

Defined and Undefined Roles for Taiwan's Legislative Yuan

Chung-li Wu

Part 1

The Relationship between the Legislative and the Executive Yuan

(1) Consent of Appointment

- From Article 55 of ROC Constitution
- The Prime Minister of the Executive Yuan is nominated by the President but must be approved by the Legislative Yuan
- Note: This article has been nullified by later articles; the president of the Executive Yuan shall be appointed by the president, requiring no consent of the Legislative Yuan

(2) Administrative Responsibilities

- Defined in Article 57 of ROC Constitution
- The Executive Yuan must report all major policy changes to the Legislative Yuan
- Legislators can directly question members of the Executive Yuan on the contents of policies
- As the highest administration authority, the Executive Yuan has the responsibility to inform the Legislative Yuan as it forms the basis of Taiwan's political system

(3) Reconsideration of Policies

- Defined in Article 57 (2) of ROC Constitution
- The Legislative Yuan can ask the Executive Yuan to change contents of important policies
- The Executive Yuan, with presidential approval, can request the Legislative Yuan to reconsider
- Then, if 1/2 or more of legislators vote to support policy change, Executive Yuan must make the requested changes

(4) Vote of Confidence

- 1997 Fourth Revision in Additional Article
- The President may, within ten days following the passage by the Legislative Yuan of a no-confidence vote against the president of the Executive Yuan, declare the dissolution of the Legislative Yuan after consulting with its president

(5) Consultation of Bills

- Defined in Article 58 of ROC Constitution
- The members of the Executive Yuan must reach conclusive decisions on important bills (budgetary bill, martial law, amnesty, declaration of war, conclusion of peace or treaties, and other important affairs) before submitting them to the Legislative Yuan

(6) Attendance of Meetings

- Defined in Article 67 (2) of ROC Constitution
- Members of the Executive Yuan can attend formal meetings and committees in the Legislative Yuan to defend certain policies (political party platforms)

Part 2

The Relationship between the Legislative Yuan and the Presidency

(1) Nomination Approval

- Defined in Article 55/102 of ROC Constitution
- The presidents of both the Executive Yuan and the Control Yuan are nominated by the President but must be approved by the Legislative Yuan

(2) Promulgation of Laws

- Defined in Article 37/72 of ROC Constitution
- After laws are passed by the Legislative Yuan, they are given to the Presidency and the Executive Yuan for final confirmation and signing into law
- Unless he decides to approve any request for reconsideration by the Executive Yuan, the President must make the new laws known to the public within ten days

(3) Approval of Reconsiderations

- Defined in Article 57 of ROC Constitution
- Any reconsideration by the Legislative Yuan or the Executive Yuan can be requested only with presidential approval

(4) Important Decision-Making

- Defined in Article 39/43 of ROC Constitution
- The President can declare martial law
 - The Legislative Yuan can request the President to terminate martial law
- The President can issue emergency orders during times of national crises or disasters
 - The Legislative Yuan can nullify these emergency orders by refusing to confirm them

(5) Assembly of Special Sessions

- Defined in Article 69 (1) of ROC Constitution
- The President can request the Legislative Yuan to hold extraordinary sessions to discuss urgent matters
 - The requests are applicable anytime the Legislative Yuan is not in regular session

Part 3

The General Public's Level of Political Trust toward Sociopolitical Institutions

Methodology

- Taiwan's Election and Democratization Study (TEDS): Randomized nationwide face-to-face survey of the Taiwanese general public
- Question asked: "What is your level of political trust toward the following government agencies? Do you trust them greatly, slightly, or not so much, or not at all?"
- Sociopolitical institutions: the courts, the central government, local governments, political parties, the Legislative Yuan, civil servants, the military, the police, newspapers, and television

Relative Political Trust toward Different Sociopolitical Institutions

	Trust	Slightly Trust	Slightly Distrust	Distrust	Total
Courts	5.8% (85)	61.0% (890)	27.1% (396)	6.1% (89)	100% (1,460)
Central Government	4.9% (73)	54.1% (803)	34.3% (509)	6.6% (98)	100% (1,483)
Local Government	6.2% (95)	62.5% (957)	27.0% (413)	4.3% (66)	100% (1,531)
Political Parties	2.2% (32)	28.5% (410)	54.2% (779)	15.0% (216)	100% (1,437)
Legislative Yuan	1.8% (26)	27.9% (408)	43.5% (636)	26.9% (393)	100% (1,463)
Bureaucrats	4.2% (64)	73.5% (1,131)	19.8% (305)	2.5% (38)	100% (1,538)
Military	17.9% (258)	64.3% (929)	15.3% (221)	2.6% (37)	100% (1,445)
Police	4.7% (75)	54.3% (864)	32.6% (518)	8.4% (133)	100% (1,590)
Newspapers	1.9% (28)	43.0% (626)	46.4% (676)	8.7% (126)	100% (1,456)
TV	3.4% (53)	53.9% (839)	37.6% (585)	5.1% (79)	100% (1,556)

Source: TEDS 2004.

Rankings of Political-Trust Levels

- All percentage figures for Trust + Slightly Trust
 1. The military (82.2%)
 2. Civil servants (77.7%)
 3. Local governments (68.7%)
 4. The courts (66.8%)
 5. The central government (59.0%)
 6. The police (59.0%)
 7. Television (57.3%)
 8. Newspapers (44.9%)
 9. Political parties (30.7%)
 10. The Legislative Yuan (29.7%)

Part 4

Divided Government in the Taiwanese Context

General Background

- Divided government exists when the president and the majority of legislators come from opposing political parties
 - When executive and legislative elections are held separately
- Divided government, in Juan Linz's terminology, belongs to the category of "dual democratic legitimacies."
- Where executive and legislative posts are determined in separate elections, there is a lack of unified leadership and this tends to lead to conflicting policy positions.

- Continued academic debate on whether divided government lead to poorer performance of government
 - Lower policy efficiency and greater policy conflicts
 - Stalemates between the executive/legislative branches due to lack of unified leadership

Merits of Divided Government

- Divided government matches major American constitutional principles
 - Separation of powers, checks and balances
- It more clearly corresponds to voters' expectations
- In essence, divided government is being used as scapegoat for poor governance and policy formulation
- Worthy of continuing observation in Taiwan

Public Preference for Party Control

- TEDS 2012: “Which of the following two statements do you agree with more? (1) The opposition parties should have a majority of the seats in the Legislative Yuan so that they can provide checks and balances on the government; (2) the president’s party should have a majority of seats in the Legislative Yuan so that it can implement its policies.”
- 55.5%--*the opposition parties should have a majority of the seats in the Legislative Yuan so that they can provide checks and balances on the government*
- 34.0%--*the president’s party should have a majority of seats in the Legislative Yuan so that it can implement its policies*

Divided Government Studies in Taiwan

- Chung-li Wu and Chang-chih Lin, “The Executive-Legislative Interactions at the Central Government Level Before and After the 2000 Presidential Election in Taiwan: An Examination of the Fourth Nuclear Power Plant Controversy and the Lawmaking Process,” *Theory and Policy*, Vol. 16, No. 1 (March 2002), pp. 73-98.
- Performance is different between divided and unified government on discussion of controversial issues and changes in central government budgets.

Divided Government Studies in Taiwan

- Chung-li Wu and Chi Huang, “Divided Government in Taiwan’s Local Politics: Public Evaluations of City/County Government Performance,” *Party Politics*, Vol. 13, No. 6 (2007), pp. 741-760.
- The findings indicate that those residents in cities or counties under divided government express more negative views, although their party identification also seems to be an important intervening variable in shaping their opinion.

Divided Government Studies in Taiwan

- Chung-li Wu, “Divided Government and Economic Performance: The Taiwan Experiences, 1992-2006,” *Taiwanese Political Science Review*, Vol. 11, No. 2 (December 2007), pp. 53-91.
- The 1992-2006 evidence confirms the assumption that distinct forms of government can influence the efficiency of governance; i.e., divided government tends to result in policy gridlock and political stalemate between the executive and legislative branches which detrimentally affect macroeconomic performance.

Divided Government Studies in Taiwan

- Jung-Hsiang Tsai and Hong-Ming Chen, “Unified Government and Constitutional Operation in President-Parliamentarism During the First Term of President Ying-jeou Ma in Taiwan,” ***Soochow Journal of Political Science***, Vol. 30, No. 4 (December 2012), pp. 121-176.
- Comparing to divided government from 2000 through 2008, unified government of the Ma’s administration from 2008 to 2012 still experienced political instability and policy gridlock, in terms of the passage of important laws.

Thank You for Your Patience!