

Section 1 Organizational Structure

During his tenure as the Minister of Justice, President Ma remarked that, "The people's trust is the government's greatest asset, and corruption is the strongest corrosive to such trust". In his inaugural address on May 20, 2008, he stated that one of his administration's priorities would be to "restore political ethics to regain the people's trust in the government." And claimed that the new government would set up the new model for clean politics. Corruption is a definite hindrance to a country's development. Without a clean and competent government, quality public services cannot be provided to the people, and a good investment environment cannot be created for enterprises to develop the economy and raise national competitiveness. "Clean government" is not only the key to public's trust of the government, but also a benchmark of a country's competitiveness and development.

A 2002 public opinion poll conducted by the Focus Survey Research at the behest of the Research, Development, and Evaluation Commission of the Executive Yuan indicated that as much as 72% of the public would approve the establishment of a "dedicated anti-corruption authority." Since 1997, the Ministry of Justice has commissioned polling agencies to conduct surveys of "evaluations of perception indicators of government integrity by the public in Taiwan," with an average of over 70% of respondents believing that only the establishment of a dedicated anti-corruption authority could effectively stamp out corruption, indicating a widespread consensus in favor of the establishment of such an agency.

On October 31, 2003, the United Nation passed the United Nations Convention Against Corruption (UNCAC). Taking effect on December 14, 2005, the convention has over one hundred signatory countries worldwide. Convention Articles 6, "Preventive anti-corruption body or bodies," and 36, "Specialized authorities," stress that each signatory "shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption" and

a body or persons "specialized in combating corruption through law enforcement," and grant them "the necessary independence" to carry out their work. Although Taiwan is not a state party to the UNCAC, as a member of the international community, and in keeping with the foreign policy principles set forth in Article 141 of the Constitution, it has a duty to implement the spirit of the Convention. An independent authority dedicated to anti-corruption work is also an indispensable part of the National Integrity System (NIS) framework introduced by Transparency International in 2000. Many countries have shown their determination to check corruption and promote government integrity by giving uniform authority to a single body to prevent, investigate, and educate society about corruption, making the establishment of dedicated anti-corruption bodies a global trend.

Singapore (which established the Corrupt Practices Investigation Bureau in 1952) and Hong Kong (which established the Independent Commission Against Corruption in 1974) have been widely recognized for their efforts towards clean government. The key elements in their success have been establishing "specialized anti-corruption authorities," which have adopted a three-pronged strategy of treating symptoms (enforcement), treating the causes (prevention), and eradicating the roots (education). This strategy has achieved outstanding results in eliminating corrupt practices and promoting integrity. The establishment of the Anti-Corruption Agency of the Ministry of Justice was necessary meet the public's sincere desire for proper government ethics and the elimination of corruption, to achieve the ideals of a clean government governing with integrity and competence, and to adapt to global trends.

The Legislative Yuan completed the three readings of the Organic Act for the Agency Against Corruption, Ministry of Justice during the 7th sitting of the 7th session of the 7th Legislative Yuan, on April 1, 2011 and was announced by the President on April 20, 2011; the Agency Against Corruption was officially established on July 20, 2011, representing the start of a new era of clean government in Taiwan. Its structure and functions were not a complete copy of those of Singapore's Corrupt

Practices Investigation Bureau and Hong Kong's Independent Commission Against Corruption. Their successful experiences were however, used as reference, as an anti-corruption agency specially suited to conditions in Taiwan was established, the objective being to give it anti-corruption and corruption prevention policy planning energy and strengthen the functions of existing ethics units to achieve good results in eliminating corruption and advocating clean government.

I. Organizational Features

1. A dedicated anti-corruption authority, demonstrating determination to combat corruption

The Agency Against Corruption (AAC) is the country's only body meeting the UNCAC definition of a specialized anti-corruption authority, serving the dual functions of preventing and eradicating corruption. Integrating anti-corruption education and the prevention and investigation of corruption, it is responsible for the planning and execution of Taiwan's overarching anti-corruption policy, using a cross-jurisdictional administrative approach of vertical integration and lateral links to maximize the efficacy of limited manpower. The AAC demonstrates determination and resolve in combating corruption to achieve the goal of creating an "honest government, faithful society, and clean homeland."

2. A comprehensive anti-corruption network to build honest social values

The AAC is responsible for formulating and promoting national anti-corruption policies, as well as promoting and enforcing corruption prevention measures. The AAC can thereby integrate the country's network of anti-corruption resources into the comprehensive, long-term planning of anti-corruption tasks; through cooperative partnerships between the public and private sector, it can establish corruption-prevention mechanisms, eliminate the inducements to corrupt practices, and establish integrity as a social value, firming up the foundation for building national integrity.

3. Constructing a governance system with unified authority to prevent and control corruption

The AAC links the Government Employee Ethics Units of various government entities, working to give the public a proper understanding of the harm done by corruption, broaden public participation in anti-corruption work, and let anti-corruption education take root, while also putting the Integrity and Ethics Directions into practice and strengthening internal controls; in the case of civil servants who still flout the law, administrative punishment or criminal prosecution are initiated as appropriate to the circumstances, serving as a prompt warning to other civil servants. Next, institutional management measures carrying a high risk of corruption are reviewed in light of the individual case, and preventative mechanisms advanced, incrementally improving various institutional systems. This is forming an administrative system based around a cycle of prevention— investigation— further prevention, in order to handle the problem of corruption at the structural and systemic level, spanning different agencies and jurisdictions.

4. The "Resident Prosecutor" system

The AAC has created a system of resident prosecutors, under which prosecutors direct the investigation and handling of cases At the preliminary stage. The Ministry of Justice assigns prosecutors to be attached to the Agency to directly instruct AAC agents about the investigation of corruption cases, with multiple filtering and verification systems giving them a precise grasp of the evidence of crimes. This protects human rights and demonstrates the independence of criminal investigates, and increases the efficiency in the investigation and handling of corruption cases as well as their conviction rate, demonstrating the government's determination to eradicate corruption.

5. The Clean Politics Advisory Committee system

In order to open itself to public oversight and scrutiny, the AAC established the Clean Politics Advisory Committee system, employing a

total of 15 representatives from the legal, financial, construction, and other professional fields, academic experts, and representatives of the relevant agencies to serve as committee members, in accordance with the provisions of Article 5 of the Organic Act For Agency Against Corruption. The committee provides consultation on and assessment of anti-corruption policies, takes part in pushing the work of the AAC forward, and examines and oversees cases filed after investigation. This system is intended to encourage the just and impartial exercise of power by the AAC, and establish an image of honest and upright administration in accordance with the law in order to earn the confidence of the public at large.



II. Organizational Structure

According to the provisions of Article 1 of the Organic Act for the Agency Against Corruption, the responsibilities of the AAC include the formulation of anti-corruption policies and fulfilling the functions of anti-corruption education, corruption prevention, and corruption investigation. In order to promote the execution of these four primary tasks, Article 4 of the Regulations Governing the Agency Against Corruption, Ministry of Justice provides for the establishment of a Planning Division, Corruption Prevention Division, Malpractices Investigation Division, Civil Service Ethics Division, and Northern, Central, and Southern Investigation Offices, totaling seven operational units. The Agency also includes three supporting units, the Secretarial Office, Personnel Office, and Accounting Office. With a legal size of staff of 240 people, the Agency is operating with 180 budgeted staff at the initial stage. (See Figure 1 for organizational chart and table).

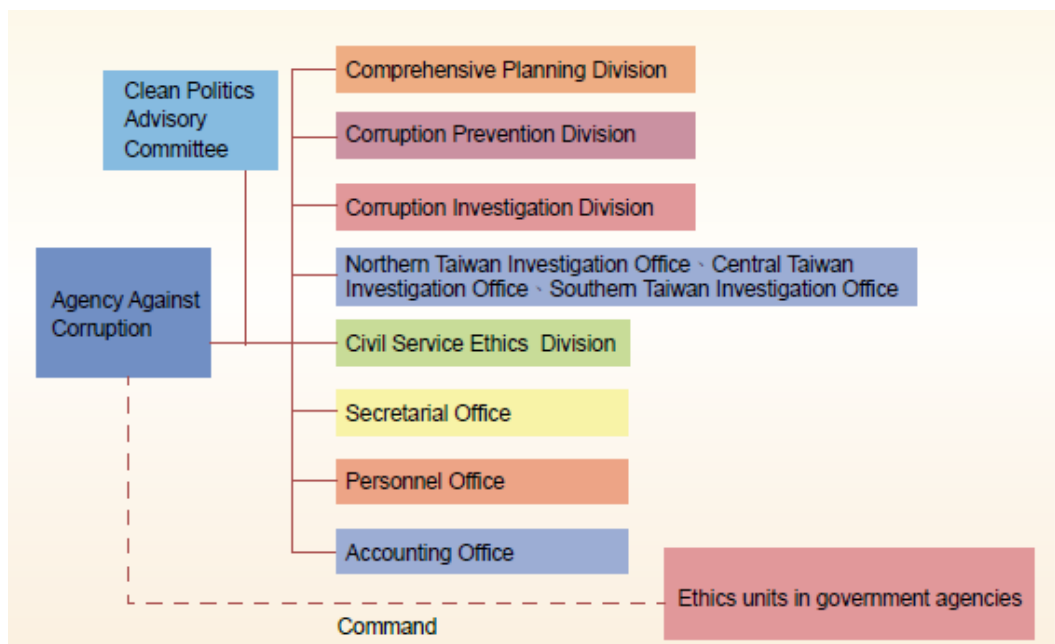


Fig. 1-1-1 Agency Against Corruption Organizational Chart

Table 1-1-1 Agency Against Corruption Organizational Table

Title	Rank	Grade	Number	Notes
Director-General	Senior	Grade 13-14	1	Rank and grade stipulated by Organic Act.
Deputy Director-General	Senior	Grade 12	2	Rank and grade stipulated by Organic Act.
Chief Secretary	Senior	Grade 11	1	Rank and grade stipulated by Organic Act.
Division Chief	Senior	Grade 11	7	Rank and grade provisional.
Deputy Division Chief	Senior	Grade 10	7	Rank and grade provisional.
Director	Junior to Senior	Grade 9-10	1	Rank and grade provisional.
Senior Specialist	Junior to Senior	Grade 9-10	13	Rank and grade provisional.
Section Chief	Junior	Grade 9	15 (10)	1. Rank and grade provisional. 2. 10 positions held concurrently by Special Agents.
Secretary	Junior	Grade 8-9	1	Rank and grade provisional.
Special Agent	Junior	Grade 8-9	52	Rank and grade provisional.
Analyst	Junior	Grade 8-9	1	Rank and grade provisional.
Executive Officer	Junior	Grade 7-8	2	Rank and grade provisional.
Agent	Junior	Grade 6-8	52	Rank and grade provisional.

Designer		Junior	Grade6-8	2	Rank and grade provisional.
Officer		Elementary or Junior	Grade 5 or Grade 6-7	58	Rank and grade provisional.
Assistant		Elementary	Grade 4-5	8	Rank and grade provisional.
Assistant Designer		Elementary	Grade 4-5	2	Rank and grade provisional.
Secretary		Elementary	Grade 1-3	4	Rank and grade provisional.
Personnel Office	Director	Junior to Senior	Grade 9-10	1	Rank and grade provisional.
	Inspector	Junior	Grade 8-9	1	Rank and grade provisional.
	Officer	Elementary or Junior	Grade 5-6	3	Rank and grade provisional.
Accounting Office	Director of Accounting	Junior to Senior	Grade 9-10	1	Rank and grade provisional.
	Inspector	Junior	Grade 8-9	1	Rank and grade provisional.
	Officer	Elementary or Junior	Grade 5 or Grade 6-7	3	Rank and grade provisional.
	Assistant	Elementary	Grade 4-5	1	Rank and grade provisional.
Total				240	

Section 2 Operational Responsibilities

The Agency Against Corruption (AAC) is dedicated to anti-corruption education, corruption prevention, and corruption investigations. In order to allow it to exercise overarching authority and incorporate government employee ethics units in government bodies nationwide to promote anti-corruption work, Article 2 of the Organic Act for the Agency Against Corruption, Ministry of Justice stipulates that the AAC is in charge of the following matters:

- (1) The formulation, coordination, and promotion of national clean governance policies.
- (2) Research and interpretation of the formulation and amendment of legislation related to clean governance.
- (3) The promotion and implementation of corruption-prevention measures.
- (4) The investigation and handling of corruption cases and related crimes.
- (5) supervision, evaluation, and coordination of government employee ethics units.
- (6) Formulating and implementing organization and personnel management in government employee ethics units.
- (7) The handling of matters of government ethics within the Ministry of Justice.
- (8) Other matters involving clean governance.

AAC personnel at the Junior rank or above who conduct the aforementioned investigations of corruption cases and related crimes are regarded as judicial police officers as detailed in Articles 229 and 230 of the Code of Criminal Procedure; other personnel holding posts at the Elementary rank are regarded as judicial policemen under Article 231 of said code.

The respective responsibilities of the separate divisions and offices of

the AAC are governed by the AAC Regulations for Agency Affairs, as outlined below:

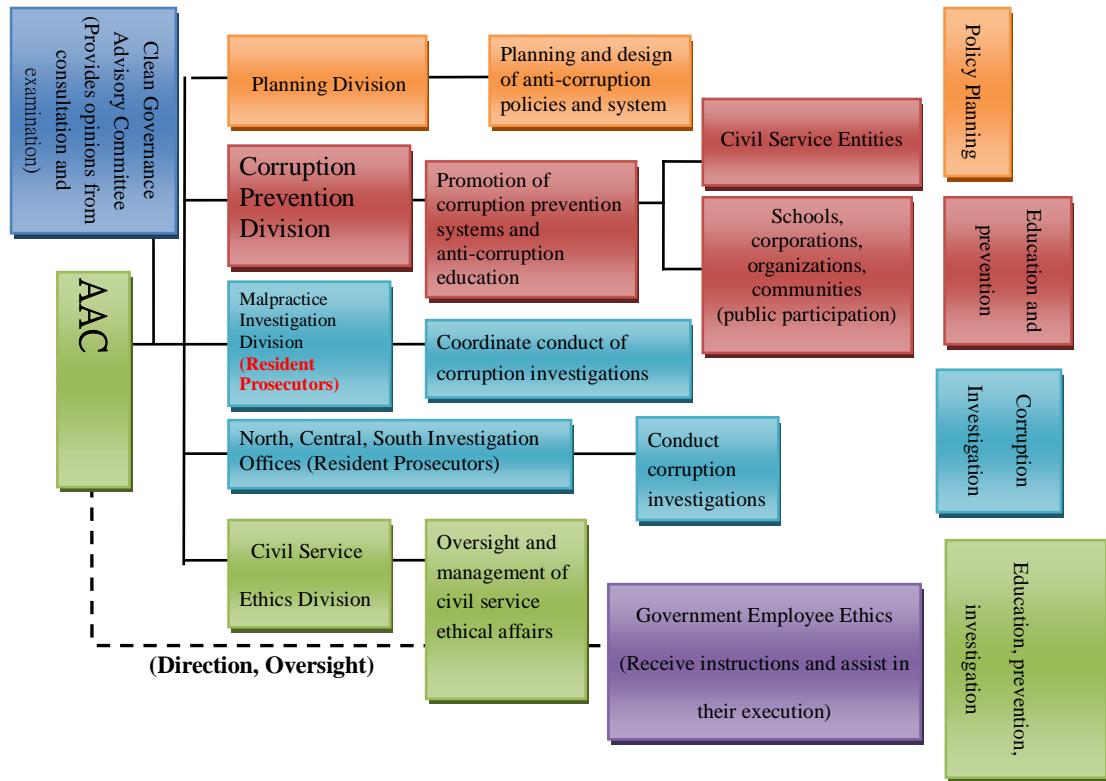


Fig. 1-2-1 Organizational Function Chart

(1) Planning Division

1. Formulation, implementation, and review of annual and mid-term administrative plans.
2. Planning and research of national anti-corruption policies and systems.
3. Review and evaluation of anti-corruption measures.
4. Liaising, coordination, communication, and promotion in matters of international mutual assistance in anti-corruption and judicial affairs.
5. Consultation on regulations and directions and their interpretation.
6. Assistance with administrative legal disputes and state

- compensation matters.
7. The production of on anti-corruption work regulations and manuals.
 8. Planning, proposals, and implementation of organizational and personnel appointments and dismissals, transfers, performance reviews, and award and punishment for the government employee ethics units of government bodies nationwide.
 9. Other general planning matters.

(2) Corruption Prevention Division

1. The formulation, promotion, and coordination of corruption-prevention regulations, systems, and measures.
2. Corruption-prevention examinations and audits of government departments and public institutions.
3. Promotion and explanation of the Act on Recusal of Public Servants Due to Conflicts of Interest and the Act on Property-Declaration by Public Servants, and deliberation of cases.
4. Planning, promotion, and coordination of integrity and ethics directions for civil servants.
5. Planning and implementation of education on clean governance and integrity for government departments, public institutions, the public, communities, enterprises, and organizations.
6. Other matters related to preventing and controlling corruption.

(3) Malpractice Investigation Division

1. Planning, initiation, and coordination of regulations, systems, and measures for the investigation of corruption.
2. The conduction, oversight, coordination, and evaluation of investigations into corruption or related crimes.
3. Rewarding and protecting those who report corruption or related crimes.
4. Initiation and oversight of administrative corruption investigations.
5. Other matters related to the investigation of corruption.

(4) Civil Service Ethics Division

1. Annual supervision and evaluation of the work of government employee ethics units.
2. Conducting performance reviews of government employee ethics units.
3. Oversight of the corruption prevention work performed by government employee ethics units.
4. Review, oversight, analysis, and disposal of cases of corruption or

- related crimes handled by government employee ethics units.
5. The promotion and evaluation of the maintenance of secrecy in the conduct of official business by government employee ethics units.
 6. Matters related to government ethics within the Ministry of Justice.
 7. Other matters involving prevention and investigation by government employee ethics units.

(5) Northern, Central, and Southern Investigation Offices

1. Collecting and analyzing evidence of and investigating corruption or related crimes.
2. Other investigations relevant to corruption or related crimes.

(6) Secretarial Office

1. Handling of AAC meetings and proceedings.
2. Keeping of official seals and management of documents and files.
3. Management of receipt and disbursement of funds, financial affairs, : maintenance and repair of facilities, procurement, and other matters.
4. The planning, analysis, study, and execution of policies related to communications with the parliament and media relations.
5. Management of workers (including mechanics and drivers)
6. Planning and management of information affairs.

(7) Personnel Office

AAC personnel affairs.

(8) Accounting Office

Annual budgeting, accounting, and statistical matters.

Section 3 Organic Act and Legislative Process

In July 1987, Jaw Shao-kang and 102 other legislators cosigned a bill that would establish an “Anti-Corruption Bureau” under the Executive Yuan. This was followed by a succession of opinions from the legislative and executive branches in favor of the establishment of a “Commission Against Corruption,” “Anti-Corruption Department,” or “Government Ethics Agency” tasked with investigating and preventing corruption. During his tenure as Justice Minister, President Ma also proposed that the Executive Yuan elevate the Department of Government Employee Ethics to be a Government Employee Ethics Bureau, dedicated solely to preventing corruption.

After the change in the ruling political party in the 2000 presidential and vice-presidential elections, former Justice Minister Chen Ding-nan took office and vowed to push forward the establishment of the Agency Against Corruption, amending the Organic Act for the Ministry of Justice and formulating the Draft Organic Statute for the Agency Against Corruption, Ministry of Justice. The draft was passed in the 2703rd sitting of the Executive Yuan and sent to the Legislative Yuan for deliberations, listed as a priority bill requiring deliberation to be passed during the 5th session of the 4th Legislative Yuan. However, during negotiations between the ruling and opposition party caucuses, as there were too many versions of the draft legislation related to the Agency Against Corruption (seven versions in all, between the Executive Yuan and members of the Legislative Yuan) a consensus could not be reached, and the deliberations were tabled.

In the 63rd Executive Yuan Policy Coordination Meeting on October 17, 2005, participants advocated active efforts to enhance anti-corruption measures in order to eliminate the corrupting influence of dirty money from government. The Ministry of Justice formulated the Draft Organic Act for the Anti-Corruption Bureau, Ministry of Justice and the accompanying bill Draft Partial Amendment to the Organic Act for the Ministry of Justice, which would maintain the Department of Government

Employee Ethics in a policy advisory capacity while establishing an Anti-Corruption Bureau as a body for carrying out investigations into corruption. After the bills were passed in the 2963rd sitting of the Executive Yuan on October 26, 2005, they were submitted to the Legislative Yuan for deliberations, but had not been given to legislators for examination by the end of the 6th Session of the 6th Legislative Yuan on December 21, 2007. As examination of bills does not carry over between sessions, the relevant draft organic act was again passed by a resolution in the 3079th sitting of the Executive Yuan on February 13, 2008 and submitted to the Legislative Yuan during the 7th session.

After former Justice Minister Wang Ching-feng took office in May 2008, she found that while the country had achieved certain results in preventing and investigating corruption through the efforts of prosecutorial agencies, Government Employee Ethics Units, and the Anti-Corruption Department of the Investigation Bureau, there was still high demand for clean and competent government and the integration of the existing entities into a dedicated anti-corruption body; she therefore established a task force to re-examine the originally planned Anti-Corruption Bureau under the Ministry of Justice and the necessity of establishing a dedicated anti-corruption authority. On May 22, 2009, it released the Evaluative Report on the Establishment of a Dedicated Anti-Corruption Authority in the ROC for the policy reference of the Executive Yuan, recommending the planning of the establishment of such a body, with central authority and responsibility for anti-corruption, corruption prevention, and corruption investigation tasks; in addition, on July 27, 2009, the Ministry of Justice Reorganization Committee Meeting was convened, in which it was decided that the Department of Government Employee Ethics would be merged with the Central Office to establish the Agency Against Corruption, Ministry of Justice, and the Ministry's Department of Government Employee Ethics (implementation unit) being changed to the Office of Government Employee Ethics, a supporting unit. Due to the differences in the planning principles and substance of the proposals for the Agency and Bureau, the Ministry of

Justice notified the Executive Yuan on December 4, 2009 to withdraw Draft Organic Act for the Anti-Corruption Bureau, Ministry of Justice and the Draft Amendment Articles 9-1 and 29 of the Organic Act of the Ministry of Justice. The Legislative Yuan consented to the withdrawal with Taiwan Legislative Yuan Resolution 0990700163.

To show the government's determination to combat corruption, respond to public expectations, and implement the anti-corruption measures of the United Nations Convention on Corruption, on July 20, 2010, President Ma announced the establishment of the Agency Against Corruption under the Ministry of Justice, which would be dedicated to national clean government policy planning and carrying out anti-corruption, corruption prevention, and corruption investigation tasks. The agency was to take a three-pronged strategy of treating symptoms (enforcement), treating the causes (prevention), and eradicating the roots (education) in order to achieve the three major objectives of raising the conviction rate for crimes of corruption, reducing the occurrence of corruption, and protecting human rights. In order to enhance the country's anti-corruption mechanisms, the Ministry of Justice submitted the Draft Organic Act for the Agency Against Corruption, Ministry of Justice and the Draft Partial Amendment to the Organic Act (Portions Related to the Agency Against Corruption) to the Executive Yuan for examination, and listed them as priority bills for deliberation during the 6th session of the 7th Legislative Yuan. The bills were passed in the 3220nd sitting of the Executive Yuan on November 4, 2010, and submitted to the Legislative Yuan for deliberations on the same day.

The examination of the Draft Organic Act for Agency Against Corruption, Ministry of Justice was completed in the 16th sitting of the Judiciary and Organic Laws and Statutes Committee in the 6th session of the 7th Legislative Yuan, on December 9, 2010. The legislative process of three readings and article-by-article voting was then completed during the 7th sitting of the 7th session of the 7th Legislative Yuan on April 1, 2011. The President promulgated the Organic Act for Agency Against Corruption, Ministry of Justice on April 20, 2011, with the Executive

Yuan approving the establishment of the Agency Against Corruption on July 20, 2011.



With cooperative efforts across the political parties, the legislative process was finally completed after 30 years of proposals for the establishment of a dedicated anti-corruption body in the ROC. The AAC's priorities are corruption prevention and anti-corruption work, and it fully integrates the government employee ethics units within other bodies to root out corruption at the source, taking the "treatment of symptoms and causes" and "broadened administrative scope" as its core working principles. The AAC also refers to the local experiences of countries with advanced anti-corruption systems in its promotion of public participation in anti-corruption efforts, making enterprises, communities, social organizations, and schools partners in its anti-corruption team. The AAC integrates the power of prosecutorial, investigative, government employee ethics and other government bodies to jointly combat corruption; in addition to thoroughly investigating corruption cases and assisting governmental organizations in enhancing internal controls, the AAC also emphasizes the promotion of anti-corruption measures and public participation by raising public awareness about corruption and advancing the building of government integrity in the country so that Taiwan may become a cleaner, more competitive country, helping the government making good on its commitments to protect the homeland, improve the quality of life, and sustainably develop the country.