

The Constitution of the Republic of China (ROC) is beset with problems when it comes to authorizing powers to central and local governments, Taiwan Society president and historian Chang Yen-hsien (張炎憲) said yesterday, adding that the nation needs a referendum on writing a new constitution and stressing that the existing Referendum Act (公投法) must be amended to do so.

Chang made the remarks as Scotland's historical independence referendum took place, to decide whether it would leave the UK and become an independent nation.

If Scotland votes "Yes" to independence, it would be encouraging for Taiwanese, Chang said.

When Scotland, part of the UK, could have an independence referendum, "why couldn't Taiwan hold one" when Taiwan is not under China's rule and is a different nation from China, Chang asked, adding that China would also be facing mounting internal pressure from the independence movements in Tibet, inner Mongolia and Xinjiang.

Even if Scotland votes "No," he said, the democratic experience is still a positive lesson for Taiwan.

Chang said as the "ROC" name does not work on the international stage and its Constitution is unfit for the nation, there should be a referendum for a new constitution, which would require amendments to the Referendum Act that currently does not allow changes to the country's name or for the writing of a new constitution.

A relative majority— simply more "Yes" votes than "No" votes — would be enough for Scotland to gain independence and there is no vote threshold, Chang said.

In contrast, Taiwan's Referendum Act limits people's rights to vote on independence and a new constitution and requires a simple majority (50 percent plus one) of approval votes from eligible voters, which Chang said should be changed to a relative majority.

Scotland's vote 'a model for Taiwan'

Written by Taipei Times

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Underscoring the essence of a referendum, which is the manifestation of the public's will, Chang said when Taiwanese strongly demand a referendum for a new constitution, the US could not object to it, let alone China.

He asked Taiwanese not to regard referendums as something menacing that must be avoided.

The public should have confidence deciding the fate of their own country, Chang said, including writing a new constitution and establishing a new country, which are much more vital than amending the Referendum Act.

Former representative to Japan Lo Fu-chen (羅福申) said Scotland's independence referendum has its own historical background, as does Canada's Quebec, where independence referendums have previously been held. Although Quebec's referendums failed to pass, Lo added, it still shows that the right to a referendum is a basic right of a democracy.

Taiwan is not democratic enough compared with other developed countries, as it restricts people's rights to propose an independence referendum and the threshold to amending the Constitution is too high, Lo said.

He seconded Chang's calls for amendments to the Referendum Act, which would bring the rules up to the standards of other developed countries.

Lo said Scotland's referendum experience would help Taiwanese understand what makes a developed democracy and help them realize that the nation's fate, be it independence, unification or the "status quo," could be determined by a public vote and without intervention by China.

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