Taiwan’s Maturing democracy: the Legislative Yuan

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Maturing Democracy: The Legislature

- What have changed? or not changed?
- Driving forces?
- Impacts?
- Implications?
Salient Features of the Legislature in Taiwan

- **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

2005

Next?

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

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

2012/5/21 Jiunn-rong Yeh/ Brookings Workshop
Two Key Parts in 2005 Constitutional Reform

- Reforming the Legislature
  - SMD (Single-Member District)

- Public Referendum For Constitutional Revisions
  - Downsize the Legislature to One-half

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

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

**Downsize the Legislature to One-half (113)**
1. Districts: 73
2. Indigenous Peoples: 6
3. Proportional Representation: 34

**Two-Votes System**
1. Follow International Trend
2. Build robust party politics
3. Respect Minority Rights
Two-tier Impact Analysis

2005 Legislative Reform

Representation and Legitimacy

Delivery and evaluation

Long Term Political Landscape    Accountability and Citizen Trust
**LY before Congressional Reform 2005**

- **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

<table>
<thead>
<tr>
<th>Term</th>
<th>KMT</th>
<th>PFP</th>
<th>NP</th>
<th>DPP</th>
<th>TSU</th>
<th>Others</th>
<th>Total</th>
<th>blue/green</th>
</tr>
</thead>
<tbody>
<tr>
<td>5th</td>
<td>68</td>
<td>46</td>
<td>1</td>
<td>87</td>
<td>13</td>
<td>10</td>
<td>225</td>
<td>115/100 (51.4:44.5%)</td>
</tr>
<tr>
<td>(2001-2004)</td>
<td>(30.2%)</td>
<td>(20.4%)</td>
<td>(0.4%)</td>
<td>(38.7%)</td>
<td>(5.8%)</td>
<td>(4.4%)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6th</td>
<td>79</td>
<td>34</td>
<td>1</td>
<td>89</td>
<td>12</td>
<td>10</td>
<td>225</td>
<td>114/101 (50.7:44.9%)</td>
</tr>
<tr>
<td>(2004-2008)</td>
<td>(35.1%)</td>
<td>(15.1%)</td>
<td>(0.4%)</td>
<td>(39.6%)</td>
<td>(5.3%)</td>
<td>(4.4%)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Legislative election before Reform

- **Criticism**
  - Each legislator represents too small constituency
    - Ration of population to a representative
      - 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

- 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

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

Jiunn-rong Yeh/ Brookings Workshop
Problems

- **Representation: Unequal vote?**

<table>
<thead>
<tr>
<th></th>
<th>KMT</th>
<th>DPP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vote share</td>
<td>52.4%</td>
<td>37.5%</td>
</tr>
<tr>
<td>Seat share</td>
<td>71%</td>
<td>23%</td>
</tr>
</tbody>
</table>

- **Two party system?**
  - only 5 seats not obtained by two major party

<table>
<thead>
<tr>
<th>Party</th>
<th>2004 seats</th>
<th>2008 seats</th>
<th>2008 vote share</th>
</tr>
</thead>
<tbody>
<tr>
<td>PFP</td>
<td>34</td>
<td>1</td>
<td>0.21</td>
</tr>
<tr>
<td>NP</td>
<td>1</td>
<td>0</td>
<td>?</td>
</tr>
<tr>
<td>TSU</td>
<td>12</td>
<td>0</td>
<td>0.96</td>
</tr>
</tbody>
</table>
Problems

- More divided? The bluer north and the greener south
- 2004 LY election
  - Map showing electoral results
- 2008 LY election
  - Map showing electoral results
Less than ¼ Minority in the LY

- 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 ½ majority
  - Impeachment on President and/or vice President needs 2/3 majority
  - The motion to amend Constitution: ¼ legislators initiate, ¾ attend and ¾ 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

<table>
<thead>
<tr>
<th>Political Party</th>
<th>District legislators</th>
<th>Non-district legislators</th>
<th>Total seats</th>
<th>Seats share %</th>
<th>Vote share %</th>
<th>Share of party vote %</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>KMT</strong></td>
<td>48</td>
<td>16</td>
<td>64</td>
<td>56.6</td>
<td>48.17</td>
<td>44.54</td>
</tr>
<tr>
<td><strong>PFP</strong></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>2.65</td>
<td>5.48</td>
<td></td>
</tr>
<tr>
<td>NSU</td>
<td>2</td>
<td>–</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>non-party</td>
<td>1</td>
<td>–</td>
<td>1</td>
<td>1.37</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Blue total</strong></td>
<td>52</td>
<td>18</td>
<td>70</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>DDP</strong></td>
<td>27</td>
<td>13</td>
<td>40</td>
<td>35.4</td>
<td>43.79</td>
<td>34.61</td>
</tr>
<tr>
<td><strong>TSU</strong></td>
<td>–</td>
<td>3</td>
<td>3</td>
<td>1.37</td>
<td>2.65</td>
<td>8.95</td>
</tr>
<tr>
<td><strong>Green total</strong></td>
<td>27</td>
<td>16</td>
<td>43</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>73</td>
<td>34</td>
<td>113</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
From 2008 to 2012

- Seats change

<table>
<thead>
<tr>
<th>Party</th>
<th>2008</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>KMT</td>
<td>81</td>
<td>64</td>
</tr>
<tr>
<td>DPP</td>
<td>27</td>
<td>40</td>
</tr>
<tr>
<td>PEP</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Others</td>
<td>4</td>
<td>6</td>
</tr>
</tbody>
</table>

- Unequal vote?

<table>
<thead>
<tr>
<th>Party</th>
<th>2008</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Seats share %</td>
<td>Vote share %</td>
</tr>
<tr>
<td>KMT</td>
<td>71</td>
<td>53.47</td>
</tr>
<tr>
<td>DDP</td>
<td>23</td>
<td>38.65</td>
</tr>
</tbody>
</table>
Electoral Rules, Representation and Legitimacy

- 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

- 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

- 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

- 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

- 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

- 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

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

- 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

- 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

- 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

- 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