

Unleash the power of referendums

Written by Liberty Times Editorial
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The People Rule Foundation is holding a hunger strike to back its call for amendments to the Referendum Act (公投法). As the foundation's name suggests, its goal in launching this action is to make ordinary Taiwanese the nation's masters.

The fast is being held in front of Democratic Progressive Party's (DPP) headquarters in Taipei in the hope that party, which has a legislative majority, will ensure that the legislature passes amendments to the act before the first anniversary of President Tsai Ing-wen's (蔡英文) inauguration on May 20.

The amendments should remove all the unreasonable restrictions that the Referendum Act imposes on referendums and implement direct democracy.

The Referendum Act was passed in 2003. Because of the many limits it imposes on direct democracy, it has become known as the "birdcage Referendum Act." The act greatly limits the right of legislative initiative that the Republic of China Constitution bestows upon citizens, and it curtails citizens' political right of referendum.

As well as restricting basic constitutional rights, it imposes many thresholds and technical barriers to the exercise of direct people power. It restricts the scope of issues that can be put to a referendum by forbidding or excluding certain items. It also sets strict regulations regarding the number of people required to initiate and endorse a referendum proposal and sets excessively high standards for a referendum to be passed.

As if these hurdles were not enough, the politically appointed Referendum Review Committee does all it can to obstruct referendum signature campaigns.

More than a decade since the passing of the Referendum Act, Taiwanese are blocked from deciding on constitutional changes through referendums, and even when there are calls for ordinary public policy issues to be put to a popular vote, somebody always finds a way to stop it.

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Taiwanese have a constitutional right to decide on important public issues by voting on them directly, but this right is like a bird in a little cage where it is not free to sing the tune of public sentiment. Under such conditions, the public can hardly be the masters of the nation.

Animosity to referendums is a legacy of the alien political power that came to Taiwan following World War II and instituted rule of a minority over the majority. What this minority regime feared most was that Taiwanese would become masters of their own nation, so its foremost consideration at all times was to protect the interests of the ruling clique and keep it in power.

Any choice by the majority of the public was therefore doomed to be suppressed, no matter whether it came from the awakening majority or through the cooperative efforts of different communities.

The same minority attitude was also expressed by resistance for many years to making all seats in the Legislative Yuan and the now-defunct National Assembly subject to election, and by strenuous opposition to direct presidential elections. The regime's rationale for this resistance was its claim to still be the legitimate government of the whole of China.

Only when this claim became untenable was the regime's resistance to elections washed away by a democratic tide of overwhelming popular opinion. Given this background, releasing referendums from the birdcage of unreasonable restrictions is one step on the road to transitional justice, and it is an important and urgent political task for Taiwan's democracy.

The Referendum Act was drawn up 14 years ago, three years after Taiwan's first transfer of power from the Chinese Nationalist Party (KMT) to the DPP following the 2000 presidential election. However, the KMT and the People First Party, which uphold the Republic of China and use its institutions to suppress the emergence of Taiwan as a nation, between them still held a majority of seats in the legislature.

As for the DPP, it had its own schemes stemming from power struggles. The version of the law that was eventually enacted has "referendum" in its name, but subjects plebiscites to severe restrictions and obstacles.

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It is a malicious law that makes it extremely difficult for referendums to even get off the ground, still less put power into the hands of the people. This animosity to referendums, seeing them as dangerous and potentially disastrous, has persisted for years.

Several countries have decided national policies through referendums — Scotland on whether to become independent, the UK on whether to leave the EU and New Zealand on whether to change its flag.

In the US and many other advanced democracies, referendums are commonplace, often combined with general elections.

Taiwanese have the same constitutional right, but obstruction from certain quarters prevents them from ever exercising it.

Following World War II, Taiwan was forcibly incorporated into China's territory by the KMT, which sent representatives to accept the Japanese armed forces' surrender on the orders of the Allied High Command. Taiwanese had no say in the matter, unlike former colonies in Southeast Asia that became independent nations one after another.

Consequently, Taiwan has always been bound up in the ill-fitting framework of the ROC and has still not become a normal nation with a normal society.

Following the third transfer of power between rival political parties, the DPP now has full control of the executive and legislative branches, enabling it pursue reform, transitional justice, democracy and progress so that Taiwan could soon attain national and social normality.

This was the main motivation for Taiwanese to support Tsai and give the DPP full control of the government, and they have high expectations of both.

Opinion poll results released by the Taiwan Generation Educational Foundation on

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Wednesday last week amply reflect this current of public opinion. Overall, 55.1 percent of respondents said they support Tsai, but only 40.8 percent said they are satisfied with her performance.

Tsai's policies of pension reform, the Forward-looking Infrastructure Development Program, her handling of combined government and political party pensions and her policies regarding China all received broad support from between 50 to 70 percent of the population. The main reason more people support Tsai than are satisfied with her performance is that while most people support reforms, they are unsatisfied about the slow pace at which they are happening.

The poll results and public opinion in general clearly show that people think the DPP's full command of the government bestows upon it the responsibility to forge ahead with reform and enable the nation and society to be normalized as soon as possible.

The main reason Tsai's showing in opinion polls is so shaky after nearly a year in office is that her administration has not been going about its reforms in the right way.

The party has not been resolute when it should be and not been flexible when it should be. This has caused many people who held great hopes for her and the DPP to lose confidence and voice constant complaints. The main reason the administration has been doing poorly in opinion polls is dissatisfaction among supporters, not a backlash against reform.

Considering this basic theme in polls, when it comes to reform of the Referendum Act, which is a matter of great concern for those who identify with Taiwan, DPP legislators should push for deliberation of the proposed amendments without delay.

The Referendum Act should be amended to make it suit practical needs. When the bars of the referendum birdcage are broken, major public issues facing the nation and society could be given over to the public as a whole to decide, thus broadening Taiwan's democracy.

The DPP team that now holds complete control of the government cannot keep dragging its feet on this issue.

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