

TAIWAN'S DEMOCRACY AT A CROSSROADS: OPTIONS AND PROSPECTS FOR CONSTITUTIONAL REFORM

The 2015 Annual Conference on Taiwan Democracy

October 26-27, 2015

Stanford University

Conference Agenda

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These are unsettled times in Taiwanese politics. In recent months, prominent voices from across the spectrum have called for fundamental changes to the structure of Taiwan's political system, ranging from simple reforms such as lowering the voting age to 18 to fundamental ones such as adopting a full presidential or parliamentary regime.

The impetus for constitutional reform has multiple sources. But at its core is a deeply problematic relationship between the executive and the legislature. When different parties controlled the two branches during the final years of the Chen Shui-bian administration, cooperation came to a standstill and governance suffered.

More surprisingly, executive-legislative confrontation returned with a vengeance in President Ma Ying-jeou's second term, even though the ruling Kuomintang (KMT) held both the executive and a majority in the legislature. The prolonged struggle over cross-Strait agreements is only the most prominent of a series of political conflicts that have blocked the adoption of new policies and threatened the legitimacy of those that do pass. And it is not clear that the next administration and legislature will fare any better than previous ones.

For the 10th Annual Conference on Taiwan Democracy, we will consider proposals for reforms in the context of the strengths and weaknesses of Taiwan's current constitutional structure.

Among the topics to be considered at the conference are:

1. *Diagnosing the problems:* What have been the sources and implications of political strife in Taiwan in recent years, both under divided and unified one-party control? What reforms, if any, might make these conflicts easier to resolve and increase the legitimacy of government policy-making?
2. *Executive type:* Would switching to a different type of executive—presidential, parliamentary, or another form of semi-presidentialism—mitigate some of the disadvantages of Taiwan's current system?

3. *Electoral systems*: What are the problems with Taiwan's current electoral system? What changes might mitigate some of the disadvantages?
4. *Direct democracy*: What functions do Taiwan's referendum and recall laws serve in practice? How would changes to these laws affect Taiwan's democracy?
5. *Accountability institutions*: How have Taiwan's judiciary, Control Yuan, and prosecutorial agencies performed during periods of partisan conflict between the executive and legislative branches? How might their effectiveness be improved?
6. *Comparative perspectives*: How does Taiwan's recent experience with divided government and institutional reform compare to other Third Wave democracies in the region (e.g. South Korea, SE Asia) and more broadly (e.g. Latin America, Eastern Europe)?

Conference participants will help to develop a set of recommendations for a non-partisan reform agenda for Taiwan, one that is informed by a clear understanding of both the most pressing challenges facing Taiwan's democracy and of best practices in other successful young democracies.

This conference is made possible by generous and continuing support from the Taipei Economic and Cultural Office in San Francisco.



MONDAY, OCTOBER 26

8:00-8:45am BREAKFAST

8:45-9:00am OPENING REMARKS

Frank Fukuyama, CDDRL Director

Larry Diamond, CDDRL Fellow and Principal Investigator of the Taiwan Democracy Project

9:00am – 10:45am

PANEL I.

Diagnosing the Problem: What Ails Taiwan's Democracy?

Chair: **Kharis Templeman**

1. *The Challenge of Governability in Taiwan*

Yun-han Chu, Research Fellow, Institute of Political Science, Academia Sinica

2. *Taiwan's Recent Movement Activism and the Sunflower Movement*

Ming-sho Ho, Professor of Sociology, National Taiwan University

3. *A Tale of Two Industrial Transformations: Business and the Taiwanese State in the New Millennium*

Michelle Hsieh, Assistant Research Fellow, Institute of Sociology, Academia Sinica

4. *Friend or Foe?: The Image of a Rising China in Taiwan*

Chung-li Wu, Research Fellow, Institute of Political Science, Academia Sinica

Discussant: **Thomas B. Gold**, Professor of Sociology, UC Berkeley

10:45-11:00am BREAK

11:00-12:45pm

PANEL II.

Taiwan's Changing Executive-Legislative Relations in the Democratic Era

Chair: **Yun-han Chu**

5. *Taiwan's Semi-Presidentialism at a Crossroads: Options and Prospects for Constitutional Reform*

Yu-shan Wu, Research Fellow, Institute of Political Science, Academia Sinica

6. *The Evolving Presidency in Taiwan's Democratic Constitutionalism*

Jiunn-rong Yeh, Professor of Law, National Taiwan University

7. *Decentralized Legislative Organization and Its Consequences for Policy-Making*

Shih-hao Huang, Post-doctoral Research Fellow, National Chengchi University, with

Shing-yuan Sheng, Professor of Political Science, National Chengchi University

8. *Cross-Strait Agreements and Taiwan's Executive-Legislative Relationship, 2008-2015*

Lang Kao, Professor of Political Science, National Taiwan University

Discussant: Kharis Templeman

12:45-2:00pm LUNCH

2:00-3:30pm

<p>PANEL III. Electoral Systems: How Might Taiwan's Electoral Rules Be Improved?</p>

Chair: Larry Diamond

9. *Small Parties in Taiwan's Party System on the Eve of the 2016 Elections: Splinters and Alternatives*

Dafydd Fell, Reader and Associate Director, Taiwan Studies Programme, SOAS

10. *Electoral Laws, Cleavage Structure, and Party (Re)alignment in Taiwan*

John Fuh-sheng Hsieh, Professor of Political Science, University of South Carolina

11. *The Promise and Peril of Direct Democracy: Referendums and Recalls in Taiwan*

Chia-hung Tsai, Director, Election Study Center, National Chengchi University

Discussant: John Carey

3:30-4:00pm BREAK

4:00-5:30pm

<p>CLOSED-DOOR ROUNDTABLE SESSION Taiwan's Democratic Politics and Institutional Design</p>
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Private discussion

TUESDAY, OCTOBER 27

8:00-8:45am BREAKFAST

8:45-10:15am

<p>PANEL IV. Accountability Institutions: Judicial Yuan, Control Yuan, and Beyond</p>
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Chair: Kharis Templeman

12. *Taiwan's Constitutional Court and Its Evolving Role in Adjudicating Executive-Legislative Conflict*

Jau-yuan Hwang, Professor of Law, National Taiwan University

13. *The Control Yuan and the Emerging Illiberal Democracy in Taiwan*

Yang-sun Chou, Professor of Political Science, National Quemoy University, and former Control Yuan member; to be presented by **Yun-han Chu**

14. *Special Prosecutors, Courts, and Politicians: Accountability Institutions under Chen and Ma*

Christian Goebel, Professor and Deputy Head of the Department of East Asian Studies, University of Vienna

Discussant: **Larry Diamond**

10:15-10:30am **BREAK**

10:30-12:00pm

PANEL V. Comparative Perspectives
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Chair: **Larry Diamond**

Who Made Big Institutional Changes in the Third Wave Democracies? How Did They Turn Out?

- **Allen Hicken**, Associate Professor of Political Science, University of Michigan
- **Robert Elgie**, Professor of Government and International Studies, Dublin City University
- **John Carey**, Professor of Government, Dartmouth College

Open discussion

12:00-1:15pm **LUNCH**

1:15-3:00pm

CONCLUDING ROUNDTABLE

Chair: **Kharis Templeman**

15. *What Makes Taiwan's Constitutional Reform Successful?: A Comparison between 1997 and 2015.*

Jih-wen Lin, Director, Institute of Political Science, Academia Sinica

Open discussion