

Chairman Ma's Challenge

By Jerome A. Cohen
And Yu-Jie Chen

Experience is a great teacher, and the best politicians learn from it. Last year Taiwan's able President Ma Ying-jeou, after only a month in office, said he would not resume chairmanship of his party, the Kuomintang (KMT), while president. Yet Sunday he ran for the post and was elected unopposed. His election makes possible more effective government for the island and further progress in cross-strait relations, but only if he offers his political opposition a genuine opportunity for participation.

This is a turnaround worth analyzing. Until recently, Mr. Ma's public statements suggested that freedom from KMT burdens would enable him to focus full-time on the enormous challenge of improving the administration of Taiwan's unduly complex governmental system. He also said he wanted to become "president of all the people," not merely KMT supporters. Perhaps years of study in the United States motivated Mr. Ma to emulate the American model where political power stems from government of the people, not party position, and where presidential power is checked and balanced.

Of course, Taiwan's energetic and partisan political community speculated endlessly about Mr. Ma's "real" motives for rejecting KMT leadership. Did this squeaky-clean leader no longer want to be responsible for a party notoriously addicted to "black gold," politics tainted by corruption allegations and murky business dealings?

Whatever Mr. Ma's reasons, they gradually dissipated in the months following his inauguration, a time of increasing eco-

nomie gloom. Controlling the Legislative Yuan proved especially difficult and embarrassing, despite the three-fourths majority held by the KMT and its allies. The president's office seemed out of kilter with the legislature, the often independent KMT legislative caucus, and even on occasion with the Executive Yuan, Taiwan's administrative branch.

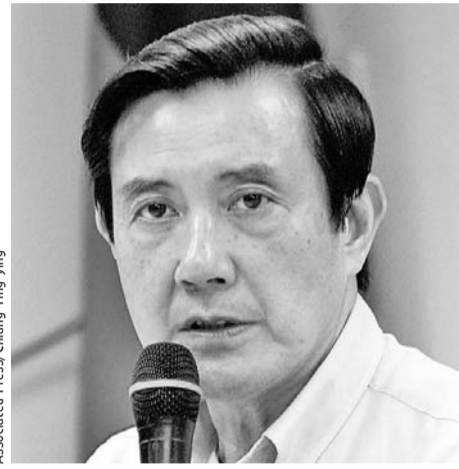
Without party control, Mr. Ma had a hard time pushing through his agenda. Not long after Mr. Ma's inauguration, the legislature rejected the president's appointments to both the Control Yuan, responsible for investigations of government, and the Examination Yuan, in charge of civil service recruitment. Concern about legislative approval also reportedly discouraged Mr. Ma from appointing certain experts to the Council of Grand Justices, Taiwan's important constitutional court. More recently, the legislature refused to approve nearly

half of the 50 "priority" bills proposed by the administration and adopted only four of the nine bills identified by Ma as "must" legislation for the just-concluded legislative session.

Mr. Ma learned from his first year in office that he needed the power to knock heads together or risk a lackluster record. As KMT chairman, Mr. Ma can now do more to impose party discipline. He will exercise greater influence over the selection of legislative leaders and high party officials, and be able to appoint certain legislators and nominate other candidates for election to the legislature and to city and county chief executive posts. He will also find it easier to attract talented people to government and the KMT, coordinate policy making and implementation,

and improve administrative efficiency.

Mr. Ma's chairmanship should also make it easier for him to build on the breakthrough in cross-strait relations of his first year in office. Now that the presidents of both China and Taiwan are also the leaders of their respective political parties, the role of the unofficial forum between the KMT and the Chinese Communist Party can be enlarged and eventually facilitate a meeting between the two leaders. Such a meeting should be feasible in this arena—unlike that of government-to-



Associated Press/Chiang Ying-ying

Taiwanese President Ma Ying-jeou was elected Sunday as chairman of the ruling Kuomintang Party

government talks—on a symmetrical, equal footing, without any pre-conditions being imposed. Mr. Ma should also be able to control the pace of the forum talks, which are sometimes criticized for moving too swiftly. It will still be up to each government to decide on and implement any agreements that might emerge from the forum. But Mr. Ma's command of the party should increase the likelihood of legisla-

tive approval.

Yet the forum discussions are unlikely to generate substantial achievements unless the KMT expands them to live up to their formal title, the Cross-Strait Economic, Trade and Cultural Forum, by allowing a meaningful role—not a token one—for opposition Democratic Progressive Party (DPP) representatives. This will require statesmanship on the part of both the KMT and the DPP. The latter will have to abandon its rejection of participation in the forum and instead press for a genuine opportunity to take part in planning and decision-making relating to the forum as well as in the forum discussions themselves. If the DPP continues its ostrich-like stance toward these historic talks, it risks losing much of its existing popular support.

The most recent poll of Taiwanese political opinions by Taipei-based Global Views magazine shows some slippage in the standing of the Ma administration, but by far its most impressive finding revealed that 63.8% of those asked said that, if the DPP wanted to uphold Taiwan's interests, it had to engage in direct communication with the Chinese Communist Party. It is time for the DPP's able leader, Tsai Ying-Wen, and her colleagues to abandon their "head in the sand" posture and act as boldly as Mr. Ma did in reversing his position on KMT chairmanship. Taiwan's future is at stake, not merely their own political fortunes. By taking an active part in Taiwan's unofficial discussions with the Mainland, the DPP will do more to protect the island's interests than by carping from the sidelines.

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Leading the
KMT gives
Taiwan's
president an
opportunity to
build cross-
Strait relations.

The Path Forward for Honduras

By Roberto Micheletti

One of America's most loyal Latin American allies—Honduras—has been in the midst of a constitutional crisis that threatens its democracy. Sadly, key undisputed facts regarding the crisis have often been ignored by America's leaders, at least during the earliest days of the crisis.

In recent days, the rhetoric from allies of former President Manuel Zelaya has also dominated media reporting in the U.S. The worst distortion is the repetition of the false statement that Mr. Zelaya was removed from office by the military and for being a "reformer." The truth is that he was removed by a democratically elected civilian government because the independent judicial and legislative branches of our government found that he had violated our laws and constitution.

Let's review some fundamental facts that cannot be disputed:

- The Supreme Court, by a 15-0 vote, found that Mr. Zelaya had acted illegally by proceeding with an unconstitutional "referendum," and it ordered the Armed Forces to arrest him. The military executed the arrest order of the Supreme Court because it was the appropriate agency to do so under Honduran law.

- Eight of the 15 votes on the Supreme Court were cast by members of Mr. Zelaya's own Liberal Party. Strange that the pro-Zelaya propagandists who talk about the rule of law forget to mention the unanimous Supreme Court decision with a majority from Mr. Zelaya's own party. Thus, Mr. Zelaya's arrest was at the instigation of Honduras's constitutional and civilian authorities—not the military.

- The Honduran Congress voted overwhelmingly in support of removing Mr. Zelaya. The vote included a majority of members of Mr. Zelaya's Liberal Party.

- Independent government and reli-

gious leaders and institutions—including the Supreme Electoral Tribunal, the Administrative Law Tribunal, the independent Human Rights Ombudsman, four-out-of-five political parties, the two major presidential candidates of the Liberal and National Parties, and Honduras's Catholic Cardinal—all agreed that Mr. Zelaya had acted illegally.

- The constitution expressly states in Article 239 that any president who seeks to amend the constitution and extend his term is automatically disqualified and is no longer president. There is no express provision for an impeachment process in the Honduran constitution. But the Supreme Court's unanimous decision affirmed that Mr. Zelaya was attempting to extend his term with his illegal referendum. Thus, at the time of his arrest he was no longer—as a matter of law, as far as the Supreme Court was concerned—president of Honduras.

- Days before his arrest, Mr. Zelaya had his chief of staff illegally withdraw millions of dollars in cash from the Central Bank of Honduras.

- A day or so before his arrest, Mr. Zelaya led a violent mob to overrun an air force base to seize referendum ballots that had been shipped into Honduras by Hugo Chávez's Venezuelan government.

- I succeeded Mr. Zelaya under the Honduran constitution's order of succession (our vice president had resigned before all of this began so that he could run for president). This is and has always been an entirely civilian government. The military was ordered by an entirely civilian Supreme Court to arrest Mr. Zelaya. His removal was ordered by an entirely civilian and elected Congress. To suggest that

Mr. Zelaya was ousted by means of a military coup is demonstrably false.

Regarding the decision to expel Mr. Zelaya from the country the evening of June 28 without a trial, reasonable people can believe the situation could have been handled differently. But it is also necessary to understand the decision in the context of genuine fear of Mr. Zelaya's proven willingness to violate the law and to engage in mob-led violence.

The way forward is to work with Costa Rican President Oscar Arias. He is proposing ways to ensure that Mr. Zelaya complies with Honduras's laws and its constitution and allows the people of Honduras to elect a new president in the regularly scheduled Nov. 29 elections (or perhaps earlier, if the date is moved up as President Arias has suggested and as Honduran law allows).

If all parties reach agreement to allow Mr. Zelaya to return to Honduras—a big "if"—we believe that he cannot be trusted to comply with the law and therefore it is our position that he must be prosecuted with full due process.

President Arias's proposal for a moratorium on prosecution of all parties may be considered, but our Supreme Court has indicated that such a proposal presents serious legal problems under our constitution.

Like America, our constitutional democracy has three co-equal and independent branches of government—a fact that Mr. Zelaya ignored when he openly defied the positions of both the Supreme Court and Congress. But we are ready to continue discussions once the Supreme Court, the attorney general and Congress analyze President Arias's proposal. That

Zelaya's
removal
from office
was a triumph
for the rule
of law.

proposal has been turned over to them so that they can review provisions that impact their legal authority. Once we know their legal positions we will proceed accordingly.

The Honduran people must have confidence that their Congress is a co-equal branch of government. They must be assured that the rule of law in Honduras applies to everyone, even their president, and that their Supreme Court's orders will not be dismissed and swept aside by other nations as inconvenient obstacles.

Meanwhile, the other elements of the Arias proposal, especially the establishment of a Truth Commission to make findings of fact and international enforcement mechanisms to ensure Mr. Zelaya complies with the agreement, are worthy of serious consideration.

Mr. Zelaya's irresponsible attempt on Friday afternoon to cross the border into Honduras before President Arias has obtained agreement from all parties—an attempt that U.S. Secretary of State Hillary Clinton appropriately described as "reckless"—was just another example of why Mr. Zelaya cannot be trusted to keep his word.

Regardless of what happens, the worst thing the U.S. can do is to impose economic sanctions that would primarily hurt the poorest people in Honduras. Rather than impose sanctions, the U.S. should continue the wise policies of Mrs. Clinton. She is supporting President Arias's efforts to mediate the issues. The goal is a peaceful solution that is consistent with Honduran law in a civil society where even the president is not above the law.

Mr. Micheletti, previously the president of the Honduran Congress, became president of Honduras upon the departure of Manuel Zelaya. He is a member of the Liberal Party, the same party as Mr. Zelaya.