

KMT charter now anti-democratic

Written by Frank Hsieh 何 豐 林

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Of the many resolutions passed at the Chinese Nationalist Party's (KMT) 19th National Congress, none drew more attention than an amendment to the party's charter that links the KMT chairmanship to the office of the nation's president so that any KMT head of state will automatically double as chairman.

The consensus among the public is that this amendment was tailor-made by the KMT Central Standing Committee for President Ma Ying-jeou (馬 英九), who doubles as KMT chairman, since it ensures that he no longer needs to be concerned about being ousted as party leader if the KMT suffers significant losses during the mayoral and county commissioner elections at the end of next year.

As far as the party is concerned, there are numerous advantages and disadvantages to having the president concurrently hold the chairmanship.

The pros of this arrangement are the creation of seamless unity between the KMT and the central government; consistency between the two sides; the parity of the highest position in the party and the national government; an increased ability to avoid conflict between the KMT and the government, while maximizing the efficiency of communication between the two entities; the minimization of friction within the party; wider access to resources; potentially stronger party morale and the capacity to ensure that the KMT chairman's vision is carried out.

However, the drawbacks include the increased likelihood of problems arising from trying to serve the party and national interests simultaneously, as well as a vulnerability to accusations that the party and the central government are too intimately intertwined. In addition, the measure creates a negative image of the party in the eyes of moderate voters.

What all these pros and cons have in common is that they involve questions of political party autonomy and the reason most politicians would prefer not to touch upon this issue is because it has come up before, when the Democratic Progressive Party (DPP) was in power.

In 2002, when I was DPP chairman, the DPP revised its internal regulations to allow former president Chen Shui-bian (陳 水 扁) to concurrently hold the party chairmanship, just as Ma has

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done now.

At the time, the hope was that such a step would facilitate consistency and unity between the DPP and the government, but the move was met with a barrage of criticism from the public. Ma's decision to push through the same change to the KMT's charter smacks of plagiarism — it is nothing new.

What is more, speaking from past experience, I believe that there needs to be an urgent debate on whether this arrangement constitutes a violation of the separation and balance of powers as stated in the Republic of China Constitution.

The Constitution's stipulations on the separation and balance of powers, and the independence of the branches of government are there to ensure popular sovereignty — the principle whereby a government's authority is created and maintained by the consent of its citizenry — and human rights.

The president is part of the executive branch of government. In our system, unlike in the Cabinet system, the president is not directly accountable to the national congress or legislature, and is unaffected if Cabinet is dissolved. It is therefore important to maintain the separation and balance of powers to prevent the arbitrary abuse of presidential powers and to let popular democracy operate as it should.

Since the separation of powers, and system of checks and balances are in place precisely to limit the abuse of power, any president will find them inconvenient. Human nature being what it is, they will try to get around the system somehow.

However, they cannot be allowed to succeed, regardless of which side of the political divide they occupy. Otherwise, a president doubling as a party chair will have undue influence over members and Legislative Yuan, Control Yuan and Judicial Yuan heads who are in their party. As such, it will be easy for the president to override the system of separation of powers and checks and balances imposed on elected officials.

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When Chen was acting as both president and party chairman, his powers included nominating members of the Control and the Examination yuans, judges and heads of the three main branches of government: the legislature, the Cabinet and the judiciary.

However, at the time, the DPP had a minority in the legislature, meaning that the checks and balances were in the hands of the opposition majority. As a result, Chen did not have a *carte blanche* to nominate whoever he wanted so there was no real threat to the system of constitutional government and consequently, no controversy.

However, ever since the political dispute between Ma and Legislative Speaker Wang Jin-pyng (王金平) that occurred in September, concerns have been raised over what some say are the president's violations of the Constitution and exploitation of his chairmanship to control KMT members.

Ma was criticized by society for his attempts to interfere with Wang's authority as legislative speaker and seriously damaging the system of constitutional government, throwing politics into turmoil simply because of KMT infighting. Now that Ma has cemented his ability to serve in the two roles concurrently, there are serious concerns that he will abuse the power this gives him.

As the nation's leader, the president has a responsibility in the constitutional government system, and he must be very careful about how his words and actions impact that model. Democracy in Taiwan is still in a fledgling state and very much in the experimental phase.

Given the recent spate of constitutional controversies, Taiwan will only progress if both green and blue parties — irrespective of which one is in power — look for practical ways in which to further democracy and promote the ideas of the Constitution to consolidate the republican system of constitutional governance.

If the nation regresses in this way, it will be concentrating power into an individual's hands and ignoring the development of a constitutional system of government, no matter how grandly the reasons for such a move are stated.

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