

Executive Yuan Approved Draft Amendments to Article 5-3 of the Cross-Strait Act

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The Executive Yuan approved amendments to Article 5-3 of the Act Governing Relations between the People of the Taiwan Area and the Mainland Area (hereinafter referred to as the "Cross-Strait Act") today (March 28, 2019). The amendments, drafted by the Mainland Affairs Council (MAC), would establish a democracy oversight mechanism for cross-Strait political agreements, subjecting the signing and negotiation of such agreements to a high threshold of dual congressional review and national referendum. The Executive Yuan will submit the bill to the Legislative Yuan for review.

On January 2 this year (2019), mainland Chinese leader Xi Jinping announced "five points," including a proposal to explore "one country, two systems model for Taiwan," holding "democratic consultations" with representatives of various political parties and from all sectors of Taiwanese society, redoubling efforts to unify and integrate with Taiwan, and refusing to renounce the use of force against Taiwan. The measures aim to advance the Mainland's united front work to divide Taiwanese society and eliminate the sovereignty of the Republic of China.

President Tsai Ing-wen stated in her New Year's Day Address that, to protect Taiwan's security and overall interests, the government would establish a "security network for democracy" which strengthens oversight mechanisms for politically-related cross-Strait interactions that could affect sovereignty. Cross-Strait political agreements affect national security, public interests, and Taiwan's overall future development and differ in nature from general agreements, thus

must be subject to more rigorous regulations along with vigorous democracy oversight mechanisms. Although the Cross-Strait Act contains provisions for political negotiations, it lacks strict oversight mechanisms for political agreements.

In view of the seriousness of the cross-Strait situation, the MAC amended the Cross-Strait Act in accordance with the President's "four musts" and "three-part security network" principles. The draft amendments pertain to supervision procedures for cross-Strait agreements on political issues, whereby the Executive Yuan would be required to submit to the Legislative Yuan plans to enter into any political agreement, along with assessment reports of any major political impacts or effects the agreement would have on the nation's Constitution. Democracy oversight procedures would also be followed before, during, and after the handling of such matters, with dual congressional review, hearings, and national referendums. Agreements would only be signed and notes exchanged following full democratic authorization. The draft amendments set high standards and thresholds for democracy oversight mechanisms for consultations and negotiations on cross-Strait political issues. Only by implementing open and transparent negotiations, public participation, and congressional oversight can national sovereignty be defended and Taiwan's freedom and democracy safeguarded.

Now the draft amendments have been approved by the Executive Yuan and sent to the Legislative Yuan for review, MAC has been instructed to coordinate and communicate with both ruling and opposition party caucuses and legislators so the legislative procedure can be promptly completed to create a solid security network for democracy for Taiwan.