

Ma, Jiang misleading the public, academics say

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Several academics in the legal field yesterday said that President Ma Ying-jeou (馬英九) and Premier Jiang Yi-huah (江宜樺) are obscuring the facts and misleading the public by asserting that it would be against the Constitution to stop construction of the Fourth Nuclear Power Plant in New Taipei City's (新北市) Gongliao District (公寮).

Two civic groups urged the Cabinet and the ruling party not to use supposed violations of the Constitution as an excuse for holding a referendum on the matter, because a referendum should be held based on the principle of responsible politics.

Hsu Wei-chun (許維俊), an associate professor at Chung Yuan Christian University's Law School and director of Taiwan Democracy Watch, said Ma claimed that, based on the Council of Grand Justices' Interpretation No. 520, the Cabinet would violate the Constitution if it directly announced a halt to the plant's construction.

However, the interpretation also states that if the Cabinet wants to halt an important policy, it can do so by reporting to the legislature and gaining approval from a majority of legislators, so the Cabinet is misleading the public into thinking that the project can only be stopped through a referendum, Hsu added.

Moreover, Ma claimed that based on the frozen second paragraph of Article 57 of the Constitution, it would be against the Constitution if the legislature decided to stop the construction, Hsu said.

He added that the paragraph was actually only frozen on the efficacy of overthrowing the Cabinet, and does not mean that the legislature is forbidden to make decisions that contrast with Cabinet policy.

Academia Sinica Institutum Iurisprudentiae associate research professor Chiou Wen-tsong (邱文宗) said the high threshold of 50 percent of eligible voters in the nation having to vote in a referendum for it to be valid is unreasonable, and the government should not deliberately use it to manipulate a referendum's result.

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In addition, Kao Yung-cheng (高永成), an attorney and longtime human rights advocate, said that even if the referendum becomes invalid because the number of voters did not reach the high threshold, it does not mean that the people support the construction of the nuclear power plant, but only that the public have not yet decided on the issue.

Hsu said the Cabinet was irresponsible for making voters decide the fate of the plant through a referendum and they urged that the Referendum Act (公投法) be amended.

The Green Citizen Action Alliance said that many civic groups will encircle the Legislative Yuan in protest tomorrow morning, when the legislature is scheduled to deliberate and vote on Chinese Nationalist Party (KMT) lawmakers' proposal to hold a national referendum to decide the fate of the plant.

Source: [Taipei Times - 2013/04/18](#)