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The Politics of the Nuclear Referendum Issue in Taiwan

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In late February 2013 Taiwan's ruling party, the Kuomintang (KMT 國民黨), announced its decision to support a nationwide referendum on whether to stop construction of the controversial Fourth Nuclear Power Station. The proposed referendum question will be "Do you agree that the construction of the Fourth Nuclear Power Plant should be halted and that it not should become operational?" This development came as a genuine surprise to many political observers. As Michael Turton points out, "For most observers the truly shocking aspect is that the government decided to allow a public referendum on an issue of this nature, when the outcome is unpredictable."¹ Although the date of the referendum has not yet been announced it is likely to be held in late 2013.

The question of whether to complete construction of this power station has been the most salient environmental issue in Taiwan's political scene for the last two decades.² Regular demonstrations have been held against the construction of the plant since the late 1980s. This anti-nuclear movement has developed into a broad social movement that incorporates the local communities, social movement activists, urban intellectuals, and party politicians. It has been the subject of a number of documentary films, of which the most powerful portrayal is Tsui Shu-hsin's (崔愷欣) *How are you, Gongliao?* (貢寮你好嗎?).³ In the past the KMT used its majorities in the Legislative Yuan to push through approval for the construction budgets. Back in late 2000 it even used the threat of a presidential recall vote to force the Democratic Progressive Party (DPP 民進黨) government to resume construction of the plant.⁴

Since the advent of multi-party politics environmental issues have rarely dominated Taiwan's political agenda. Such issues have instead mainly been influential at the local level. For instance, nuclear waste disposal and the Fourth Nuclear Power station have been salient in the electoral politics of Lanyu and

¹ Michael Turton, "The Fourth Nuclear Power Plant referendum issue in Taiwan, *Asian Correspondent*," July 1, 2013. <http://asiancorrespondent.com/110054/the-fourth-nuclear-power-plant-referendum-issue-in-taiwan/>

² For an introduction to Taiwan's environmental politics see Ho Ming-sho, *Green Democracy* (Taipei: Chunhsueh, 2006).

³ This independent documentary was the subject of Christopher Lupke's "Documenting Environmental Protest: Taiwan's Gongliao Fourth Nuclear Power Plant And the Cultural Politics of Dialogic Artifice," in *Documenting Taiwan on Film Issues and Methods in New Documentaries* Edited by Sylvia Li-chun Lin, Tze-Lan Deborah Sang (London: Routledge, 2012).

⁴ For a discussion of the politics surrounding the Nuclear Fourth Power station see Linda Arrigo and Gaia Puleston, "The Environmental Movement in Taiwan after 2000," in Fell, Kloeter and Chang eds *What has Changed? Taiwan before and after the Change in Ruling Parties* (Wiesbaden: Harrassowitz, 2006), 165-186.

Taipei County respectively. National level politics has tended to concentrate on issues surrounding national identity, international relations, economic development, and political corruption.⁵ Thus the extensive media coverage on the nuclear power issue in early 2013 was unprecedented. The focus on the nuclear referendum represents a major shift in Taiwan's political agenda and a genuine opportunity for the environmental movement to broaden its appeal. It should be mentioned though that after a peak period of debate over the nuclear issue in February and March 2013 the issue has been partially displaced by KMT corruption scandals, Taiwan Philippine relations, and the cross-Strait service industry trade agreement. Nevertheless, as Turton points out, "when the date of the referendum is finally fixed, expect protests and political infighting to flare up again."⁶

The DPP first began proposing referendums in the late 1980s. A central plank in its party charter's Taiwan Independence Clause is that a Republic of Taiwan and new constitution should be approved by a referendum. This partly explains why referendums are viewed as synonymous with formal Taiwan independence by some actors both within and outside Taiwan. However, some environmentalists have attempted to decouple the two by allying with DPP politicians to promote a direct democracy solution to the Fourth Nuclear Power Station controversy. For instance, in 1996 a referendum on the fate of the power station was held in DPP run Taipei city with a 58.7 percent turnout and 51.5 percent opposing the plant.⁷ A key group in this advocacy was the Fourth Nuclear Power Station Referendum Promotion Association (核四公投促進會) founded by Lin Yi-hsiung (林義雄) in 1991.

The KMT's decision to call a national vote suggests a possible change in its attitude towards referendums. Although the KMT did allow the passage of a Referendum Law in 2003, it has tended to be reluctant to see direct democracy in practice. The high voter turnout threshold enshrined in the Referendum Law has led its critics to dub it the "birdcage" law. KMT boycotts of the previous six national level referendums meant that all failed to reach the required turnout of 50 percent. Back in 2007 it also appeared that the KMT was embracing referendums, as it initially sponsored one on returning to the United Nations. However, it later boycotted its own referendum in March 2008. Similarly it also used its dominance of the Executive Yuan Referendum Review Committee to block the Taiwan

⁵ For more on issues in Taiwan's party politics see Dafydd Fell, *Party Politics in Taiwan* (London: Routledge, 2005), 18-27.

⁶ Michael Turton, "The Fourth Nuclear Power Plant referendum issue in Taiwan, *Asian Correspondent*," July 1, 2013.

⁷ Arrigo and Puleston, "The Environmental Movement in Taiwan after 2000," 177

Solidarity Union's (台灣團結聯盟TSU) repeated attempts to hold a referendum on ECFA.⁸

The use of referendums in Taiwan has been increasing since 2000. However, the previous six national level referendums were seriously flawed. To an extent their instrumental use as a vote mobilizing tool was more important than the actual questions being posed. These served to undermine the legitimacy of referendums. However, two county level referendums (Penghu 2009 and Mazu 2012) on legalizing casinos have contributed to a renewed interest in their use.⁹ On both occasions there was genuine policy debate and it was apparent the issue cut across traditional party lines. In the case of Penghu a majority voted against casinos, while the reverse outcome was seen in Mazu. The turnout was approximately 40 percent, however, for these referendums the 50 percent threshold did not apply. The DPP has tried to use the nuclear referendum as a platform to adjust the 50 percent national turnout threshold, but at least so far the KMT has not shown any willingness to compromise. However, one major development generated by the issue has been an agreement to amend the Referendum Law to allow domestic absentee voting.¹⁰

A major puzzle to consider is why Ma would agree to this referendum. It comes at a time when Ma and his government are suffering from very low levels of public satisfaction rates. The level of satisfaction with Ma's performance has hovered at around 13 percent for almost a year, while dissatisfaction rates have often been above 70 percent.¹¹ Such low levels of satisfaction appear quite similar, if not worse than those in the last three years Chen's second term (2005-2008).¹² At least so far there do not seem to be any signs that the referendum proposal has improved voter confidence in the KMT government. If anything, dissatisfaction with Ma has risen since February 2013.¹³ I would be interested to hear some readers' theories to explain the KMT's decision.

One theory suggested to me is that the KMT wanted to avoid allowing the Fourth Nuclear Power Station issue being exploited by the DPP in the 2014 local elections. These local elections will be particularly significant in that it will be the first time all local executive and local assembly elections have been held simultaneously in Taiwan's history. Thus even more so than in 2010, the 2014

⁸ Loa Lok-sin, "TSU see red as ECFA referendum rejected," July 26, 2012, *Taipei Times*, 1.

⁹ Loa Lok-sin, "Matsu votes to allow building of casino," *Taipei Times*, July 8, 2012, 1; Loa Lok-sin, "Residents of Penghu reject casino resort plan," *Taipei Times*, September 27, 2009, 1.

¹⁰ Shih Hsiu-chuan, "Cabinet approves absentee vote," *Taipei Times*, April 26, 2013, 3.

¹¹ TVBS Poll Center, "Survey on the Cross-Strait Services Agreement," June 27, 2013.

¹² See TVBS Poll Center, "Survey on Satisfaction Levels for President Chen Shui-bian's Eight Years in Office." May 13, 2008.

¹³ TVBS Poll Center, "Survey on the Cross-Strait Services Agreement," June 27, 2013.

elections will be a test case for potential outcomes of the 2016 national elections.¹⁴ As I will discuss later, it is possible that the referendum will make the nuclear issue even more salient in the next round of elections.

One possibility is that the KMT has placed the issue on the agenda to distract attention away from less favourable matters. Ma's popularity plummeted even faster in his second term than his first. In fact this trend was already present in the interim period between the election in January 2012 and his inauguration in May. The fact that Ma was forced to change premiers less than a year into his second term reflects widespread disappointment with his government's performance so far. This was reflected in the large scale Fury (火大) rallies of January 2013. Moreover, dissatisfaction is even strong amongst KMT supporters. Another dimension in the loss of popularity since being re-elected has been the impact of the Lin Yi-shih (林益世) corruption scandal that emerged in the summer of 2012. Lin had been the Executive Yuan's Secretary General and a close associate of Ma's and the scandal severely hit the KMT's party image.¹⁵ This corruption reputation was further exacerbated by a negative public reaction to a lenient sentence for Lin and the arrest on corruption charges of Lai Su-ju (賴素如) the director of his KMT Chairman's office in the spring of 2013. While many of Ma's initiatives on cross-Strait policies were quite popular in his first term, recent surveys suggest cooling enthusiasm for further integration projects such as the services trade agreement and mutual trade offices.¹⁶

Overall the KMT's promotion of a national referendum appears to be a risky move. When nuclear energy first emerged as a debated issue it cut across party lines. Since the nuclear issue became politicized into a partisan question in the early 1990s, the KMT has taken an openly pro-nuclear stance. Premier Jiang Yi-hua (江宜樺) has pledged to resign if the referendum succeeds, and Ma and the KMT party centre will be viewed as supportive of the nuclear power station. However, we need to remember that public opinion in the aftermath of the Fukushima disaster has shifted quite radically on the nuclear issue. Back in late 2000 voters generally accepted the KMT's developmentalist argument that Taiwan needed nuclear power to remain economically competitive and maintain cheap electricity prices. Surveys suggest that if there had been a referendum at the time a majority would have supported completing construction of the plant.¹⁷ Today surveys show almost 70 percent of voters do not wish to see the power station

¹⁴ In the past there was a one year gap between the city and county level elections and those for the special municipalities. Thus for instance, the former were last held in 2009 and the latter in 2010. They were synchronized by extending the city and county level terms by a year.

¹⁵ TVBS Poll Center, "Party Image Survey," January 7, 2013.

¹⁶ TVBS Poll Center, "Survey on the Cross-Strait Services Agreement," June 27, 2013.

¹⁷ TVBS Poll Center, "Survey on the Judicial Ruling on Fourth Nuclear Power Station," January 16, 2001. This showed 49 percent supporting construction against 32 percent opposed.

construction completed and move to operation.¹⁸ Moreover, voter sentiment against the plant is strongest where it is located in the KMT's heartland of northern Taiwan. Thus the KMT is publically embracing a highly unpopular political position and one that weakens its hold over core supporters.

Another major problem for the KMT is that the power plant is also extremely divisive internally within the party. Many KMT legislators and local executives from the north are openly opposed to the plant. The Taipei mayor Hau Lung-bin (郝龍斌) has argued that public opinion surveys rather than a referendum could be the basis for stopping the construction.¹⁹ Although less explicit, New Taipei City mayor Chu Li-lun (朱立倫) has also been critical of the plant. As these are both potential KMT presidential candidates in 2016 they are especially sensitive to the public mood against nuclear power. With the exception of Premier Jiang there is likely to be a shortage of KMT politicians that will openly come out in support of the plant. This will be critical in the televised debates will be held in the run up to the vote. Thus once the next election campaign begins in earnest in early 2014 the KMT may appear divided. The issue also puts severe strain on many KMT legislators in northern Taiwan. Should they follow the official party line or the growing anti-nuclear sentiment of their constituents? The case of Chao Yung-ching (趙永清) reveals the potential impact of the issue on the KMT. Though a KMT legislator in Taipei County, he had long taken an anti nuclear stance. When the issue became prominent in late 2000 he was expelled by the party for openly advocating a referendum and in 2002 he switched to the DPP.

The KMT's adaptability has been critical in its ability to continue winning elections in Taiwan since democratization. Even the KMT has gradually shifted its nuclear stance. The issue was raised in the 2012 presidential election, coming so soon after the Fukushima nuclear disaster. The DPP's Tsai Ing-wen (蔡英文) had made a nuclear free homeland (非核家園) one of her central campaign appeals. In response, Ma agreed to first gradually phase out the three existing ageing nuclear power stations but to bring the Fourth Nuclear Power Station into operation once it has passed safety inspections. It is hard to imagine a fifth nuclear power station being considered in the future. Overall, Ma was able to defuse the nuclear issue in the 2012 elections.

However, the changing public sentiment means the situation looks quite different in 2013. The Fourth Nuclear Power Plant has been a core KMT economic pledge of the party for the last two decades. As Nathan Batto has noted on his blog Frozen Garlic, "If the public repudiates 4NPP, they will effectively be saying that the policy the KMT has been doggedly pursuing over the past 20 years was not

¹⁸ TVBS Poll Center, "Poll before the anti-nuclear rally and on the Nuclear Referendum Question," March 28, 2013.

¹⁹ *Taipei Times*, "INTERVIEW: Hau on why opinion polls better than a referendum", April 7, 2013, 3.

just wrong, it was so wrong that voters are willing to stomach wasting billions of dollars to reverse it. Don't think that voters will simply forgive the KMT for all that money."²⁰ Thus defeat in the referendum would seriously undermine its morale for the 2014 and 2016 elections and as Batto notes, "if President Ma loses a referendum this summer, he might as well just tattoo "lame duck" across his forehead."²¹

There are widespread concerns over the consequences of a delayed decision on the plant and the potentially divisive referendum campaign. This as mentioned earlier has led to calls for Ma to abandon the plant by presidential decree. Ma's response is that the Grand Justices ruling 520 in January 2001 proves that a unilateral ceasing of the project would be unconstitutional. However, if the KMT really wishes to end the controversy it could do so through a legislative vote. In other words, the KMT's intention clearly remains to bring the plant into full operation as soon as possible.

So what exactly are the possible scenarios of the referendum? The first outcome is that the majority in the referendum supports abandoning construction of the project and the turnout rate exceeds 50 percent. This is the ideal result for the DPP and the environmental movement but would be disastrous for the KMT. As Batto notes "If the public repudiates 4NPP, they will effectively be saying that the policy the KMT has been doggedly pursuing over the past 20 years was not just wrong, it was so wrong that voters are willing to stomach wasting billions of dollars to reverse it. Don't think that voters will simply forgive the KMT for all that money. The KMT insisted on spending it. Just as a government reaps political benefits for doing things that turn out well, they are penalized for making poor choices. The KMT might hope it can foist off that responsibility onto the people, but one of the axioms of democratic politics is that the voters are never wrong. Someone has to take the blame if 4NPP never opens, and that someone will be the KMT."²² This outcome would seriously undermine the KMT in the 2014 local elections and Ma's leadership. This outcome though will be extremely difficult to achieve despite anti-nuclear public opinion as since the referendum will not be held in conjunction with any other elections, getting a 50 percent turnout rate will be hard. A repeat of KMT boycotts and insufficient mobilization by the environmental movement could lead to a low overall turnout.

The second and third potential outcomes would suit the KMT. The second is a clear majority in favour of completing construction and a turnout rate of over 50 percent. The third scenario is a clear majority in favour but total turnout falls

²⁰ Nathan Batto, Frozen Garlic Blog "KMT Proposes Nuclear Referendum", Feb 27, 2013. <http://frozengarlic.wordpress.com/author/frozengarlic/>

²¹ Ibid.

²² Ibid

below 50 percent. Both would be highly demoralizing for the DPP and especially for the environmental movement.

As Batto has suggested the only way for the KMT to really profit from the referendum will be to actually win it.²³ However, it will be a genuine challenge to shift public opinion to the required degree by what are already an unpopular president, government and divided party. Of course it is possible the KMT will manage to persuade the public. We should recall that Ma did manage to recover from satisfaction rates of about 16% in late 2009 to comfortably win re-election in 2012. As Batto notes this is not impossible due to the government's information advantage. TaiPower and the KMT have long stressed economic necessity of the plant, warning about the dangers of power cuts, rising electricity prices and economic recession if the Fourth Nuclear Power station is abandoned. This was an argument that until recently the majority of voters found convincing. However, changing public opinion suggests that this will be a real challenge. Since it is inevitable the DPP will mobilize its supporters and for the KMT to win it will also need to do the same, thus the second outcome is more likely than the third and the best for the KMT in the run up to 2014. Thus the third outcome looks quite challenging to engineer.

In final scenario is perhaps the worst option for Taiwan's party politics. That is whereby the majority approve the abandoning construction but it fails to garner the required 50 percent turnout. This outcome appears to be the most likely of the four if the KMT chooses to boycott the referendum vote as it did on previous occasions. The KMT would argue that since the referendum has technically failed it should continue construction and that in these circumstances stopping construction would be unconstitutional. However, this would be badly received in the scenario of a 90 approval rate approval rate from those voting. For the KMT to use this as the basis for starting operation of the plant would be an extremely unpopular position. This would further damage the already antagonistic party to party relations and see the issue continued into the 2014 campaign, something that the KMT hoped to avoid in the first place. Thus this outcome could potentially be worse for the KMT than the DPP.

Lastly the referendum presents a historic opportunity for Taiwan's environmental movement. Although the DPP is likely to play a leading role in supporting the referendum bid, it also has a chequered record on the nuclear issue. It failed to stop the project when in office and was unable to engineer a referendum at the time. This record has led many in the environmental movement to be highly suspicious of the DPP's green credentials. In fact it was dissatisfaction with the DPP's treatment of environmental issues that led to the creation of the Green Party in the mid 1990s. The salience of the nuclear issue this

²³ Ibid.

year presents the environmental movement with the chance to raise environmental awareness and to develop as a political force. From a comparative perspective Taiwan's environmental movement has been far more vocal and effective in its opposition to nuclear energy than its better funded counterparts in many older democracies. For example, opposition to a new generation of nuclear power stations has been far more muted in the United Kingdom.

One of the most interesting results in the 2012 national elections was that Taiwan's Green Party gained 1.7 percent of the national vote, coming in as the fifth most popular party. Key reasons for this development were the growing strength of the environmental movement and salience of environmental issues due to Fukushima and the developmentalist KMT economic policies. The heightened politicization of the nuclear issue offers the Green Party the possibility to emerge as a party that actually can win seats in the same way as Green Parties have in Europe. It will need to take advantage of the salience of the issue in the 2014 local council elections which use the semi-proportional SNTV in multiple member district electoral system. For the past two and a half decades almost all parties represented in parliament in Taiwan have placed national identity at the core of their party identities. Thus it would be a major development for Taiwan's party system to see parties not based on national identity winning seats. As we have seen in Europe, such new parties can potentially play an important role in representing voters that have become detached from traditional party politics.