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民主進步黨
Democratic Progressive Party, Taiwan

No Discussion, No Democracy



Photo: CNA

Taiwan is currently facing a significant legislative conflict as the opposition parties, KMT and TPP, attempt to push through controversial bills. This comes amidst increasing pressure from China, which has announced military exercises around Taiwan. The opposition's proposals challenge the authority of President Lai Ching-te and are seen as a power grab that could undermine Taiwan's democratic foundations. Key among them is a special act for Hualien-Taitung transportation projects, totaling over 2 trillion NTD, which

would impact national financial planning and constitutional order. This would be a major raid on funds available for defense issues.

The following are key insights from NIKKEI Asia to provide a valuable understanding of the current developments in Taiwan's Legislative Yuan:

Why are the opposition's proposals so controversial?

The KMT-TPP coalition submitted four bills that would add a "contempt of parliament" offense to the criminal code, oblige the president to answer questions from lawmakers, and requisition possibly over 2 trillion New Taiwan dollars (\$62.2 billion) for infrastructure projects in their east coast strongholds.

Criticism has focused on both the content of the bills and the way the parties have tried to ram them through -- without proper deliberation or even a recorded vote, opting for a show of hands.

The Taiwan Bar Association said the legislature's failure to deliberate "not only undermines Taiwan's democratic foundations, but also violates the fundamental principles of democratic constitutionalism and representative democracy."

William A. Stanton and Stephen M. Young, two former U.S. envoys to Taiwan, joined a number of former officials and academics to warn that the proposals "surpass the scope and power of parliamentary authority found in most other constitutional democracies."

Under the proposals, government officials appearing in parliamentary hearings could be jailed for up to a year for making remarks that lawmakers deem to conceal facts or be false, and up to six months simply for responding with questions of their own.

"The Legislative Yuan will be able to require people to go to designated locations for questioning, access internal documents from general companies and even require troops to provide military information," cautioned activist-turned-DPP lawmaker Wu Pei-yi.

There is also concern about the legislature overstepping its role to order millions in spending on a high-speed rail line and highway across vast landscapes without public consultation or environmental assessments. Wu said a bill she had access to showed "sovereign

funds" would be introduced to finance the megaproject, suggesting they could be associated with China's Belt and Road Initiative.

"This series of absurd proposed legislation harms the principle of separation of powers," Wu said, saying the bills were being pushed ahead soon after KMT parliamentary leader Fu Kun-chi returned from a visit to China earlier this month. "It's hard not to suspect whether there are foreign forces behind this farce."

The opposition parties reject the accusations and insist they are only pushing for transparency and accountability.

"I would like to appeal once again that the DPP, as a modernized ruling party, should not slander the opposition party in front of outsiders," KMT leader Eric Chu said in a statement on Wednesday.

He said the DPP should no longer attempt to "use the streets to suppress parliament" and "that era has passed" -- a possible reference to how mass protests known as the Sunflower Movement a decade ago stopped the KMT government's controversial China trade deal.

What are the protesters demanding?

Broadly, the protesters want the bills withdrawn. Many have focused on the coalition's heavy-handed approach, while some suspect the opposition coalition is doing China's bidding.

On Tuesday, many of the demonstrators were seen holding signs that read, "No discussion, no democracy," criticizing the lack of deliberation.

"We're opposed to the excessive expansion of legislative power, particularly the power to summon and demand officials, citizens, etc. to answer questions under the threat of being jailed," said Jasmine Chan, a 30-year-old protester and university researcher. "This is a power grab, not a reform."

At a news conference Thursday morning, KMT lawmaker Wu Tsung-Hsien was asked about the stipulation that responding to questioning with "counter-questions" could result in jail time. He merely said he would explain after the law is passed.

Chan, the protester, also slammed Fu's role as a key proponent of the

bills. "The infrastructure bill targeting the east coast clearly benefits Fu Kun-chi, who has a record of corruption," she said, referring to a past conviction for insider trading. She said the opposition parties' actions have "echoes" of the martial law era and suggested many see them as a potential "harbinger of things to come."

What does the dispute mean for Lai's new administration?

Although Lai won the presidential election in January, the DPP lost control of the legislature to the KMT and TPP. The first days of Lai's administration have only underscored concerns that this split could spell trouble for Taiwan's governance.

Lev Nachman, a political scientist at National Chengchi University, said the current legislative row shows what to expect, at least in the short term. "Not only will the Legislative Yuan put a stop to any policy agenda of Lai, it also has the potential to walk back on the policies achieved by Tsai over the past eight years," Nachman said, referring to previous President Tsai Ing-wen.

"If the bills are made into law, there's a good possibility that we'll see attempts to persecute DPP politicians that the KMT feel aggrieved by," he added. "The KMT and TPP may have the power to interrogate anyone they want to."

How does this affect Taiwan's efforts to fend off China's threats?

The legislative divide could have significant implications on Taiwan's efforts to defend itself from Chinese intervention and coercion.

The KMT's former President Ma Ying-jeou also visited China in April and met with President Xi Jinping. Afterward, his office urged the legislature to tone down the Anti-Infiltration Act, a law designed to limit China's attempts to interfere with Taiwan's politics and elections.

"The KMT has indeed been hinting from the beginning of the session till now that the party will push to ease Taiwan's national security regulations," said Puma Shen, a DPP lawmaker and expert on information security.

He sought to tighten legislation related to lawmakers being lobbied by China, but his efforts were blocked by opposition legislators.

With the DPP lacking numbers, he said, "What we can do is try to let the public understand why the actions of the KMT and TPP are detrimental to Taiwan."

What are the possible outcomes of the showdown?

If the opposition forces through the proposals, there could be a drawn-out battle involving the executive, legislature and judiciary. The president, for his part, does not have veto power.

There are two possible scenarios if the bills pass, according to Cheng-yi Huang, a professor and legal expert at Academia Sinica's Institutum Iurisprudentiae.

"The premier could send the law back to parliament for reconsideration on the grounds that it is inappropriate or cannot be implemented. The legislature can reconsider and go through the whole process again, but can still pass the bill with a simple majority into law," Huang told Nikkei Asia.

Alternatively, the legal expert said, lawmakers could petition and bring the case to the Constitutional Court, which could strike down provisions that are deemed unconstitutional.

Whatever the outcome, some critics say the people pay a price.

"The opposition's heavy-handed attempts at a power grab come at the expense of the energy that could have been spent on addressing livelihoods, energy and defense reforms -- reforms that Taiwan sorely needs," said Zsuzsa Anna Ferenczy at National Dong Hwa University in Taiwan.

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