

## President overriding his authority: Lin

Written by Taipei Times  
Friday, 25 April 2014 08:43 -

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Former Democratic Progressive Party chairman Lin Yi-xiong is surrounded by people at the Gikong Presbyterian Church in Taipei yesterday, where he is conducting an indefinite hunger strike.

**Photo: Fang Pin-chao, Taipei Times**

Former Democratic Progressive Party (DPP) chairman Lin Yi-xiong (林義雄) yesterday said that President Ma Ying-jeou's (馬英九) pledge to determine the fate of the Fourth Nuclear Power Plant in New Taipei City's Gongliao District (公寮) through a national referendum is unconstitutional and interferes in the power of other branches of government.

Lin's hunger strike to halt construction of the plant entered its third day yesterday at the Gikong Presbyterian Church in Taipei.

In an article posted on his Web site, Lin criticized the promise that Ma made on Wednesday during a visit to the church.

Lin said that a national referendum was not necessary to resolve the decades-long dispute, since the suspension of the plant's construction only requires either a proposal by the Executive Yuan and approval by the Legislative Yuan, or a legislative resolution and implementation by the Executive Yuan.

If the decision is to be made by a referendum, issues such as revising the Referendum Act (公投法) to change the high voter turnout threshold or introducing a special referendum statute would all fall under the Legislative Yuan's authority, Lin added.

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“Other branches of government and the president have no authority to interfere in the matter,” Lin wrote.

Ma did not meet Lin in person due to Lin’s refusal to meet anyone during his hunger strike, but Ma left a message in a card.

Lin said Ma’s “interference” showed his “lack of constitutional knowledge,” and while the president offered the commitment on behalf of the government, Lin said he wondered to which government Ma was referring: “Taiwan, China or the US?”

The Constitution authorizes the president to handle foreign and military affairs, while national affairs in other areas fall under the authority of the premier and the Cabinet under the supervision of the Legislative Yuan, Lin said.

Therefore, Lin said, the president has no right to be hands-on in the nuclear controversy.

“No one — including the president — has the right to make promises on behalf of the government before the Executive Yuan and the Legislative Yuan work out a final solution,” Lin said.

In another article published yesterday, Lin said his hope of determining the fate of the nuclear power plant by a national referendum ended when the legislature passed the so-called “birdcage” Referendum Act in 2003.

“A referendum on the Fourth Nuclear Power Plant would not be meaningful until the Referendum Act is amended,” he wrote.

Lin looked weaker yesterday when he was spotted by reporters on his way to the restroom.

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DPP politicians were still scrambling for a quick solution to end Lin's hunger strike, with former premier Yu Shyi-kun urging Ma to decide soon, adding that New Taipei City Mayor Eric Chu (蔡丁財) could play an important role if he was determined to halt the construction because heads of local governments control the rights over water supply and licensing.

DPP Legislator Pasuya Yao (葉蔚華) summed up four options to resolve the controversy: an executive order by the Executive Yuan and approval by the Legislative Yuan; a legislative resolution; passage of a special statute that lowers the referendum threshold; or a constitutional interpretation by the Council of Grand Justices.

Source: Taipei Times - 2014/04/25