second phase of the Bluebird movement protests, called "Bluebird wintertime action", gathering thousands of demonstrators outside the Parliament. In a similar way than the Bluebird movement protests of May 2024, the critics were addressed both to the substance and to the form of the voted amendments, protesters accusing the legislative process to undermine transparency, with rushed procedures, irregularities, and the lack of consultation with key stakeholders, echoing some of the complaints that were made about the KMT's attempts to pass controversial texts under Ma Ying-jeou's last term and which triggered the 2014 Sunflower movement.

Conclusion

To conclude, the 2024 year should be reminded as a worrisome one for Taiwanese democracy resilience towards Chinese pressure in comparison to 2023. With the Presidential elections of January 2024 which led to an unprecedented third mandate for the DPP but to a coalition with a Legislative Yuan dominated by the opposition, it was indeed expected that governing Taiwan would not be as simple as it was under Tsai Ing-wen's term, the former President benefiting from a DPP majority in the Legislative Yuan during her two terms.

[29] « Taiwan defense ministry warns of deep cut in 2025 budget », *Radio Free Asia*, December 25, 2024.
[30] *Ibid.*
[31] On the other hand, it should be noted that the lawmakers across party line agreed on November on a budget proposal for the indigenous submarine programme and reached a consensus for not cutting the 584.95 million NTD (17.99 million USD) budget slated for Narwhal.

However, while the PRC is gradually redefining the *status quo* to its favour, mainly through military actions that are demonstrating without any doubt an increasing capacity from the PLA to launch quickly and on an increasing wider area joint force operations, such attempts from the KMT-TPP opposition to strip away powers from the executive and judicial branches of government to reallocate them to the legislature, or to promote clientelist measures at the local governments' level, are further weakening Taiwanese democracy resilience towards Chinese increasing pressure. Indeed, at the political level, the legislative reforms proposed by the KMT, and which will not be opposed by a paralyzed Constitutional Court, could hinder on the medium-long term DPP's executive power. Also, they could lead to the decentralization of the power from central to local levels – as some KMT politicians call for greater responsibilities for local governments as they will have more financial resources – and therefore favouring Chinese interference within Taiwanese local factions. At the material level, less military expenditures will definitely impact Taiwan's deterrence towards China. At the symbolical and ideological level, this internal politics' crisis is showing a more divided Taiwanese political landscape than in the past while the PLA's military pressure is on the rise, a phenomenon that could impact negatively Taiwanese society's confidence in the government's ability to guarantee its people's interests and security and helping China with its cognitive warfare.

Besides, internal political tensions are not only limited to controversies on legislative reforms: the TPP's president Ko Wen-je was accused of corruption during his term as a mayor of Taipei (2014-2020) and of misreporting his campaign finances used for the presidential campaign of January 2024, when he ran for the presidency against William Lai and Hou You-yi (KMT) and won almost 27 of the votes. He was arrested in September, held in detention, and then released on bail on December, while the investigation is still ongoing. This case was an occasion for the KMT to accuse the DPP of using such charges to suppress its opponents.

Given this tensed context within the political landscape of Taiwan, William Lai unsurprisingly put a particular emphasis on the unity of the nation during his national day address[32] and his 2025 New Year's address as well. He declared that "domestic competition among political parties is a part of democracy. But domestic political disputes must be resolved democratically, within the constitutional system. This is the only way democracy can continue to grow. The Executive Yuan has the right to request a reconsideration of the controversial bills passed in the Legislative Yuan, giving it room for re-examination. Constitutional institutions can also lodge a petition for a constitutional interpretation, and through Constitutional Court adjudication, ensure a separation of powers, safeguard constitutional order, and gradually consolidate the constitutional system. The people also have the right of election, recall, initiative, and referendum, and can bring together even greater democratic power to show the true meaning of sovereignty in the hands of the people."[33] He mentioned more specifically the legislation on Government's Revenues and Expenditures: "In this new year, we must continue to pursue policies that promote the well-being of the nation and the people. But to that end, the central government needs adequate financial resources to ensure that it can enact each of these measures. Therefore, I hope that the ruling and opposition parties can each soberly reconsider the amendments to the Act Governing the Allocation of Government Revenues and Expenditures and find a path forward that ensures the lasting peace and stability of our country." These comments leave room to further developments in the coming weeks, with a high probability that the DPP will try to challenge these amendments: the means (referendum, bringing the case to the TCC, bringing back the KMT-TPP to the table of discussions, e.g.) have yet to be chosen.

[32] "In democratic countries, political parties internally promote the nation's progress through competition, and externally they unite to work toward achieving national interests. No matter our political party, no matter our political stances, national interests come before the interests of parties, and the interests of parties can never take precedence over the interests of the people". From "President Lai delivers 2024 National Day Address", Office of the President, Republic of China (Taiwan), October 10, 2024, https://english.president.gov.tw/News/6816

[33] "President Lai's delivers 2025 New Year's Address", Office of the President, Republic of China (Taiwan), January 1, 2025. https://english.president.gov.tw/News/6893

This situation is once again illustrating the paradox of democracy in Taiwan: while some of the amendments supported by the KMT should not be labelled only as threatening Taiwan's separation of powers as they can also be seen as trying to reduce partisan influence on checks and balances' system – especially when it comes to the TCC and the revocation of public officials –, the debate is phagocyted by Cross-Strait issues. And while the PRC is using several tools – from coercion to seduction, and in several hybrid fields –, to weaken the credibility and legitimacy of the Taiwanese government and its democratic institutions, it is not even directly responsible for the greatest threat posed to Taiwanese democracy: that is to say, the incapacity of the debate between political parties to be more than a confrontation between "pro" or "anti" Chinese positions, or at least for or against a rapprochement with China. As a result, certain social concerns, or legitimate questions about the powers' repartition in Taiwan do not impose in an unbiased way as they should in a democracy. Françoise Mengin wrote in her book *Fragments of an Unfinished War: Taiwanese Entrepreneurs and the Partition of China*: "the inability of the partisan offer to free itself from the question of Taiwan's status has led to a form of depoliticization of politics."[34] And although polls regarding the feelings of the Taiwanese on the issue of a rapprochement between the two shores are increasingly clear[35], the aggiornamento of the KMT or the advent of another party with a significant number of voters that would allow this excessive bipolarity to be transcended is still awaited.

[34] Françoise Mengin, *Fragments of an Unfinished War: Taiwanese Entrepreneurs and the Partition of China*. 1re éd. Oxford: Oxford University Press. 2015.

[35] A nationwide poll released by the Taiwan Public Opinion Foundation on December 30 found that 76.1% identify as Taiwanese, 10.1% as Chinese, and 9% consider themselves both Taiwanese and Chinese.