

What Taiwan needs to fight corruption

Written by Taiwan News Editorial
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Taiwan's chronic affliction of corruption and graft has resurfaced as an urgent political issue, but whether the decision by President and ruling Chinese Nationalist Party (Kuomintang) Chairman Ma Ying-jeou to set up a specialized anti-corruption "Clean Government Administration" under the justice ministry is the best or even a feasible prescription is open to question.

In a high - profile news conference at the Office of the President Tuesday, Ma shook his fist to display his resolve to realize his campaign promise to purge corruption and graft from our political system.

Ma has frequently made political hay over the corruption cases that implicated former president Chen Shui-bian of the Taiwan grassroots Democratic Progressive Party, who were swept into power in May 2000 on a wave of national revulsion over the institutional corruption and prevalent "black and gold" money politics under the former KMT "one-party dominant" regime.

However, despite his efforts, sincere or otherwise, to present the KMT as an "anti-corruption party," Ma has been unable to cast off the "black and gold" shadow.

Hence, the president had little choice but to acknowledge the gravity of cases such as the entry of businesses known to be run by organized crime in Taichung City in June and the arrests of three High Court judges and a prosecutor last week for taking bribes from "former" KMT politician Ho Chih-hui to ensure a "not guilty" verdict in a corruption case.

As Ma noted, the eruption of corruption cases among police, prosecutors and judges sends a severe warning of the degeneracy of the "last line of defense for social justice."

The core element of the remedy offered by the president is the establishment of a specialized anti-corruption agency patterned after Hong Kong's famous Independent Commission Against Corruption (ICAC).

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Ironically, this reform was one of the basket of anti-corruption "sunshine laws" proposed by the late DPP justice minister Chen Ding-nan and totally boycotted by the KMT - controlled Legislature for eight years.

While the KMT publicly objected that a Taiwan ICAC would infringe on the powers of the Ministry of Justice Investigation Bureau, one of the core secret police agencies of the KMT authoritarian period, KMT politicians privately expressed concern for "how can we win elections" if a Taiwan ICAC was set up and strict "sunshine laws" approved.

Unfortunately, cooperation by the KMT in approving "sunshine bills" in the past decade could have put Taiwan on the road to cleaner and more transparent politics and government and perhaps even prevented the outbreak of the Chen Shui-bian family cases, not to mention the Ho case which is a classic example of "black and gold" money politics.

Stale wine in a new bottle

However, whether the top priority in Taiwan's present fight against official corruption is a local ICAC imitation is open to question.

In the early DPP period, a Taiwan ICAC was felt to be necessary precisely because the MJIB was unenthusiastic about probing corruption or graft cases involving KMT officials or politicians.

However, Taiwan now has several agencies which can be devoted to fighting government graft, including the Special Investigative Unit under the Office of the Supreme Public Prosecutor, which has thus far actively pursued investigations against officials of the former DPP government.

In any case, Ma's proposal to set up a "Clean Government Administration" under the Ministry of Justice and thus under the Executive Yuan will lack from the very start the most important preconditions for the effectiveness of the Hong Kong ICAC, namely the public perception and substantive reality of political independence and a high level of professionalism and impartiality.

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There is simply no way that a third level administrative agency is going to be perceived as politically independent since it will be subject to the "guidance" of the KMT premier and a KMT justice minister and monitored by a overwhelmingly KMT controlled Legislature.

Even more important, the plan to staff the agency with transferred agents from the patently ineffective MOJ Government Ethics Department empowered with judicial investigative powers has rightly been slammed as "pouring old wine into a new bottle."

What a new anti-corruption agency needs is fresh staff without the political and personal connections of GED agents and who receive special training in both the most modern investigative skills and criminal law, especially the need to respect procedural justice and judicial human rights in any investigation.

No less important is the prompt passage of the basket of long-stalled "sunshine laws" and their strict enforcement.

Despite having control over the Executive branch and an overwhelming Legislative majority, the KMT administration has failed to approve virtually any "sunshine laws," including a critical statute to deal with unaccountable assets, since Ma took office and the Lobbying Law approved at the end of the DPP period has not been seriously enforced.

Last but not least, it is absolutely essential for the director of a new anti-corruption agency to be a person of unquestionable professionalism and integrity and political impartiality.

Otherwise, it will be difficult for Ma to convince the public that his sudden enthusiasm for a reform obstructed by his own party for a decade has no ulterior political motivations.

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