

New Taipei City Mayor Eric Chu (朱立倫) — the sole candidate for chairperson of the Chinese Nationalist Party (KMT) — has championed constitutional reform since he made the announcement that he would run for the position.

His sudden outspoken inclination toward a parliamentary system is noteworthy. However, perhaps because he sensed the public's strong aversion to giving up the right to directly elect the president, he has now changed his tune and is saying that the Constitution should be amended to allow the legislature to regain its right to approve the appointment of the premier and that the president's authority should be restricted to matters of national defense, diplomacy and cross-strait relations.

This rather obvious shift in his position attracted criticism that he is incapable of distinguishing between a parliamentary system and a semi-presidential system.

Despite various assumptions and interpretations of Chu's sudden passion to amend the Constitution, it is, to be fair, a good thing that he supports reform. It is time for the nation's democracy and Constitution to undergo a full review.

Compared with President Ma Ying-jeou's (馬英九) New Year message, which did not mention democratic reform, Chu's willingness to see it in a positive light is relatively advanced.

Nonetheless, Chu is a shrewd politician whose career is on the rise and a deeper analysis of his propositions, reveals that there are key issues that he intentionally attempts to avoid by waving the banner of constitutional reform.

To begin with, Chu said one of the problems with the constitutional system is that those in power are not accountable, whereas those who are accountable are not capable. Hence he proposed the establishment of a system in which power and accountability are matched.

In the abstract, Chu was right, but he failed to answer one question: When Ma — who holds

executive power — over the past few years chose to fight the public, did the legislature fulfill its constitutional responsibility to monitor executive power, or did it in effect side with Ma and play the role of accomplice? If so, the next step should be to ask: What caused this, and what can the public do about it?

As everyone should know: “The party line overrides the public will.” This situation is largely the result of the KMT’s deeply rooted authoritarianism and enormous stash of ill-gotten assets, which is why elections are so unfair.

Many have pointed out that if Chu is serious about reform, not only should he begin with reforming the KMT — fulfilling its numerous promises to return its party assets to the public — he should also push for the enactment of a political party law.

When the legislative branch fails to live up to its functions of supervising and counterbalancing the executive power; when representative democracy has become dysfunctional; and if either of the institutions see its politicians betray public opinion, the real question to ask is: How can the public effectively counterbalance public representatives running amok?

In addition to silently tolerating these politicians until the next election, the Constitution offers a good solution to dysfunctional representative democracy: Voters have the right to recall representatives who fail to represent the public and they have the right to initiate a referendum in response to policies that do not reflect their will.

These are direct civil rights — one targeted at politicians and the other at policies. The combination of these rights can deter politicians from misconduct in advance and right any wrongs after the fact. For a long time, both of these direct civil rights have seemed to be mere decorations rather than actual operational instruments. The problem is not constitutional, but legal.

Specifically, it is the unreasonably high threshold both for referenda and recalls that deprive voters of their rights, and that makes it difficult to recall out-of-control politicians. Those awful laws take away people’s rights to exercise the Constitution, hollowing out the mechanism of direct democracy.

This is precisely why people have for years been calling for an amendment to the Referendum Act (公投法), and why there have been campaigns advocating the revision of the Civil Servants Election and Recall Act (公職人員選舉罷免法). It is also why campaigns such as the Constitution 133 Alliance and the Appendectomy Project have received such widespread public support.

On Oct. 10, 2013, social activist group Citizen 1985 held a “one nation shared by all” convention outside the Legislative Yuan, at which more than 60,000 attendees demanded that the legislature fix the Referendum Act and the Election and Recall Act for Public Servants as calls for power to be returned to the people rang out in Boai Special District (寶島).

Of course, constitutional reform must be carried out in an active manner, but it cannot be used as a smokescreen to avert public attention, neither should it be used as an excuse to avoid amending the law. As long as the legislature passes the amendments, the goal to return power to the people can be realized.

The questions that Chu — who frequently says that he stands by the public — must answer are: Will he promise to push for revisions of these laws in the next legislative session and will he support giving back power to the people?

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