

Vision for Taiwan: Referendum System

The direct civil right is regarding the most basic form that the democratic right can be enforced. In addition to right to elect and impeach citizens' representatives as the public officials to self-govern, the referendum exercised directly by people serving as the basic units of national sovereignty is ultimate power that assures the supreme will of the national can be manifested.

The Constitution of the Republic of China that is currently enforced is on one hand influenced by the 19th, 20th Century European thoughts of progressivism that stipulates assurance of four direct civil rights including people's right of suffrage, recall, initiative, and referendum; on the other hand, influenced by the stream of thoughts on the constitutionalism provoked by the socio-democratic centralism in post-World War I period, the Constitution adopted the mode of representative democracy to serve as the supreme agency – National Assembly to realize people's sovereignty and thereby making the right to initiate national referendum be entrusted to its delegates. In 2000, the 3rd session of National Assembly launched the 6th amendment of the Constitution which changed the National Assembly into the non-permanent agency on provisional basis and return the right to referendum to people except for the right to make constitutional amendment and change of territory. In 2005, the Provisional National Assembly conducted the 7th constitutional amendment in which freeze up the functions of the Assembly and let all matters within the categories of national referendum be exercised directly by the people.

However, current referendum act does not trust the people but creates several weapons against and suppressing their rights. In practice, the pan blue

camp led by the Chinese Nationalist Party (KMT) always boycotts the enforcement of the Act. This makes the will of the party overrides the will of the people and let the party politics supersede the national sovereignty.

If the people feel like initiate a referendum, the first obstacle they meet is the Review Commission which owns the authority to dismiss the proposal. This Review Commission with overwhelming powers should be vacated. Besides, there still exist several conditions before the referendum to be exercised. For instance, for a proposal of referendum, the number of applicant shall be not less than 5% of the total electorate (about 700,000 to 800,000 people) in the latest election of President and Vice President and in order to pass the proposal of referendum, the number of voters has to reach not less than 1/2 of the total eligible voters and more than 1/2 of the valid ballots agree. To compare with the law-making and law-revising process of the Legislative Yuan which requires only proposal be submitted by parties and passed by relative majority vote, the exercise of referendum is much more difficult.

As abovementioned, democratic and legal system concerning the exercise of referendum is rather sound by the authorization from the Constitution, the Referendum Act and the Local Referendum Regulations, yet since both oppositions from inside and outside by the cooperation of the People's Republic of China and the KMT against any political conduct that may possibly manifest Taiwan's independent sovereignty, there exists multiple legal obstacles for the exercise of referendum concerning matters including constitutional amendment, law-making, and the decision on major public policy. Therefore,

the general phenomenon of legislative gridlock generated by the Local Referendum Regulations leads the exercise of referendum to be hobbled and leave only nominal shell.

After the method of legislative election has been changed into the “single member district with proportional representation system” by 7th constitutional amendment made in 2005, third political party’s surviving room is largely suppressed. Furthermore, with the combination of presidential election and legislative election in Jan 2001, the chance for a single party to generally monopoly both the administrative powers and the legislative powers become higher. Therefore, no matter which party holds the office, the power of society needs to be equipped with a sound referendum mechanism to supervise and balance the power of the ruling party.

Accordingly, the Taiwan Brain Trust, based on the value of national sovereignty and right to referendum, reviews the current legal system governing the exercise of referendum and provides concrete advices toward the reform of the current system from aspects of supra-constitution, the Constitution, the Referendum Act, special acts concerning referendum, and the law-making of the local referendum regulations. We expect that the people of Taiwan can be the master of the nation through the enforcement of referendum mechanism and be capable of making decisions with regard to the political economic, social, and cultural development of their own to make sure the sovereignty of Taiwan belong to the people. 

Vision for Taiwan: Energy Policy

The energy is the dynamic source that pushes the growth of economy. Therefore, to make sure the stable supply of energy power (energy security) is the prominent goal of Taiwan's energy policy. Yet, in the process that generates and uses fossil energy, it inevitably emits greenhouse gas such as CO₂ and other pollutants that are adverse to our environment, detrimental to the environmental sustainability, cause global warming and lead to drastic changes of the climate. Hence, most of the energy policies in the world after 1990s have turned to enhance the efficiency and the saving of the energy. The pursuit of sustainable development, saving energy and reduce the carbon emission to protect the earth thus become the major trend of the 21st Century.

The idea of "sustainable development" encompasses three aspects which are economic development, social justice, and environmental protection. Those three aspects must be combined together and their importance should be treated equal. In order to maintain the balance of ecology and make sure all living objects on earth flourish, the economic development based on the concept of sustainable development is the development that enhances the well-being of all mankind. To have a better energy policy for Taiwan, one must understand the current trend of international energy policy, detect energy problems that Taiwan now faces, then conduct further profound research on a sustainable energy policy that will create a better future of Taiwan.

In the beginning, the Taiwan Brain Trust (TBT) reviews on the problem that Taiwanese government put excessive emphasis on the stable supply of the energy causing it less-efficient and wasted at its investment and detects the following

situations: the energy policy were served excessively for the industrial development which led to a energy-intensive industrial structure; focused on the exploitation of large-size nuclear power plants that generates undissolvable nuclear waste and is adverse to the stable supply of electricity; efforts put on developing recycled energy are lacking that formed the structure of energy resource highly-carbonated, thereby causing Taiwan's environmental pollution further deteriorated.

To catch up with the international trend and create a better future for Taiwan, the TBT comes up with the idea of "saving energy and reduce carbon emission to protect the earth, develop green energy to strengthen Taiwan, advocate non-nuclear family to secure Taiwan" as our core values to the sustainable energy policy. The concrete propositions are provided as followed:

1. Enhance the efficiency of energy use and enforce capable measure to save energy. The object is to increase 2% energy efficiency annually;
2. Adjust industrial structure: to unhook energy demand from economic growth; call off the government reward and subsidy including preference to the use of water and electricity to the energy-intensive industries; and promote green environment taxing system (such as energy tax) to internalized the external cost that pollutes the environment.
3. Actively promote the liberalization and privatization of energy business; establish an efficient energy market by severing electricity-supply system, and separating electricity-generating business from electricity-service business for eliminating the zero-efficiency

caused by a single enterprise's monopoly

4. Establish a smart grid and meter through whole country to strengthen loading management of electricity in supply and promote the development of small-size distributed green electricity system.
5. Adjust the structure of energy resources, actively engage in develop reusable energy and strengthen energy security: the government should overcome all obstacles on developing reusable energy and promote "2020 Plan" to create a market for reusable energy
6. Positively advocate the green tax reform to improve industrial structure, adjust structure of energy resource, enhance energy efficiency, and promote energy saving and reduce of carbon emission.
7. Stop nuclear power by 2020 and realize the ideal of non-nuclear family: the existing nuclear power plants should stop their service earlier, the Fourth Nuclear Power Plant should no longer be filled up fuels and begin commercial service but may be used as a nuclear power exhibition hall.

We firmly believe that by the time of 2020, there will be 200,000 house units will be equipped with Solar energy electro-optic facilities and 2 billion watts capability wind power packages in Taiwan and green reusable energy will occupy over 20% of total power rate; Taiwan will wave farewell to the nuclear power and make the dream of non-nuclear family come true. By the time, Taiwan will be a place of beautiful environment, peace and society of sustainable development and all people living on this island will be proud of this Formosa!

Vision for Taiwan: Technology Policy

The objectives for Taiwan to promote technology development are to maintain its overall national security and to promote its industrial development. Ways for a government to promote its technology policy must be based on the spirit that puts equal emphasis on the technology and human society and be assisted by an effect-reviewing mechanism to establish a communication between technological innovation and industrial upgrade.

We cannot develop our industry without giving consideration to our environment and public health; using technology power to reduce the environmental costs and simultaneously focusing on the development of green energy to match up with the timeline of which nuclear power plants cease their service, and thereby achieving the development of green energy and strengthening the localized industrial economy that underlines the environmental protection.

We should emphasize on Taiwan's technology development in accordance with the perspective of national security. By means of integrating the academic circle, national labs, research centers, industries and national security and defense system to achieve the most efficient plan and investment on the technology development. Besides, we should conduct a thorough and reasonable plan from the perspectives of the direction and investment of technology development for dealing with stably and smoothly the unbalanced development of different areas to create a fair, healthy, and of sustainable development and powerful national with highly-developed technology.

While Taiwan is famous for its education, academic research, public infrastructure, and

technology competitiveness, there are still rooms for improvement. First, by reviewing current operation of technology research system, we can find out that: the independent evaluating system toward technology policies and plans are lacking; the division between technologic taskforce and functions of the Ministry of Technology are unclear; all science-development-related government agencies lack horizontal cooperative mechanism; the functions of technology researching corporation are overlapping and outdated.

Besides, on the legal aspect, the current legal system is not suitable for activities concerning technological innovation; the control mechanism is lacking with regard to protect the core technology and the reviewing mechanism is biased. Third, the recruitment of human resources is difficult because those who are capable tend to flow into the Chinese market; the shrink of human resources from vocational colleges. Forth, in the aspect of technological R&D, the advantage of high-tech industry is diminishing; the cooperative connection between academic circle and industry is lacking; the R&D of technology industry is outbalanced; the direction of R&D ignores the need of national security; the energy policy is unstable; the technological R&D lacks comprehensive strategical basis. In addition, if look carefully on the data of Taiwan's technological R&D expenses, we find out that there exists several hidden crisis including stagnant growth of government budget on technological R&D and the distribution of the budget thereof is outbalanced.

Through above reviews, for coping with the future challenges, achieving balanced development in local areas and improving Taiwan's

competitiveness in international society, we hereby propose the following propositions: to improve the effectiveness of the technological organizations and its R&D systems, we must establish independent reviewing mechanism; the division of works between the technologic taskforce and the Ministry of Technology should be clear; strengthen the horizontal cooperation among all technology-related government agencies; reinforce the function of the responsible Minister without portfolio; help the transformation, syndication and resource integration of technological research corporation. To establish a legal system breaking through what is currently enforced and being capable of gaining the public trust, we propose: review and revise current laws and regulations regarding technological R&D, protect the works of our technology achievement, and improve the effect reviewing mechanism.

What Taiwan needs is not only a technological talents but persons who are capable of innovation. Therefore, we propose: create a sound environment for technology research; emphasize on vocational education; the direction of technology research should be able to meet the local needs; promote a integral technology research plan that focuses on national security. The government should use the budget for technology research to lead the Taiwan's research direction on the basic and applied science. Hence we provide: the policy should guide the direction of technology research and use the available resources more efficiently; gradually increase reasonable amount of the technology budget; lead the private enterprise to invest on technology; government agencies should reinforce the horizontal coordination between the strengthening of science research plan and the benefit reviewing system; and lead the educational system to emphasize the directions and goals of the technological policy proposed by the government. 

Vision for Taiwan: Democratic Consolidation

After experiencing authoritarian ruling over half Century, Taiwan has begun its democratization since the end of 1980s. Followed by the breakdown of the authoritarianism, the government started to deregulate the restriction of people's suffrage right and embodied the overall reelection of the legislators and the direct presidential election; Then, the democratic transformation occurred by the carryout of elections and political power transitions; political criminals were redressed and compensated; the fundamental human rights was given great weight and the direct democracy has been established. In general, seven times constitutional amendments from 1990 to 2005 offered Taiwan a congress of its own, a direct-elected president, and a first try concerning the exercise of referendum combined with the 2004 Presidential Election. Though Taiwan has made considerable progresses that forced the breakdown of the authoritarian ruling and realized the democratic transformation, the democratic consolidation has yet been enforced and hindered the establishment of democratic order.

Once the democracy cannot be consolidated in a society, it would lead to stagnancy in the process of democratization and even cause the democratic backsliding. The reverse trend of anti-democratization starts now and then from the restriction on the freedom of speech and the regulation on social demonstration; or even overthrows the popular-elected President by means of irregular power transitions such as assassination or social movement. Then, the civil freedoms and political rights would be narrowed down by revising laws, suppress citizens from certain ethnic groups or social classes, and even declare the state

of emergency or martial law and ultimately seize power by non-democratic means such as military forces or other political means. Thus, we have to firmly acknowledge that the democracy does not merely cover the right to vote. Though Taiwan has walked on the avenue toward the democratization over several decades, one cannot neglect the possibility of the reverse trend of democratic backsliding.

To cope with the possible return of the authoritarianism and the ignorance of transitional justice; the unprotected human rights, and the suppression over the freedom of speech; the majority monopoly over the Legislative Yuan departing from the true meaning of democracy; the judiciary as an instrument of politics worsening the conflicts within society; unaccomplished fair election and the constant violation of suffrage right; boycott of the proposal of referendum damaging the direct democracy, suppression over social demonstration campaigns hindering the public participation caused by the Ma Ying-jeou government, the Taiwan Brain Trust provides that Taiwan must enhance its human right protections, conduct parliamentary and judicial reforms, make an electoral system that protects the suffrage right, design a sound referendum mechanism, strengthen public participation, and establish the deliberative democracy to move toward democratic consolidation.

Similarly, to enhance the protection of human rights are not only the obligation of a state, but also a duty for every national. The U.S. Supreme Court's judge Louis Brandeis had said: "the most unbearable enemy is not arbitrariness, but indifferent nationals." Therefore, should human rights be safeguarded, one cannot only concern

about the violation of his human rights alone. Because all protected rights enjoyed by all people nowadays were earned by previous sufferings; if the violation of constitutional rights perpetrated by the state power cannot be stopped, all system construed by the constitutionalism will collapse. Thus, to any illegal administration of state power should be voiced by nationals. Not only should every citizen bear this obligation but also the public officials as entrusted by all people to serve the nation should obey the obligation to safeguard the democracy.

One thing that deserves attention is that a democratic system, unless it develops a free, vital, autonomous, and self-restrained society that owns specific political values, its democracy cannot be consolidated. Hence, Taiwan should exercise more effort to manage and to create the more strengthened peaceful cross-strait relation and support of the international politics and economy. Domestically, strengthen people's national identity and cohere and promote public awareness to achieve the formalization of constitutional system, the sustainable development of economy, the realization of social justice and distributional justice, and the establishment of a rational society and therefore preventing the coup d'état, making sure the rational competition of the ruling and opposition powers, avoiding the setback of economic growth, maintaining the fruits of constitutional reforms, and moving toward the direction that consolidates the democratic development. **B**