

Legislative Yuan Passes Legislation on Oversight of Cross-Strait Political Agreements to Consolidate Defense Mechanisms for Democracy

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The Legislative Yuan today (May 31, 2019) passed the third reading of draft 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"). The amendments establish a democratic oversight mechanism subjecting the consultations and negotiations of cross-Strait political agreements to a high threshold of congress' dual review and national referendum to realize open and transparent negotiations with public participation and congressional oversight.

On January 2 this year, the Mainland proposed the "one country, two systems model for Taiwan" under "Xi's Five Points." Since then, the Mainland has actively courted political parties, local governments, private organizations, and individuals from all sectors in Taiwan to engage in so-called "democratic consultations" to advance its united front work, divide Taiwanese society, and eliminate the sovereignty of the Republic of China (ROC). 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 political issues in cross-Strait interactions that could affect sovereignty. In view of the seriousness of the cross-Strait situation, the Mainland Affairs Council (MAC) amended the Cross-Strait Act in accordance with the President's "four musts" and "three-part security network."

Cross-Strait political agreement is vital to national security, public interests, and Taiwan's overall future development. It differs in nature from general agreement and therefore must be subject to more rigorous regulations. The amended article

requires the Executive Yuan to submit a signing plan and a political impact assessment report to the Legislative Yuan When it comes to cross-strait political agreements, which may have major political or constitutional impact. Democratic oversight procedures would also be followed before, during, and after the handling of such matters, with congress' dual review, hearings, and a national referendum. Agreements would only be signed and notes exchanged after obtaining full democratic authorization. Negotiations or agreements that violate the provisions of the article will be invalid. Subjects involving the elimination of or changes to the nation's sovereign status and liberal democratic constitutional system shall not be settled as political matters for negotiation and agreements. In sum, the amended article helps to establish a more stringent oversight mechanism for cross-Strait political agreements.

The ROC is a sovereign country and that democracy and freedom are the core values of Taiwanese society. The people of Taiwan have the right to decide their own future and will never yield to military intimidation and threat of annexation. This is the government's consistent cross-Strait policy stance as well as the consensus of the vast majority of the public in Taiwan. The amendments complete the democratic oversight mechanisms for consultations and negotiations on cross-Strait political issues, create a solid security network for democracy and protect the people's right to choose. The government will continue to firmly defend our sovereignty and Taiwan's democracy and protect the well-being and interests of the 23 million people of Taiwan.