

The Legitimacy of the Referendum Review Committee's Third Rejection on ECFA Referendum

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Taiwan Solidarity Union (TSU) requested to hold a referendum on the Economic Cooperation Framework Agreement (ECFA) between Taiwan and China, but Referendum Review Committee (RRC) rejected the proposal because of a contradiction between the main content and the reasons on June 3, 2010. TSU revised its proposal based on the comments of the Committee and submitted its second version at the end of June. The TSU proposal was rejected again on August 11 on the same reason and the proposal does not qualify referendum for major policies. The outcomes show the TSU proposal was not rejected because of any contradiction but because the ruling party, Chinese Nationalist Party (KMT), opposes to referendum on ECFA.

According to polls, 66 percent of the general public holds the view that whether or not Taiwan should sign ECFA with China should be determined by a referendum. Almost half of KMT supporters are receptive to the idea of organizing a referendum before signing ECFA. Referendum Review Committee ignores the general crave for a referendum on ECFA, and declined the ECFA referendum proposal for the third time. It is worth noting that although TSU revised its proposal based on RRC comments,

and submitted its revision after the Taiwan government signed ECFA, Referendum Review Committee did not consider the TSU proposal as a “referendum for a major policy” but rejected the proposal on the ground of Article 2 of the Referendum Act, i.e. no proposal of referendum may be raised for any matters regarding budgeting, taxation, investment, salary and personnel affairs. It is evident that the Ma administration does not want a referendum to reinforce the legitimacy of his policy. What is worse, the Ma administration poses obstacles when people are voicing for themselves. By avoiding people in Taiwan from practicing direct democracy, the Ma administration deprives them of their rights of initiatives and referendum, the rights protected by the Constitution. This is compelling evidence that Taiwan’s democracy is in regression.

In 1975, the UK government took initiative and asked its people if they think the UK should stay in the European Community (Common Market). TSU shares the same mindset with the then UK government. A referendum was held successfully there and the Britons made decisions that they hold accountability of. Thirty five years later, the Taiwan government ruled out the proposition on ECFA referendum. Taiwan claims to be

a mature democracy, but its politics and democratic development is, compared with the world, lagged compared with the world.

Needless to say, people are entitled to express themselves on issues of direct and profound consequences. The Referendum Review Committee is violating the Constitution by rejecting ECFA referendum. Giving the Referendum Review Committee the authority to unilaterally decide if the people can hold a referendum is completely unreasonable. Since the administration is chosen by the people and the country is owned by the people, why can a government supervised by the people reject referendum propositions proposed by the people? The demanding requirements for initiating a referendum stated in the Referendum Act is unreasonable enough, and the establishment of a monstrous “referendum review system” only makes it worse. A referendum is in need when the people are unsatisfied with the government, but the referendum review system is authorized to determine if the people can or cannot vote on a specific topic. Ten Referendum Review Committee members are given power to veto the petition agreed by more than one hundred thousand people. The absurdity of the system is beyond understanding.

The authority of the Referendum Review Committee over the approval of a referendum is in great controversy, which will make

the abolishment of the RRC be included in the discussions about the revision of the Referendum Act. TSU Chairman Huang Kun-huei said to continue the drive and will never stop until there is a referendum on ECFA. The Democratic Progressive Party caucus is preparing to propose to the Legislative Yuan (Taiwan’s Congress) and target at a resolution in which the people can decide the future of ECFA.

These efforts, however, are doomed to fail. The RRC rejects TSU proposals because the ruling party KMT opposes to such referendum. In fact, KMT does not oppose to the content of the proposal but the referendum per se. It is obvious because KMT opposed to two previous referendum proposals, namely Taiwan’s return to the United Nations and anti-corruption campaign. The Referendum Review Committee is a means for the ruling party to suppress democracy. The abolishment of the Referendum Review Committee will be included in the discussions about the revision of the Referendum Act. People in Taiwan should see the fact and realize that only votes can make changes. Clearly, we cannot rely on referendum to change the KMT opposition to referendum. **BT**