

US model of transition an example to Taiwan

Written by Christian Fan Jiang 簡中

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Former National Security Bureau director Ting Yu-chou (丁玉周) discussed the potential for a constitutional crisis because of the four-month period between the Jan. 16 presidential election and the swearing in of the next president. Looking at the issue from a national security perspective, Ting said that there must be no discontinuity in national security and advocated following the precedent set by other democracies: The day after a presidential election, the president-elect should be given a national security briefing and be given relevant national security documents.

Apart from saying that the statement was a matter of Ting's personal opinion, the Presidential Office offered no other comment. This lack of response is of concern.

Let us look at the US for comparison. The transition of power has evolved to become increasingly complex, and the US Presidential Transition Act of 1963 has been amended several times. As early as 1988, an idea was established that presidential transition had developed into a part of government affairs and, as such, it should have public oversight. The US government footed the bill and political parties could accept limited contributions to help arrange the transition.

Even more importantly, whether a presidential transition is effective and government operations can continue to run smoothly are now seen as part of the performance of the two parties involved, and should thus be part of the assessment of both the outgoing and the incoming US president's performance.

During the time from which these examples were taken, the transition process still only dealt with details such as the size, the use and the reporting of transition funds, but in 1999, the political and economic situation changed. As the transition process became disorderly, which became an obstacle to the process and even began to cause government standstills, the US implemented changes and established a new key concept: The outgoing US government is responsible for providing the necessary training to the incoming US president and their appointed department heads and people in other key roles. This training should include an inventory of archives and provide briefings and files for inspection or information at any time.

It became a requirement that the outgoing US administration compile a transition manual to be provided to the incoming administration offering a complete and systematic explanation of legal

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and administrative powers, duties and responsibilities of the different government organizations, positions and agencies, so that the new administration could get up to speed as soon as possible.

The evolving US system shows us that civil servants managing the administrative system are a crucial cornerstone when it comes to dealing with the huge undertaking that the transition represents, but they still have to make it their goal to respond to the wishes of the incoming president and their team of political appointees.

To sum up, during both of Taiwan's previous transitions of power, incoming administrations have complained that the process is fraught with dangers and have even described it as a stormy process. A look at how the US has been handling the issue tells us that this is not an easy process. Both parties involved should be intent on setting a constitutional precedent and learning directly from the US by using practical experience as a foundation for legislation regulating the process.

If outgoing presidents would keep their historical legacy in mind, perhaps they would be more open about how they use their constitutional powers.

Christian Fan Jiang is a writer based in Taipei.

Translated by Perry Svensson

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