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**民主進步黨**  
Democratic Progressive Party, Taiwan

## DPP Vows to Defend Taiwan's Democracy

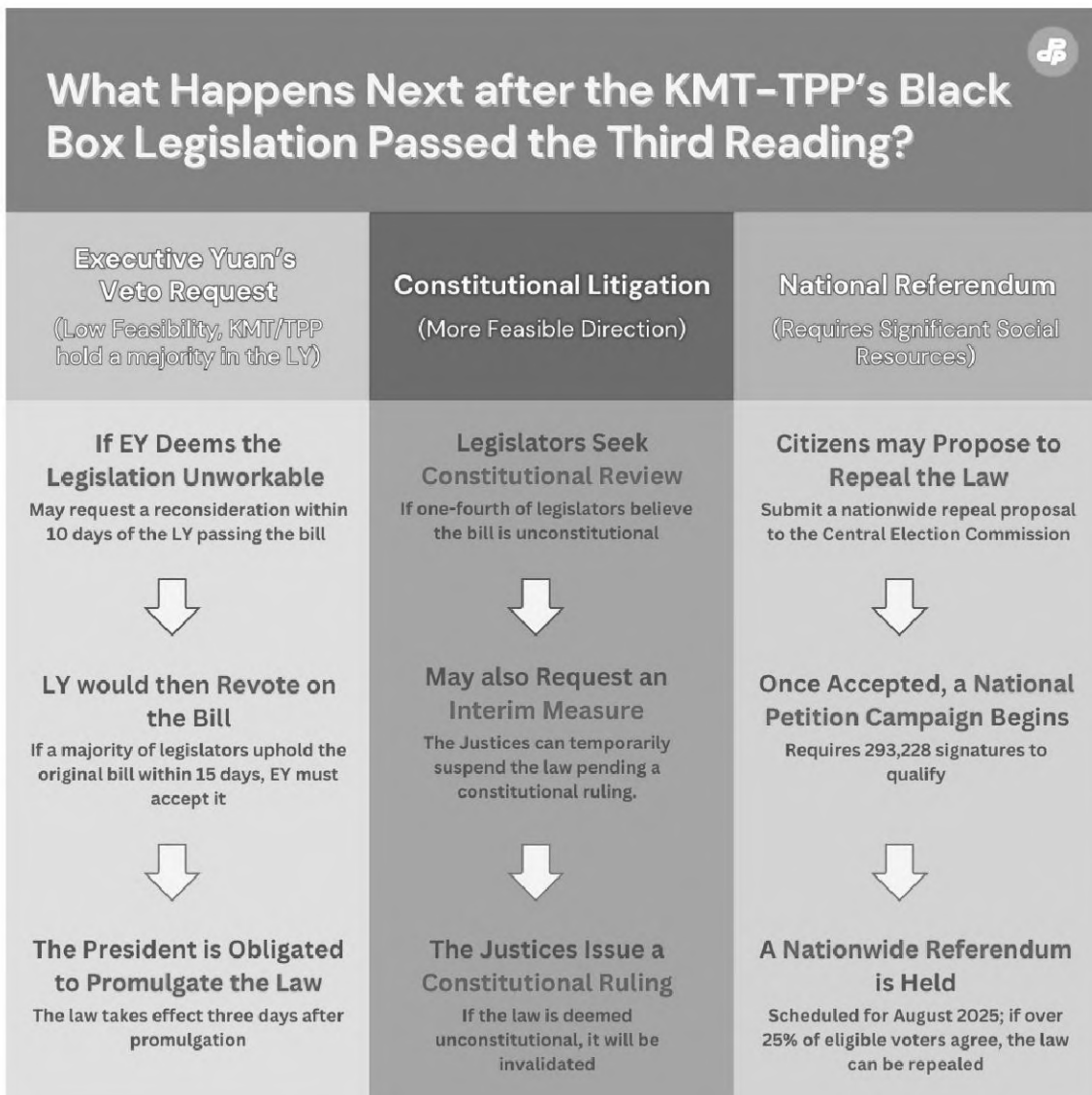


Photo: DPP US Mission

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## **DPP Vows to Defend Taiwan's Democracy: Condemning the Unconstitutional Power Grab in the Legislative Yuan by the KMT-TPP Opposition**

Just as China was conducting large-scale military exercises surrounding Taiwan soon after President Lai took office, Taiwan's opposition parties were attempting to augment the Legislative Yuan's powers in violation of due process, the constitutional separation of powers and judiciary independence, opening doors for China to infiltrate government classified information and individual privacy in Taiwan. On May 28, 2024, the KMT, holding the majority in the lines with the TPP, eschewed normal legislative procedures and bulldozed their proposed bills through the Legislative Yuan. The Democratic Progressive Party strongly condemns the unconstitutional and undemocratic actions of the KMT-TPP-dominated Legislative Yuan to arbitrarily expand legal power.

### **Expanding Legislative Investigative Rights Infringes on Political and Judiciary Independence Increasing National Security Risks**

Under the Constitution, the Legislative Yuan does not possess the right to investigate personal property or private individuals. This is the sole authority and purview of the other co-equal branches of the government, namely the Control Yuan and the Judiciary Yuan. If the Legislative Yuan, comprised of elected officials with partisan intentions, were to be endowed with such power, it would violate Taiwan's constitutional separation of powers and undermine Taiwan's democratic system.

Although it is common in democracies for the legislative branch to assert oversight via convening hearings and subpoenas, the devil is in the details.

By asserting unconstitutional powers to subpoena and penalize (if subjectively deemed uncooperative) private citizens, business entities, as well as military and government officials, the legislators with prejudicial constituent interests and malignant political motives could severely abuse civil rights. The drastic expansion of legislators' investigative rights is also obstructive to judiciary independence. Forcing through legislation that seeks to criminalize "contempt of the legislature" could also have ramifications for foreign business and multinational companies in Taiwan, as the European Chamber of Commerce in Taiwan has noted with

concern. A similar “chilling effect” could apply to the government officials who are forced to hand over classified information to the legislators, and this puts Taiwan’s national security at risk.

### **Demanding Taiwan’s President to be Interrogated by the LY is Unconstitutional**

The KMT-TPP coalition passed legislation requiring the President to report directly and regularly to the Legislative Yuan on domestic policy issues. Because the ROC Constitution only stated that the LY “may hear the President’s State of the Union address during its annual sessions,” it is important to note that it does not give the LY the power to question the President. Instead, the Premier is held constitutionally accountable to the Legislative Yuan.

The DPP maintains that the Constitution clearly delineates the separation of powers between the President, the Executive, and the Legislative. The DPP respects the ROC Constitution, and any attempt to alter the current status must be adjudicated by the Constitutional Court. Should the Constitutional Court make a ruling, the DPP will respect its decision. The DPP emphasizes that the passage of the law lacks the necessary democratic procedural discussion.

### **Usurping the Executive Branch’s Budget Authority Is Unconstitutional and Undemocratic**

Another blatant example is that the KMT-TPP syndicate in the Legislative Yuan plans to raise the budget for their respective constituencies. Taking the highly controversial Hualien-Taitung transportation bills as an example, while these three bills, totaling more than \$2 trillion NTD, were not included in the third reading on May 28, two of those were listed on the Legislative Yuan’s agenda for “second reading of legislative reform” sessions on May 17 and May 21. These Hualien-Taitung transportation bills were proposed by KMT caucus whip Fu Kun-chi (former Hualien County magistrate, whose wife Hsu Chen-wei is the current magistrate) and were swiftly passed in committee after merely 10 minutes of discussion. In other words, the KMT-TPP syndicate passed these bills with significant financial implications and environmental impact without sufficient consultation and proper procedure.

Furthermore, there are concerns about constitutionality. According to the Constitution, the Legislative Yuan has the authority to reduce or freeze budgets, but it does not have the right to interfere with the executive

branch by increasing budgets. By forcibly passing such legislation, the opposition can effectively seize control of large sums of infrastructure funds. The Taiwan Bar Association has stated that this measure not only has profound implications for the constitutional order but may also crowd out major fiscal priorities, such as national defense.

Facing a multitude of external threats, Taiwan must strengthen our domestic unity and prevent individuals with malicious intent and questionable motives from infiltrating our society and undermining Taiwan's sustainable political future.

Coincidentally, these controversial bills were pushed ahead soon after KMT caucus convener Fu Kun-chi and other KMT senior officials returned from China. If we don't stop these unconstitutional and undemocratic proposed bills and amendments in the legislature from being forcefully enacted today, it will create a slippery slope for more unlawful violations of the procedural process tomorrow. The KMT-TPP-led Legislative Yuan will have unchecked power to arbitrarily pass bills that violate human rights, undermine democracy, and denigrate the rule of law in Taiwan. Our cherished democratic governance could face severe backsliding.

### **The DPP will Take Action to Safeguard Our Constitutional Democracy**

The Legislative Yuan passed amendments to the "Law Governing the Legislative Yuan's Power" in the third reading on May 28. Tens of thousands of concerned citizens have spontaneously gathered outside the Legislative Yuan and across the country, demonstrating Taiwan's vibrant democracy and freedom of expression to the world. The people of Taiwan voiced concerns about the Legislative Yuan's failure to review the bills according to standard legal procedure and longstanding constitutional order.

In response to the people's concerns, the DPP has taken swift and concrete action to safeguard our hard-earned democracy. Upon receiving the bills' text passed by the Legislative Yuan in the third reading, the Executive Yuan will request a reconsideration according to the procedures stipulated in the Additional Articles of the Constitution. The DPP legislative caucus will also file for a constitutional interpretation regarding the amendments passed in the third reading. The DPP will continue to strive to ensure that the legislation complies with the Constitution, protects citizens' rights, and preserves the integrity of our democratic institutions. We call on the international society to join our efforts in dispelling the KMT-TPP's false "reform" narratives to support our constitutional democracy.

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