

Taiwan's Maturing democracy: the Legislative Yuan



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Maturing Democracy: The Legislature

2

- **What have changed? or not changed?**
- **Driving forces?**
- **Impacts?**
- **Implications?**

Salient Features of the Legislature in Taiwan

3

- **Five Power Scheme:** operating under a five-power government system
- **Semi-presidential system:** operating in an evolving semi-presidential system, dealing with the president and the Cabinet
- **Multiple Congress Complex:** consolidating into a full Legislature by marginalizing Taiwan provincial government, National Assembly and, to a lesser extent, the Control Yuan

Congressional Reform in the Context of Constitutional Reform

Periods

4

Next?

2005

2005 (seventh)

- 1. Termination of the National Assembly**
- 2. Halve the number of seats in the Legislative Yuan**
- 3. SMD & Two Votes Electoral System**
- 4. Public Referendum In Constitutional Reform**

Additional Articles

2000 (sixth) Mission-Oriented National Assembly Members

**1997 (fourth): Semi-presidential system,
Downsizing of the Taiwan Provincial Gov't**

**1991-92 (first and second): all seats are subject to
open election in Taiwan**

1991

National Mobilization
Against Communist
Rebellion

Two Key Parts in 2005 Constitutional Reform

5

**Reforming the
Legislature**

**Public Referendum
For Constitutional
Revisions**

**SMD
(Single-Member -District)**

**Downsize the Legislature to
One-half**

Two Votes System

Also gain powers:

- 1. Proposing constitutional revision proposals(1/4;3/4)**
- 2. Proposing motion of recalling the President(1/4;2/3), or impeaching the President (1/2;2/3)**

Legislative Reform with Three Related Components

6

SMD

1. Stabilize Politics Interaction
2. Build robust party politics
3. Reduce money politics

Two-Votes System

1. Follow International Trend
2. Build robust party politic
3. Respect Minority Rights

Downsize the Legislature to One-half (113)

1. Districts: 73
2. Indigenous Peoples: 6
3. Proportional Representation : 34

Two-tier Impact Analysis

7

2005
Legislative
Reform

Representation
and Legitimacy

Delivery and
evaluation

Long Term Political Landscape

Accountability and Citizen Trust

LY before Congressional Reform 2005

8

- Major political Parties
 - KMT(Kuomintang), DPP(Democratic Progressive Party), PFP(People First Party), TSU(Taiwan Solidarity Union), NP(new Party)
- Seats share
 - ✦ DPP had been the biggest party in LY before reform
 - ✦ Pan-blue took majority seats in total

Term	KMT	PFP	NP	DPP	TSU	Other	Total	blue/green
5 th (2001-2004)	68 (30.2%)	46 (20.4%)	1 (0.4%)	87 (38.7%)	13 (5.8%)	10 (4.4%)	225	115/100 (51.4:44.5%)
6 th (2004-2008_)	79 (35.1%)	34 (15.1%)	1 (0.4%)	89 (39.6%)	12 (5.3%)	10 (4.4%)	225	114/101 (50.7:44.9%)

Legislative election before Reform

- **Criticism**

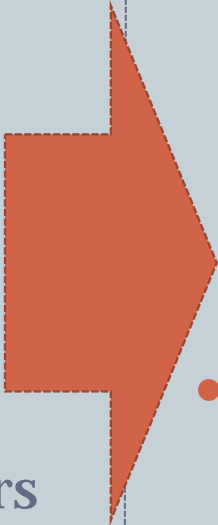
- Each legislator represents too small constituency
 - ✦ Ration of population to a representative
 - ✦ US: 1: 632,466 (2002)
 - ✦ Japan: 1: 253,000(2002)
 - ✦ Tw: 1: 98,000 (2002)
- Extreme ideology : e.g., writer Li-Ao was elected as legislators with only 33,922 votes in 2004
- Poor performance & Inefficiency

- **Suggested benefit of the 2005 reform**

- Proper size LY
- Prevent extreme legislators
- Improve deliberation and efficiency of LY

LY reform of 2005

10

- **Total seats: 226**
 - **Electoral system**
 - Multi-member district
 - One vote for district legislator
 - Proportional party seats for non-district legislators
 - **Seats reduction: 113**
 - 73 single district legislators
 - 6 reserved seats for aboriginal legislators
 - 34 non-district legislators
 - **Electoral system reform**
 - Single member district
 - Two votes system: one for district legislator , one for political party
- 

First Application: Result of 2008 election

11

Political Party	District legislators	Non-district legislators	Total seats	Seats share(%)	Vote share(%)	Share of party vote %
<u>KMT</u>	61	20	81	71	53.47	
<u>PFP</u>	1	0	1	0.9	0.21	
NSU	3	0	3	2.6	2.25	
non-party	1	0	1	0.9	3.92	
Pan-blue	66	20	86	76	55.18	51.23-> 58.12
<u>DPP</u>	13	14	27	23	38.65	
<u>TSU</u>	0	0	0	0	0.96	
Pan-green	13	14	27	23	40.40	36.91-> 41.88
Total	79	34	113			

Problems

12

- Representation: Unequal vote?

	KMT	DPP
Vote share	52.4%	37.5%
Seat share	71%	23%

- Two party system?

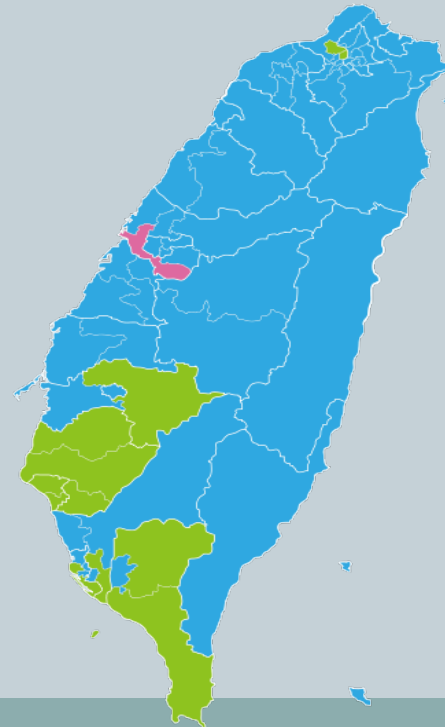
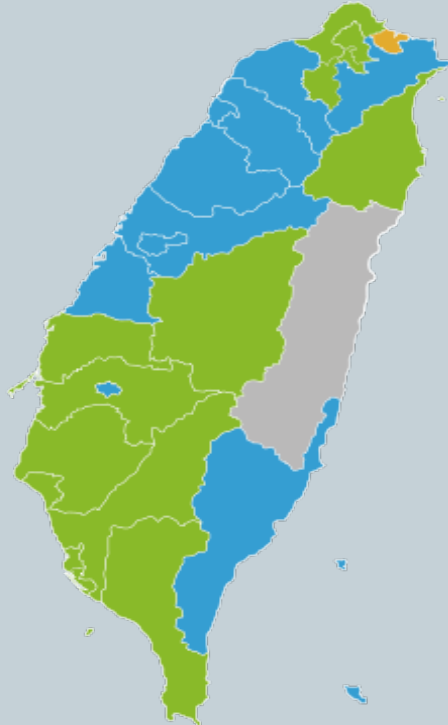
- only 5 seats not obtained by two major party

Party	2004 seats	2008 seats	2008 vote share
PFP	34	1	0.21
NP	1	0	?
TSU	12	0	0.96

Problems

13

- More divided? The bluer north and the greener south
- 2004 LY election
- 2008 LY election



Less than $\frac{1}{4}$ Minority in the LY

14

- **One party parliament: 4/3 seats for pan-blue**
 - Minority Party in LY may not access to constitutional adjudication (1/3 legislators)
 - Procedural Committee: Control all agenda setting power on legislation
 - Non-confident motion, approval of Justices needs $\frac{1}{2}$ majority
 - Impeachment on President and/or vice President needs $\frac{2}{3}$ majority
 - The motion to amend Constitution: $\frac{1}{4}$ legislators initiate, $\frac{3}{4}$ attend and $\frac{3}{4}$ agree
- **Unitary government:**
 - KMT party machine put strong control on legislators.
 - LY rubberstamps the policy of the Executive, such as ECFA
- **Dominant Party and confrontation**
 - After 6th, almost no cross partisan voting in LY, more than 75% voting resulted in 90% KMT against 90% DDP

Result of 2012 election

15

Political Party	District legislators	Non-district legislators	Total seats	Seats share %	Vote share %	Share of party vote %
KMT	48	16	64	56.6	48.17	44.54
PFP	1	2	3	2.65		5.48
NSU	2	—	2			
non-party	1	—	1	1.37		
Blue total	52	18	70			
DDP	27	13	40	35.4	43.79	34.61
TSU	—	3	3	1.37	2.65	8.95
Green total	27	16	43			
Total	73	34	113			

From 2008 to 2012

16

- Seats change

Party	2008	2012
KMT	81	64
DPP	27	40
PEP	1	3
Others	4	6

- Unequal vote?

Party	2008		2012	
	Seats share %	Vote share %	Seats share %	Vote share %
KMT	71	53.47	56.6	48.17
DDP	23	38.65	35.4	43.79

Electoral Rules, Representation and Legitimacy

17

- Rules of election have great impact on how to turn vote share into seat share
- In the 2008 election, KMY got 53.48% vote but got 71% seats, DPP got 38.65% vote but got 23% seats
- Unequal presentation: Extreme case: 9786 (Lienchiang): 475928 (Hsinchu)
- 11 out of 113 are gift seats to KMT (6 aboriginal districts, Lienchiang, Kimen, Penghu, Taidong, and Hwalien)
- Changing electoral rules (to a German system) or through redistricting?
- Is it an institutional barrier to democratic consolidation or just the reflection of political reality?

Observation of the first impact

18

- Change to the electoral rules has had great impact to legislative representation.
- The slight improvement in 2012 election does not prove otherwise
- An issue with long term significance, but it requires super strong political will to do it and do it right.

Second Tier Impact: Delivery and Evaluation

19

- Is the Legislature doing better after the reform?
- Has the reform contributed to the change? For better or for worse?
- Variables beyond legislative reform.

Public opinions and Evaluation of the Legislature 2008-2012

20

- 4 elected legislators (KMT) were criminally charged with buying vote during 2008 campaign and later disqualified as legislators by the court.
- Satisfaction investigation: 70 % disapprove the performance of LY (TVBS, 2009)
- Legislative Yuan ranks as the most corrupted institution in Taiwan (Transparency International , 2009)
- General disapproval by the Citizen Congress Watch in their series of reports

Evaluation of 7th LY: Citizen Congress Watch

21

- Disappointed overall
- Passed legislation (Less than 4th LY)
- 8th Session : 35% bills were passed in the last three meetings
- Budget review legislative Yuan cut only 0.007%, hits the history low
 - (1兆9390億預算中，創下只砍1.3億的歷史新低(只刪0.007%)
- Poor quality of the passed acts

Evaluation of 7th LY: Judicial Reform Foundation

22

- LY gains more power while their influence and social trust remain the same.
- Legislators of ruling party could have pushed forward judicial reform, but the quality of proposed bills is disappointing.
- The Judiciary and Organic Laws and Statutes Committee (司法及法制委員會) is composed of legislators mostly without professional backgrounds.
- Fail to represent and deliberate on major issues, ECFA (Economic Cooperation Framework Agreement) passed without committee review (2012/8/17), even on the American beef issues, LY was not well informed

The performance of 7th legislators

23

Session	Attendance	Meeting (hours)	speak	Passed bills
1 st	93%	3.0	44%	50
2 nd	98%	3.0	56%	67
3 rd	97%	3.7	46%	113
4 th	95%	4.8	41%	83
5 th	96%	3.2	46%	65
6 th	93%	4.8	44%	73
7 th	92%	5.7	55%	92
8 th	87%	5.3	51%	95 (33 bills passed in last 10 days)
Average	93.8%	4.2	47.8%	638

Major Function of the Legislative Yuan

24

- **Legislative function**
- **Approve budget**
- **Approve appointments**
- **Review international treaties or agreements**
- **Move to recall or impeach the President**
- **Proposing constitutional revisions for public referendum**

These are the Same

25

- The premier, together with his cabinet members) reports twice a year (February and September), followed by a series of Q and A.
- Agenda-setting committee strategically approve agenda along party line
- In order to get the second reading, every caucus would have to sign and approve (more than 3 legislators could form a caucus)
- Policy analysis to legislative and budgetary bill has been weak and public deliberation has been weak.

There are Changes in these Aspects

26

- **Streamline Subcommittees into 8**
- **Less frequent filibuster**
- **Installation of Live Broadcast and Video on Demand (IVOD) , while dragging feet in setting up a channel for the legislature (C-SPAN)**
- **More consolidated watchdog group, Citizen Congress Watch, a coalition of concerned citizen groups.**

More institutional complications

27

- **Semi-presidentialism, the President's National Affairs Report to the Legislature (state of the union address) as an example**
- **The role of the Premier, ministers and bureaucrats**
- **The inapplicability of vote of no-confidence motion**
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