

Chinese Nationalist Party (KMT) Legislator Alex Tsai (蔡啟芳) has said that party leaders demanded that KMT Taipei mayoral candidate Sean Lien (連戰) and his campaign team — which Tsai headed — refrain from criticizing the Wei (魏) family of Ting Hsin International Group (鼎新國際).

This has led to suspicions that the KMT has been soft on Ting Hsin as a result of the company's support. The problem is that, when facing the possibility that top party figures have received illegal political donations, flaws in current legislation make it difficult to prove such suspicions and even more difficult for authorities to investigate them.

The main difference between political donations and bribes is that political donations come with no strings attached, while certain benefits are requested in exchange for a bribe — what is known as quid pro quo. This would imply that there is a clear difference between the two, but in practice there is a large gray area.

To prevent candidates from accepting bribes disguised as political donations, Article 7 of the Political Donations Act (政治獻金法) lists 11 categories of people, organizations and for-profit enterprises that are not allowed to make political donations. Item No. 2 states that companies that have entered into a large government procurement contract or a contract to make large investments in major public construction projects and are currently engaged in these contracts may not make political donations, to prevent transfer of interests and other corrupt practices. Not only is this an empty text, even if it is violated, Article 29 of the same act merely stipulates a fine of twice the donated amount, making this regulation little more than a declaration of intent.

Even more debatable, political donation reports are handled by the Control Yuan, which, due to personnel constraints, is not capable of properly auditing all candidates and therefore has to rely on selective sample inspections. With such a supervisory mechanism, many take their chances and whether donations are reported would depend on the honesty of each politician.

Even worse, if the donor's purpose is to obtain illegal benefits from their contribution, the recipient would not be so stupid as to report the donation. The Political Donations Act is no different from a moral regulation: It will prevent good people from breaking the law, but not bad ones.

Corruption hiding safe behind bad legislation

Written by Wu Ching-Chin 吳景欽

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If someone in government is involved in corruption, it is difficult to find any evidence to prove it, since the government controls state apparatuses and resources. This is the main reason why the Supreme Prosecutors' Office set up the Special Investigation Division to probe corruption among top civil servants, in accordance with the amendment to the Court Organization Act (法院組織法) in 2006.

However, since its establishment, the division has spared no effort in persecuting officials from the previous Democratic Progressive Party administration, while ignoring any illegal behavior in the KMT government. This bias went so far that in September last year, under the leadership of the then-prosecutor-general, the division sank to the point of becoming a tool in political infighting.

The result of that is that no one harbors any hope that the division will take any action to address the collusion of officials and businesses that has been revealed in connection to the recent food safety scandals. This only serves to highlight the helplessness and frustration that weighs heavily on Taiwan's anti-corruption policy.

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Translated by Perry Svensson

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