

Unhijacking the nation's democracy

Written by Taipei Times Editorial
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In 30 days, voters are to go to the polls and exercise their democratic right to vote in the presidential and legislative elections.

While the nation is often lauded for its robust democracy — its democratization is a proud achievement — people often seem to equate being able to vote with being a part of a direct and representative democracy, without considering how their voices have in fact been muzzled as a result of the Referendum Act (公投法), which is known as a “bird cage” act.

Earlier this month, Taiwan March concluded a one-year-and-a-half campaign to collect signatures from those who support lowering the thresholds stipulated in the Referendum Act for a petition to proceed. Although the group failed to achieve its goal by not being able to collect enough petitions to progress to the second stage of the petition process, its efforts and dedication in garnering about 220,000 signatures across the nation ought to be recognized and applauded.

It might be fair to say that Taiwan March's efforts are the latest casualty in a long list of referendum-related efforts killed off by the act's anachronistic regulations, which stipulate that a successful petition for a referendum requires 0.5 percent of eligible voters who took part in the previous presidential election to sign it — about 80,000 people. In addition, 5 percent of voters, or approximately 800,000 people, need to sign a petition before it can be screened by the Cabinet-level Referendum Review Committee.

Given the high thresholds, as well as the fact that the act saddles the public with the Referendum Review Committee, which filters out people's voices, Taiwanese have been severely limited in their rights to exercise democracy.

The regulations mean members of the public have no recourse to national referendums to resolve disputes and so have to resort to street demonstrations, as in the case of last year's protests against the controversial cross-strait service trade agreement that culminated in the Sunflower movement.

Equally outdated are some of the regulations regarding recalls of public servants, which

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stipulate that 2 percent of an official's constituency must sign a petition for a recall in the first stage and 13 percent in the second stage, with the final vote requiring at least half of the electorate to cast ballots and at least half of those polled to agree to the recall.

As a result, the public has witnessed efforts launched to recall lawmakers who were deemed inept fail due to petition drives that failed to reach the thresholds to pass one of the stages.

In other words, although Article 17 of the Constitution clearly states that the public has the right to elect and recall officials, and initiate referendums, the experience of those exercising the rights to recall and initiate referendums have shown that the practice is far more difficult than it seems.

Taiwan is a democratic nation, yet the most crucial democratic element — public oversight and participation — has often been shut out due to the bird cage act.

The absurdity of people holding the right to vote, but not the right to recall, surely makes a mockery of the nation's democracy.

As Jan. 16 approaches, hopefully legislative candidates, regarding voters as their touchia (ㄆㄛㄟ), or boss, would support amendments to the Referendum Act, Civil Servants Election and Recall Act (ㄆㄞㄟㄟㄟㄟㄟㄟ) and other laws to enable Taiwanese to be the true masters of the nation and not have to watch as their democratic rights are hijacked.

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