

The Democratic Progressive Party's (DPP) accusation that the Chinese Nationalist Party's (KMT) proposal to amend the Constitution is motivated by political considerations has some value.

The DPP argues that the proposal is aimed more at limiting the power of the next administration in the eventuality of a DPP victory in January's presidential election, rather than addressing the political impasse attributable to the current constitutional system — which allows the president to wield power but bear no responsibility.

In the KMT's final proposal for constitutional reform put forward on Friday, the party asks that the legislature's right to confirm the president's choice of premier be reinstated, saying the change would help establish a constitutional system in which power and responsibility are balanced.

As the DPP's prospects in the presidential election look healthy, it is no surprise that it described the proposal as a pre-emptive attempt by the KMT to usurp administrative power, even though public opinion polls have shown overwhelming support for reinstatement of the right of confirmation.

The KMT proposal augments the power of the legislature, but it does not include the necessary mechanisms that would enable the executive and legislative branches to achieve the constitutional principle of "checks and balances." As a result, it would not only be of little help to effective legislative oversight, but could cause more political stalemates.

Under the present Constitution, the president can appoint the premier without the consent of the legislature, under the fourth constitutional amendment passed in 1997, but in an attempt to create a delicate balance of power the amendment also grants the legislature the right to bring down the premier by initiating a vote of no confidence. If the motion is approved, the premier must resign and a dissolution of the legislature can be requested.

However, in reality, the vote of no confidence option has never been used to break legislative-executive gridlock, mainly because lawmakers are afraid of being dismissed after

they vote the premier out of office. Therefore the mechanism of a vote of no confidence becomes nonfunctional.

If the legislature is to regain the right to approve the appointment of the premier, the premier should be given the power to dissolve the legislature and thus neutralize legislative power. The KMT should have included in its proposal that the dissolution of the legislature should be activated by the president upon the premier's request when the premier demands that the legislature call a vote of no confidence and the legislature declines to act.

The KMT proposal provided no solution to the lack of constitutional tools for resolving a political impasse, nor did it provide an incentive to make the no confidence mechanism possible. The idea of reinstating legislative consent for the appointment of the premier originates in the parliamentary system, in which Cabinet members can be drawn from the legislative branch. However, the mechanism — which could be an impetus for introducing a no-confidence motion — is absent in the proposal.

To enable the legislature to effectively place checks and balances on the executive branch, there is also a need to reform the legislative electoral system and allocate more resources for the legislature to carry out oversight by exercising the powers of audit, investigation and impeachment.

The KMT proposal includes some progressive ideas that respond to public demands for promoting participation in politics. It suggests that the voting age be lowered from 20 to 18 and lowering the distribution threshold for legislators-at-large seats from 5 percent of party votes to 3 percent, to favor of small parties. However, most of the proposal would only lead to more fragmentation of the Constitution.

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