

# Denkwürdigkeiten



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## LEADOFF

### Liebe Mitglieder,

am 30. April hat Barack Obama die 100 Tage-Marke seiner Amtszeit als Präsident der U.S.A. überschritten. Mit sportlichem Tempo und voller Agenda hat er sich auf den Weg gemacht. Das führt auch bei einem „Mythos“ wie ihm zu ganz unterschiedlichen Reaktionen, wie Sie sich in den beiden Beiträgen zu seiner Amtsführung überzeugen können.

Mit der „54“ erhalten Sie eine „mythische“ Ausgabe der Denkwürdigkeiten – vom Mythos „Rommel“ zum schon-Mythos „Obama“ zum demnächst-Mythos „Zuma“, abgerundet durch Korruption und Korruptionsbekämpfung in Indien und China.

Afrika und Asien stehen Europa und Amerika näher denn je. Räumlich und zeitlich stellen sie uns vor umfassende Herausforderungen. Wer geschichtliche und kulturelle Zusammenhänge versteht, kann Zukunft nachhaltiger gestalten (yes we can). Eine Aufgabe nicht nur für Barack Obama.

*Ralph Thiele, Vorstandsvorsitzender*

## THEMEN

### Mythos Rommel

Militärgeschichte ist in Deutschland, im Unterschied zu den angelsächsischen Ländern, eher ein Randgebiet. Dies hat natürlich mit der militärischen Katastrophe des Zweiten Weltkriegs und der Verstrickung der Wehrmacht in die Verbrechen des nationalsozialistischen Regimes zu tun.



Erwin Johannes Eugen Rommel  
(Quelle [www.wikipedia.com](http://www.wikipedia.com))

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Gerade deshalb ist die Ausstellung über Rommel im Haus der Geschichte Baden-Württembergs in Stuttgart zu begrüßen.

Rommel wurde bewundert – vom Feind wie auch von seinen eigenen Soldaten – wegen seines persönlichen Auftretens, als fairer Kämpfer und fabelhafter Offizier. Er war ein Sympathieträger und ein Feldherr, der inmitten seiner Soldaten kämpfte, von denen überliefert wurde: Wo Rommel ist, ist vorn.

Die nationalsozialistische Propaganda baute Rommel zu einer Art Volkshelden auf und Rommel stellte sich der Propaganda be-

reitwillig zur Verfügung. Er war auch ein Mann, der Verbrechen ablehnte, aber einem Verbrecher diene. Diese Ambivalenz wie auch seine Eitelkeit wird in dieser gelungenen Ausstellung klar, die bis zum 30. August läuft.

*Maxim Worcester, Berlin*

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## THEMEN

### Evaluating the Obama administration's national security budget and planning process

In its first 100 days, the Obama administration has had to confront a series of pressing foreign policy and national security issues – North Korean missile launches, a revamping of the war strategy in Afghanistan, the Taliban's continued rise in Pakistan, and, of course, the Iranian nuclear program. As with all new administrations, the issues have come faster than the Obama administration can cope with them. Thus, improvisation has been a major feature of the administration's response – especially with only part of the team in place.

As I've written before, my main concern has always been whether or not the administration is putting in place the budgets, structures, and processes that will allow them to escape the siren song of improvisation and begin to set a course toward longer-term strategic planning for foreign policy and national security.

The first 100 days of the Obama administration have been promising, but to paraphrase *Death of a Salesman*, "Attention must [continue to] be paid."

Clearly, 100 days aren't enough to answer every question or quell every doubt. And while the most appropriate grade at the moment

is probably an incomplete, some of the administration's action do deserve a clear passing grade.

#### **What are the success stories?**

##### **The foreign policy and assistance budget**

As a candidate, Barack Obama promised to double U.S. foreign assistance, and while he may not reach this goal as quickly as he'd like, the International Affairs budget request of \$53.8 billion – an increase of about 11% – is a giant step forward. The details of the foreign policy budget won't appear until early May, but there are signs that it will include at least a couple of important steps in strengthening the civilian toolkit.

First, it will seek a major increase in personnel for both the State Department and USAID, beefing up an overstressed staff in both organizations. Second, it will fully fund major programs at State and USAID, particularly food aid and humanitarian assistance. For the past few years, both have been underfunded, with the difference being made up through emergency supplemental budget requests. But it seems honest budgeting has returned to the International Affairs budget requests, and State is asking for what it will realistically need at the start of the budget process, not scrambling for additional funding later.

##### **The defense budget**

Last September, the military services and Joint Chiefs conducted a budget drill that led to a "blue sky wish list" of a base budget for Defense (outside of war supplementals). The wish list would have expanded the Defense budget by 14% over fiscal year 2009. But the White House decided to hang tough, arguing that "current services" (fiscal year 2009 plus inflation, or roughly 3% growth) was enough. Any further increases, they reasoned, could await a full strategic review at Defense.

To the surprise of many, Defense Secretary Robert Gates didn't fight the administration's edict; he

did seek and obtain an additional \$10 billion, but those funds covered programs that had previously been funded through supplemental budgets. While some in Congress argued that Defense could have been constrained even further, this was a clear signal to the armed services that a new sheriff was in town.

Even more unexpected was the series of military hardware decisions that Gates announced in April. For years Defense's modus operandi has been to continue buying hardware that was outmoded, underperforming, or unnecessary. Gates began to end that practice by terminating hardy perennials such as the F-22 fighter, the vehicle portion of the Army's Future Combat System, an underperforming Transformation Satellite Program, the new navy destroyer, and the new White House helicopter program. Sure, Congress may reverse some of these decisions; but they were clear and decisive and based on strategy and future requirements, not made randomly. The forthcoming Quadrennial Defense Review will tell us whether the long-term defense plan continues this trend.

#### **In which areas does the administration deserve an incomplete grade?**

##### **Supplementals**

For eight years, both Defense and State abused the supplemental process to request funding for things that clearly weren't war related – e.g., military hardware that wasn't being lost in Iraq and Afghanistan. It's unclear whether or not the administration will continue to allow this backdoor funding, which undermines planning and budget discipline, to happen. The intention of transmitting narrow, war-focused supplemental has been announced, though it applied incompletely to the fiscal year 2009 supplemental submitted by the Obama administration a couple of months ago. War funding for fiscal year 2010, however, will come to Congress with the overall budget – a good precedent.

### Reforming State's budget planning process

Former Secretary of State Condoleezza Rice began to integrate budget planning for all of State's and USAID's foreign assistance programs, but those changes need to be strengthened and supported by additional capacity-building. That means developing a civilian capability to respond quickly to the needs of fragile and failing states and states recovering from civil war and military operations. It also means reforming the department's staff by recruiting, training, incentivizing, and promoting a new breed of State official who can plan and administer programs, as well as negotiate them.

### Developing development policy

Here the grade is seriously incomplete. A new USAID administrator hasn't been named, and the agency is somewhat adrift. Its future relationship with State also is in question and needs to be resolved. Similarly, staffing increases should be accompanied by a vigorous reform of USAID processes and contracting. The agency needs to become *the* first responder when tending to fragile and failing states. At the moment, all of these issues are still in limbo.

### Balancing the military and civilian instruments of statecraft

As I've noted several times in this column, Defense has built up a substantial portfolio of foreign and security assistance programs that duplicate programs and activities at State. They were developed, however, because Defense lacked the faith that State could run these programs in an agile or responsive way, or that State could raise the money for them from the Congress. These doubts weren't incorrect, but they've created a serious imbalance.

Today, the United States faces a major problem in civil military relations. As Chairman of the Joint Chiefs Michael Mullen noted at Princeton University on February 5, "You've hear . . . me talk about our foreign policy being too militarized. I believe that. And it's got to

*change.*" Gates has sent the first signal, announcing that he does not intend to seek to put these authorities into Defense's permanent legal authorities, pending congressional action on State's budget and capabilities. And Secretary of State Hillary Clinton has given voice to the need to return State to the position of preeminence in foreign and security assistance policy.

But it isn't yet clear what State needs to do to become a more credible steward of these programs. And until it does, Congress won't agree to give it the flexibility and funding it needs to do the job. Nor is the first step promising. In the new fiscal year 2009 supplemental budget request for Iraq, Afghanistan, and Pakistan, State agreed that Defense should request \$400 million in funding to train Pakistani security forces in counterinsurgency operations. If State is to become the policy steward of these programs, this was a step in the wrong direction.

So, in sum, the first 100 days of the Obama administration have been promising, but to paraphrase *Death of a Salesman*, "*Attention must [continue to] be paid.*"

*Gordon Adams, Washington*

Gordon Adams is professor of international relations at American University's School of International Service, Adams also serves as a distinguished fellow at the Henry L. Stimson Center. His expertise is in U.S. national security policy and budget planning across the country's security institutions – the Defense Department, State Department, and intelligence agencies among them. In 1983, he founded the Defense Budget Project (now the Center for Strategic and Budgetary Assessments), a nonpartisan research center that analyzes defense economics and defense policy. From 1993 to 1997, he worked as the White House's senior national security budget official at the Office of Management and Budget, where he oversaw all U.S. foreign affairs and national security budgeting. Opinions expressed in this contribution are those of the author.

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## THEMEN

### Please Excuse me for Apologizing

I spent 2008 harping on the prediction that Obama would be a complete disaster for the United States and the world. Good Lord! I never dreamt to what extent. We cannot all be Cassandras.

Obama is apologizing for America's deeds, its past, its present and the rest; he is apologizing for everything. For deteriorating relations with Russia, lack of respect for Islam, bad relations with Iran, squabbles with Europe, lack of adulation for Fidel Castro, every occasion is a pretext to declare America's repentance.

What is more, he is celebrating the (totally fictitious) contribution of Islam to America's ascension, and does his utmost to bow down before the bloody and sectarian king of Arabia, Abdullah The Hateful. He cancels the anti-missile belt installed in Alaska and proposes a useless nuclear disarmament. The fact that the dictator Putin has, over the last ten years, revived Russian hatred and aggressiveness towards the West, attacked neighboring states by military means, and the United States by all other means, do not even mention it! It is, it must be, it can only be Uncle Sam's fault.

America's fault over the last thirty years if relations with Islam have deteriorated, through lack of American respect. Nasser, the Syrian and Iraqi dictators, Soviet influence, do not even mention them... Guilty by definition. The bellicose folly and the hatred of the West that characterized Ayatollah Khomeini since the forties? The general conversion of the Iranian intelligentsia to anti-imperialist extreme-left thinking? The rescue of millions of Muslims by America in the four corners of the earth from the barbarity that is Islam? The rhetorical genuflections of Bush before "Islam, a religion of peace"?

Europe, frightened by its own shadow, hesitant to arm itself even with a pen-knife (a danger-

ous arm of aggression), Europe that demonstrates by the millions against the “Euromissiles” and Ronald Reagan, and even against Clinton? Once again it is ever and always America’s fault. “We do not speak Russian! It is your fault”.

But where did Obama learn this nonsense! Where does this accumulation of all the world’s disappointments, these false and deformed ideas, come from? Where does this knee-jerk “I apologize” come from? We are used to Jimmy-Carterism, falling down on all fours before Khomeini (“a saint”), the USSR, Cuba, the third world, Muslim terrorism. How is it that Obama – governing a republic – bowed his head before the king of Arabia?

That is where we need to remember the man who was his pastor for twenty years, which is a very long time when you are under fifty: pastor Jeremiah Wright, of the Chicago Trinity United Church of Christ, from whom Obama only separated under constraint, because of his unbearably anti-American and anti-Western, delirious and declarations inspired by conspiracy theories, and which “went over badly” in the electoral campaign.

For twenty years, Wright was his mentor and his Nestor, the one who introduced him into the circles of Chicago’s *Black Theology*, who initiated him to the ideas of this black version of “liberation theology”. And what does it say, what does Wright say? “Not ‘God Bless America,’ but ‘God damn America’”. That America is slavery, that AIDS was “invented” by the American government to exterminate blacks, etc.

Wright hates America with all his being, even if he pockets all imaginable dividends... Black “liberation” theology is the American equivalent of all the worst perversions spawned by Castro, Guevara and Fanon: America is satanic, and all the others – who are victims of America – are angelic. Twenty years is enough time to become steeped in sermons. It was Wright who made

the Harvard graduate – who was a “community organizer” – a noted politician in Chicago. Let us not forget that Obama’s local political career was launched by fanatics who hate America, the extreme left-wing Weatherman terrorists, in Chicago, who repeat and confirm the same ideological refrain. All the aquariums where the tadpole swam are filled with the same water.

Obama is the manicured version of Wright: he went to Harvard. He does not eructate, he does not slobber, he does not show his fist. He does not continuously spout obscenities like his guru does. He is elegant, syrupy, but even when they are sugar-coated, the pills are still full of hot pepper. The heart is the same. Wright insults America, Obama apologizes: in both cases, America is guilty. Wright is a pastor, Obama is president.

Even worse, this deplorable America has spread disorder and evil all over the world. Instead of collaborating multilaterally with all, working for the common good with Putin, Chavez, Ahmadinejad, Saddam Hussein, Bachir al-Assad and Co., horrible Bush made enemies of them.

How shameful! We have to repair the damage. America will only find its redemption in withdrawal, penitence, contrition, and a form of disappearance. Submerged in multilateral and international organizations, smothered by the UN’s unanimities, harmonized with Europe, abandoning its own sovereignty in favor of “international law”, whose judges no longer bother with democracy and are accountable to none, like the European Union, that has repealed democracy and replaced it by the government of jurists and commissioners. Jeremiah Wright wants apocalypses; Obama wants to change everything gently, through attorneys.

That is why his administration is crammed with these jurists who look down on and scorn the American constitution, electors, congressmen: their peers are the international jet-set of multina-

tional jurists, juridical NGOs, judges of international courts. They do not so much want a state of law and international law as they want the reign of jurists. They want to place a jurist behind each soldier and put war – which is *ultima ratio regis*, the king’s ultimate argument, as was engraved in the cannons of Frederick the Great of Prussia – outside the pale of the law.

They are the only ones to do so, while the gangs of assassins roam the streets and alleys of the megalopolis. They scrutinize the least actions of soldiers, intelligence agents, the government, and subject them not only to censorship but also to sanction, self-disarmament by means of utopia, while the other sides, who could not care less, continue with their depredations.

That is what is taught at Harvard Law School, of which Obama is a graduate. All action must be regulated by the dictatorship of subsections, of the bearers and interpreters of clauses: lawyers. We must at all costs find common grounds with all. We must go a long way with concessions: the other side will end up understanding. Kim Jong Il, Hugo Chavez, Ayatollah Khomeini, Assad, Hamas, we will find the compromises necessary for a deal with the other side’s lawyers.

Without an agreement, we fall back into the errors of shameful America. America, how awful, goes so far as to defend its allies against its enemies. We fight in Vietnam and Korea against the aggressions of communism. We fight against Soviet communism. What do you think Obama stated in Berlin, during his electoral campaign, not without a degree of delirium, that the world won the Cold War “by uniting”, as if there were only one side in this war!

America must be reduced in its aspirations and in its power. The world must be reduced to a single camp, that of the peacemakers, with which an agreement is always possible. There are no enemies, there are only misun-

derstandings. There can be not confrontations, only clarifications.

You do not agree? Shut-up! It is you who are the menace, the trouble-maker, the public enemy. You intend to defend yourself? Who are you to defy the "international community"? The chorus of liars who promote the official pseudo-reality will condemn your voice and your action.

The chorus of sycophants is deafening. Just yesterday, for example, after the operation of commandos that liberated the American captain, a hostage of Somali pirates, *The Washington Post* titled, on its first page "An Early Military Victory for Obama": it was the battle of Lepanto, the battle of Jutland, Midway; we were plunged in an Epic saga.

Blowing up a minute police operation and turning it into a military victory is, obviously, to deceive oneself as to what war is and what military means are. Obamaism has created for itself such a deformed image of war that it no longer distinguishes reality from delirious rambling. By confusing a police raid with war, they mix them up. It is not serious in the case of a road accident, but it is in the event of a real conflict.

If it is not just three miserable good-for-nothings on the Somali coast that you have to neutralize, but North Korea you have to free from Kim Jong Il, three marine commandos will not suffice. And the Iranian mega-rogue? And Putin? When you can no longer distinguish black from white, you can no longer see anything. You bow down before a despot, you reassure Islam that you will never be at war with it (even if Islam is at war with us). You promise a "new start" to the Russian tyrants who are determined to make America an enemy.

Disorder and confusion are at their peak. Obamaland is a land of chaos. We should note, in this respect, that the fray of foreign policy "realists", who advise getting rid of one's allies in order to find an agreement with the bad guys, are in bliss and participate

in setting up Obama's con game. At last! we are no longer bothered by anything else other than that short term "stability".

Obama makes no distinction between black and white, between friend and foe. He gratuitously offended the English by scorning their "special relationship". He offended the Japanese by paying no attention either to them or to the North-Korean missile that flew over their territory. He had not a word to say to the Taiwanese ally. He is relentlessly preparing a crisis with Israel. He has showed the Czechs and the Poles, with the anti-missile defense issue, that they cannot count on Washington and that they will be sacrificed on the altar of the "new start" with Moscow.

For everyone the lesson is brutal: in the Obama era it is better to be an enemy than a friend: if you are a friend, you will be cast aside. If you are an enemy, Washington will bend over backwards to please you.

In geopolitics the Chinese strategist Sun Tzu had words of wisdom: it is best to avoid the strong points and attack the weak ones. The "full" should be avoided, the "empty" should be invaded. Obama creates the empty and avoids the full.

In the coming years we can predict a rush toward the bad guys, and the sacrifice of the good ones. Carter sacrificed the Shah of Iran, who was no saint, in favor of the satanic ayatollah. It is the model Obama follows. In a Western I saw an English duke who said to a thug from the Far West: "*Well sir, we shall fight*". By the time he took off his coat, the other guy had already kicked him several times where he should not have.

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## THEMEN

### South Africa's next Big Man

The outcome of the vote was never in doubt; the only question that remained was if the ANC could win an absolute majority and complete a clean sweep of all provinces.

As things turned out, the ANC under its charismatic leader, Jacob Zuma, won 65.9% of the vote thus just missing an absolute majority. It also failed to win the important Western Cape Province, where the Democratic Alliance under Helen Zille attained a clear majority. The result is that the ruling ANC will not be able to unilaterally change the Constitution and that it will have a vocal and able opposition in Parliament.

South Africa has come a long way since the dark days of apartheid. Its constitution is robust and Africans across the continent look to the country's leader as a beacon of hope. Today South Africa provides more than a third of sub-Saharan GDP and is the continent's sole member of the G20 group of most influential countries. However the 15 years of uninterrupted rule has resulted in the ANC succumbing to a number of vices of one-party states: nepotism, corruption and arrogance are rife in South Africa and hardly a day goes by without some new scandal emerging. On the positive side South Africa has the continent's only broad based welfare state, providing cash benefits to the needy and has helped move people out of the appalling slums by building 2.7 million low cost dwellings. Some 80% of the population have access to clean water and electricity. Violent crime, high by western standards, has also fallen.

Since the end of apartheid a new black middle class has emerged. An estimated 2.6 million of South Africa's 39 million blacks now earn at least 6,000 Rand per month and go out to restaurants, buy cars and the latest fashion. Most of the wealth remains in the hands of the whites due to their

higher skills. In spite of these positive developments, however, South Africa is today one of the most unequal countries in the world as the benefits of the changes have not reached the vast majority.

It is these people, affected by the inequality, who voted for Jacob Zuma and his ANC.

The challenges facing South Africa and her new government are daunting. Business confidence is at its lowest level for 10 years and the economy is expected to contract by around 1% this year, following average growth rates of around 5%. Mining and manufacturing are in a free fall as the global recession reaches South Africa. The upcoming World Cup next year and a government stimulus package of 690 billion Rand over the next 3 years will boost the economy but unemployment among the poor and unqualified blacks is set to rise.

South Africa now has a leader who comes from the people. Like many of his supporters he has little if any formal education. He does not have the heroic or aristocratic traits of Nelson Mandela, nor is he in any way like the technocratic Mbeki. Whites and the educated black middle class are worried by his lack of education and his flamboyancy. His track record as a politician with integrity has suffered as a result of court cases in which he was accused of corruption. He also appears to have little regard of the status of the Constitutional Court which has on several occasions found against him. He is also no great friend of the press which he accuses of running a campaign against him. Whilst he speaks of removing incompetence from government some see this as a way of removing those against him from power. A further worry shared by many of Jacob Zuma's critics is that he has promised to much to too many and will not be able to deliver on his promises.

President Zuma must show at an early stage that he does accept the constitution for which South Africa fought for so long and will have to accept that not he but

parliament rules the country. He will have to live with a robust opposition party and a very able opposition leader in the person of Helen Zille. At all cost he must prevent South Africa from following the sadly usual route African countries go under single government rule. Thus the failure of the ANC to achieve an absolute majority and the presence of an able opposition is good news for the country. Much also depends upon how strategically important the West sees South Africa, it should do so as our trade routes to Asia pass by South Africa and an instable South Africa cannot be in the interest of the West.

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## THEMEN

### India's Tryst with Corruption Menace

Corruption has come to make headlines more often now than ever. Political elite acquired notoriety much before the dawn of independence.<sup>1</sup> It is not again just the treasury benches. The dynamics constitutes of power to influence decisions. It transcends gender, social and economic dimensions, which is closer to Gunnar Myrdal's electrifying description of "folklore of corruptions". Public perceptions, in its generality, hold bureaucrats, business persons, NGOs, and last but not the least, criminals as critical perpetrators of the phenomenon. There are then strikingly rich, articulate and connected set of professionals, who make, mend and mar every public

<sup>1</sup> In 1937, a decade before the Independence, no less than the Father of the Nation, Mahatma Gandhi lamented on the working of political elites who had come to occupy the seat of power in the interim governments in different provinces. In his dismay, he is quoted to have said, "We seem to have weakened from within. I would go to the length of giving the whole Congress a decent burial, rather than put up with corruption that is rampant."

debate, discourse and decision but have lent helping hands as agent provocateurs.<sup>2</sup>

There is literal dearth of micro study to portray all pervasive picture post account of the scenario. While conceptually handicapped in more than one respect, the Corruption Perception Index (CPI), brought out by Transparency International (TI), does capture panoramic view of the malaise. There is unspoken truth in the findings that the citizens pay bribes to avail essential public services for their survival.<sup>3</sup> Of the two sets of "need based" and "basic" services, the former has been seen as more corrupt. The need based services primarily cover income tax, police and judiciary. Monopolistic nature provisioning of these services stand at the root of the problem. Basic services include health and education. The citizens have choice to opt out for competitive private owned and run institutions. However, the poor have no choice. Notwithstanding, as a large part of public spending on welfare and development programmes do not reach to the target group. Of many a manifest outcome of the phenomenon, the low benefit quotient of programmes and project have had abiding adverse impacts on the socio-economic life of the people.

The paper, in its perspective, deliberates over the institutional response and efficacy of the system to handle the problem of corruptions. The assumptions include: *First*, the phenomenon of corruption in Indian public life crept despite the Indian Statute and the age old social value system speak against; *Second*, the out-

<sup>2</sup> A significant number of lawyers, charter accountants, doctors, management professionals and, of course media have of late come into light for their perverse corrupt acts. Worse that the institutions of their affiliations harp on the maxim that Caesar's wife must be above suspicion without invoking into the fundamentals of Caesar's wife in their real life.

<sup>3</sup> TI 2005 Survey, covering 10 sectors such as police, judiciary, land administration, municipal services, government hospitals, electricity, PDS, income tax, water supply, schools and rural financial institutions, shows that the citizens in India pay bribes amounting to Rs. 210.68 million while availing one or more services.

growth and sustenance much less perpetuation and oblique social acceptance of the phenomenon draw on a variety factors, some of which is universal while others quite exclusive to India; *Third*, the glitch in the organization and management of public utility services, law enforcement mechanism and check and balance system stand at the back of much of delinquent behaviour of different actors in the game; and, *Fourth*, a web of visible/invisible watchdogs, operating through and from the sanctum sanctorum of social, cultural and spiritual institutions in close coordination with legal system to instil transparency, integrity and accountability in the attitude and practices at large hold real and ultimate answer to the menace. The paper, in its perspective, sequentially focuses on: Forms of Corruptions and the Milieu; Intensity of Corruptions and the Intervening Factors; Control Mechanism and the Slip Points; and, Challenges and the Saving Grace.

### Forms of Corruptions and the Milieu

Strange and yet true that the Indian public life is severely infested with the phenomenon of corruption. In his disquiet, the late Prime Minister Rajiv Gandhi saw symptoms of "institutionalization of corruption" as an outcome of "corrupting of institutions" right in 1985. "*The failure to deal with corruptions*", said he, "*has bred contempt for the law*". This is there despite the age old wisdom of the land and present day statutory organizational framework of governance of the nation squarely provides for zero tolerance.<sup>4</sup> However, the new developments in the socio-economic organization of the nation, in particular the importance of material existence and a number of glitches in the

<sup>4</sup> Indian ethos, pervading social, cultural and spiritual life of the people at large draws upon the tenets in Indian scriptures such as Ishawashopnishad, which espouses the truth that the worldly possessions belong to the Isha, the divine and hence, one had right to use them only as much as it met the bare requirement of existence with a heart and mind of giving up the obsessions of holding beyond. Notwithstanding, the country has Central Vigilance Commission in position as an apex statutory authority. There are scores of other legal provisions which prescribes stern actions.

operating system and procedure, seem to have gone into creating aberrations.

Forms of corruptions, taking place in India, qualify much of what scholarship in the field otherwise tend to suggest. The phenomenon, as elsewhere relates to abuse of "public office for private gains". In all such events, as the TI elaborates, the public servants, be it politicians or civil servants undertake improper and unlawful means to enrich themselves or those close to them, by virtue of extraordinary power of discretion handed down to them. Arnold J. Heidenheimer spoke of three types of corrupt behaviour: First, the public office centered; Second, the market centered; and, Third, the public power centered. In the case of public centered corruptions, the perpetrators ordinarily violated public trust placed in their office. The delinquent behaviour included bribery, nepotism and misappropriation. In market centered corruptions, the officials look upon their authority to maximize personal gains by dispensing public benefits. Quite in the same vein, where it related public power centered corruptions, the officials tend to violate common interest that provides direct or indirect benefits to the perpetrators in the last go. Pioneering Indian contributors to the concern add up corrupt business persons, corrupt non-governmental organizations (NGOs) and criminals in the category of persons while are the back of the phenomenon. As public servants remain the fountain heads of violations, the Heidenheimer typology remains sacrosanct.

### Intensity of Corruptions and the Intervening Factors

While few and far between, the instances of one or the other kinds of the three sets of corruptions in the Indian public office did come up even during the early years of independence. A.D Gorbala Report (1951) and Santhanam Committee Report (1964) pointed fingers at the integrity of ministers and civil servants. The reports speak of relative tolerance and shielding of the miscreants. Enriching themselves through il-

legitimate means, practicing nepotism and securing good jobs and business options for their children and relatives and reaping other advantages inconsistent with any standard of purity then constituted common refrain among the deviants. Factors at work included a web of restrictive rules and regulation regime in face a general resource and opportunity crunch in the economy and rise of power brokers, who, at one end, served as necessary link between the system and the clientele, and thus, bore mantle of legitimate go between and on the other end, created system glitch to transparent transactions. In the bargain, discretionary powers at different ends of power centres, subject to corruptibility quotient of the individual player and accountability glitch in the system, turned out the fountain head of corrupt practices in governances.

Indian state and its institutions were then in nascent state. However, the responses were quite straight and stringent. While not exhaustive, the system response to some of the often quoted corruption cases of the era such as Jeep Scandal (1948), Mudgal case (1951); LIC-Mundhra deals (1957); Partap Singh Kairon case (1964); and, Biju Patnaik case (1965) stand testimony.

The Jeep Scandal, so to say, related to V.K Krishna Menon, the then Indian High Commissioner UK. The Indian army had placed orders for procurement of 155 Jeeps worth Rs 8 millions. They were to be used in then troubled Hyderabad and Kashmir regions. The Indian army had placed services of a Brigadier, which he bypassed and instead outsourced through an agent, Cleminsian. While the roadworthiness of the Jeeps in question was certified by Lloyds, the sulking Indian Army made an issue in accepting, and the opposition, in particular those who were ranged against the then Prime Minister Pt Jawaharlal Nehru blew it out. Even as the Jeeps remained on road for over a decade, V.K Krishna Menon, one of the most austere political people of the time, suffered the insinuation.

H.G Mudgal, a Member of Parliament, accepted Rs 1000 each on two occasions in his dealings with Bullion Merchant Association. On receiving complaints, the then Prime Minister first approached Speaker G.V Mavalankar for a thorough parliamentary enquiry. A member of Lok Sabha wanted reference of the case to the Privilege Committee. The Speaker did not find it workable. The Prime Minister moves a resolution for appointment of an Ad-hoc Committee of the Parliament to go into the issue, which found his conduct "derogatory to the dignity of the House and inconsistent with the standards of member of Parliament". He was formally expelled from the house.

LIC-Mundhra deal remains a legend by its own right. It was the first financial scandal of independent India. With his connections, Haridas Mundhra, a Kolkata based industrialist and stock speculator, got Life Insurance Corporation (LIC) to invest Rs. 1.24 crores (US\$ 3.2 millions) in the shares of his six troubled companies such as Richardson Cruddas, Jessops & Company, Smith Stanistreet, Osler Lamps, Agnelo Brothers and British India Corporation. The investment was done under governmental pressure and bypassed the LIC's investment committee, which was informed of this decision only after the deal had gone through. In the event, LIC lost most of the money. The irregularity was brought to the notice of the Lok Sabha by the ruling party member Feroze Gandhi, also the son-in-law of the then Prime Minister. The matter was disposed in record 24 day inquiry by one-man Committee of Justice M.C Chagla. Haridas Mundhra was sentenced to imprisonment. The Committee found the Finance Minister T.T Krishnamachari constitutionally responsible. He subsequently resigned. The Committee recommended trial of Finance Secretary, H.M Patel, along with two LIC officials, L.S Vaidyanathan for suspected collusion. The incident turned harbinger for the coming up of statutory Central Vigilance Commission to play

pivotal role looking into the phenomenon.

Partap Singh Kairon was Chief Minister of Punjab from 1956 to 1964. While he is credited for much of the developments the state achieved, the controversy about his corrupt actions in promoting the economic interests of his sons, relatives and cohorts transcended beyond the epoch of the first Prime Minister of India. In close contrast to all other cases that found logical end, his assassination in February 1965, just two months after he resigned after being indicted by the S.R Das Commission, closed the chapter.<sup>5</sup> The case of Orissa Chief Minister Biju Patnaik did not as well have logical ends in its entirety. After long last, charges of corruptions against him were investigated by H.R Khanna Commission. He was indicted for awarding government contract to his privately held companies and forced to resign. Nevertheless, he resurged in politics once again until died.

There were some lesser known cases of corruptions of the kind in the early years of independence. They included: Cycle Imports scandal (1951); BHU Funds scandal (1956); and, Teja Loans case (1960). S.A Venkataraman, the then Secretary, the Union Ministry of Commerce and Industry was proceeded against and later jailed for accepting a bribe in lieu of granting a cycle import quota to a company. BHU fund scandal was then first of its case in an educational institution. The employees had misappropriated Rs 5 millions. Once found guilty by the court of laws, the perpetrators had to under go imprison-

<sup>5</sup> In his report, submitted on June 11, 1964, S.R Das added: "The commission is free to concede that a father can not legally or morally prevent his sons from carrying on business, but exploitation of the influence of the father who happens to be Chief Minister of the State can not be permitted to be a business of ... There is no getting away from the fact that S. Partap Singh Kairon knew or had more than ample reason to think that his sons and relatives were allegedly exploiting his influence and powers.....In view of his inactions in the face of the circumstances here in alluded to, he must be held to have connived at the doings of his sons and relatives, his colleagues and the governments officers."

ments. Shipping magnate Jayant Dharma Teja took loans worth Rs 20.2 millions to establish the Jayanti Shipping Company. In 1960, the authorities discovered that he was actually siphoning off money to his own account, after which Teja fled the country.

In comparison and contrast, the situation, in subsequent decades, bear out sea change, in particular in the mode, scope and end results. The political as much civil servants have literally come to operate in a sort of network orgies in contrast to individual aberrations during the early years. There are individual political players, in certain cases the political entity of their affiliations, who once vowed to fight pitched political battles with no hold barred to expose and eradicate corruptions in high places, carried out and let their kin to pursue the same course. Much the same could be said about the bureaucracy.<sup>6</sup>

For variety of reasons, in 1970's, despite outcry of a different order, the number of corruption cases, then making headlines in substance, were just handful. The case of public sector Indian Oil Corporation (IOC), which awarded contracts worth Rs 20.2 millions for supply of petroleum products at constant price in an epoch of falling prices to a Hong Kong based said to be non-existent Kuo Oil Co in 1976. Political storm, nevertheless took place on couple of other occasions.<sup>7</sup>

1980s brought a spate of cases, the major ones were: Antulay Trust scandal (1981); Lakhubhai Pathak cheating scandal (1983) Bofors Pay-Off (1986); HDW

<sup>6</sup> Task Force on Vigilance have found three sets of persons in the authority: (a) those who are honest under all circumstances; (b) those who sit on the fence; and, (c) those who are corrupt under all circumstances.

<sup>7</sup> Two cases bizarre cases, one Maruti License case and the other V.P Malhotra case were then talks of the day. In the former, the propriety of Sanjay Gandhi, the youngest son of the then PM, was under question for seeking license to manufacture small car. In the latter, V.P Malhotra, the Chief cashier of the State Bank of India, allegedly handed over Rs 6 million to Nagarwala, at a phone call from the then PM. It has been inconclusively a whipping boy.



Commissions (1987), and St Kitts Forgery (1989). Things were little different in 1990's. Counts went up 10 exposures: Airbus Scandal (1990); Solanki Exposé (1992); Securities Scam (1992); Indian Bank Rip-off (1992); Hawala scandal (1993), Sugar Import (1994); JMM Bribes (1995); Lakhubhai Pathak Paper Pulp Contract Bribery (1996); Telcom Scam (1996); Urea Deal (1996); and Cofingate (1999). The notable cases during the first decade of the new millennium included: Tehelka Sting (2001); Stock Market Scam (2001); Home Trade Scam (2002); Stamp Paper Scam (2003); Oil-for-Food Scandal (2005); Cash for Query (2005); MPLADS Scam (2005) Human Trafficking Forged Passport Scam (2007); Cash for Votes Scam (2008) and Satyam Computers (2008).

The list is little comprehensive. They are nor representative of different sets of orgies. There are quite a large number of exposes, both in all India and state level cases, some of which are being tried inconclusively as matters of disproportionate assets (DA). Leave aside glaring faults in the surveys of some of the professional bodies in bracketing India vis-à-vis different countries in regional and global perspectives on the basis of ill defined corruption perception index (CPI), the sweep of the phenomenon is simply astounding and tend to affect millions of people in their every day lives.<sup>8</sup> The bureaucratic core to the phenomenon is much more virulent. It figures grand, middle or petty on the scale of 10 in different set up, depending on levels

<sup>8</sup> Transparency International and its offshoots, bank on normally held perceptions of those who are most directly confronted with the realities of corruptions. The questions put to senior business people were: How common are bribes to politicians, senior civil servants, and judges? How significant of an obstacle are the costs associated for such payments for doing business? The survey listed Courts, Customs, education System, Political Parties, Police, Tax authorities and others and asked: If you had magic wand and you could eliminate corruptions from one of the following institutions, what would your choice be? Merits of such queries apart in touching upon the heart of the problem, they were at best poised to find out the quality of handlers. They can not reflect much less pin down the actual level of corruptions.

of control in the transaction of individual job. Levels of transparency figuring respectively nil, least and quite reckonable again on the scale of 10, depending on the levels of absoluteness with quantum of discretions in decision making go in chartering the orgies.

### **Framework of the Control Mechanism and the Slip Points**

Discussions, as such, bear out abiding and ever increasing nature of the phenomenon. It also speaks of its unmistakable resilience to most, if not all statutory and legal safeguards in place. It is both about the political and bureaucratic actors, who tend to transgress their oath of honesty and integrity. It is symptomatic of multi level chinks in the framework of the control mechanism. In over all perspectives, it speaks of system fragility to face onslaughts of individual as much as organized orgies.

The existing check points against political operatives constitute first, the public platform of elections. The second and subsequent check points constitute of provisions of mid course intermediate and final corrections, available with the two respective houses of the Legislature at the national and provincial levels. There are then scores of statutory independent bodies including the judiciary to call the shots. Notwithstanding, there is in place the institutions of Lokpal and Lokayuktas to get to investigate and redress public grievances about corruption, favouritism and official indiscipline in administrative machinery. There impeachment provisions in respect of certain set of functionaries as well.

There are then service and/or profession disciplining authorities in the case bureaucrats, professionals and business persons.<sup>9</sup> This is besides well set common laws. The Government of India,

<sup>9</sup> The rules provide for both the cost of unbecoming behaviour once proved as well as protection against unnecessary harassments for the public servants defined for the purpose. It holds good for the central as much as state services. There are regulatory bodies dealing with the cases of corrupt practices of different professional services.

notwithstanding, has set up the Central Vigilance Commission (CVC) to advice the government, government institutions and departments in planning, executing and reforming their vigilance works. The CVC, in turn, has taken a number of steps including the task of interfacing with people at large through a website to get to the broad and specifics of the inside out to perform its charters.<sup>10</sup> Council for Clean India (CFCI), an initiative of the CVC, has been in vogue for nearly decade to get much of the catalysts on one platform to work for prevention of the dreaded evil of corruption.<sup>11</sup>

The slips in the system, notwithstanding, rule the roost. One of the discernible symptoms of the phenomenon constitute of disproportionate assets (DA), which, literally, goes along as a rule in proportion to the level of authority in decision making. The change phenomenon, both in quantitative and qualitative terms, tend to exemplify a case of one time locale specific cottage industry of delinquent action assuming subsequently the form and shape of all pervasive heavy industry with ancillaries all over the country. The perpetrators, in particular the political persons, tend to enact phoenix. Even while indicted and prosecuted, they hold potentials to romp back in public life, using different tantrum.

### **Challenges and the Saving Grace**

Challenges in the path of stamping out the evil of corruptions are but formidable. Black money, an outright ominous end product of the whole gamut of corruptions, has come to account for 40% of the Gross Domestic Products

<sup>10</sup> CVC is since a statutory authority under the CVC Ordinance of 1998. Superintendence, as its prime charter extends to vigilance function besides administrative vigilance of the administrative works of various government organizations, public sector units, and banks.

<sup>11</sup> CFCI meets periodically. It had met for the first time on 02 July 01. It had then secured commitments of CBI, Vigilance Commissioners, and Ombudsmen in the banking and insurance sectors besides NGOs to fight the malaise of corruptions hand in hand and shoulder to shoulder.

(GDP).<sup>12</sup> Unverifiable reports simultaneously suggests that unscrupulous industrialists, scandalous politicians and corrupt officers have since put in about US\$ 1500 billion in their private foreign accounts, which they have quite necessarily been misappropriating from time to time. The worse that the matter more often than not languishes on one excuse or the other for unimaginable period, which provides uncalled for sanctuary the perpetrators. One of the hurdles constituted of immunity provisions. One could now see silver lining after the "prior sanction provision" under Section 19 of The Prevention of Corruption Act – 1988 has been blown away and Section 197 Cr P C made redundant.

There is saving grace that the world view of an average Indian is averse of vices. The broad masses of the people has simple task to ask for transparency, accept the verdict as the rule of the game what they otherwise do in the name of their fate, burn the real life demon what they do with the mythological ones and last but not the least, get to zero tolerance for the perpetrators beyond all bounds of personal links and likes. Operational side of the campaign calls for making the institutions of democracy efficient. It will handle much of the nexus of political, bureaucratic and criminals.

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Opinions expressed in this contribution are those of the author.

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<sup>12</sup> N.C Vittal, Corruption and Rule of Law. Indira Gandhi Institute of Development Research (IGIDR) study titled, "India Development Report 1990-2000" earlier estimated the black money under circulation to range around 18-21% of the GDP. India's GDP then stood at Rs. 17.70.000 Crores. Unaccounted black money under circulation thus ran to whopping Rs. 3, 54,000 Crores.

## THEMEN

### Korruption und Korruptionsbekämpfung in der VR China

Als Sinologe ist es mir ein besonderes Anliegen, Sie zum einen mit kulturellen Aspekten vertraut zu machen, die in hohem Maße die Korruption im Reich der Mitte begünstigen, andererseits bei Betrachtungen des Themas weitgehend keine Erörterung finden.<sup>13</sup>

#### Korruption und Guanxi

Wer durch China reist, wird oft das Wort Guanxi hören. Dies ist ein geradezu magisches Wort, denn es öffnet Türen, von denen man glaubt, sie seien verschlossen. Mit Guanxi, was Beziehung, Netzwerk bedeutet, bekommt man zum Beispiel in einem völlig überbuchten Flugzeug dennoch einen Sitzplatz oder man erhält Zugänge auf hoher wirtschaftlicher oder politischer Ebene. Natürlich trifft man auch in Deutschland auf private oder geschäftliche Netzwerke, aber in der chinesischen Kultur geht das Verständnis von bilateraler Interdependenz viel tiefer.

Chinesen definieren sich selbst über ihre Beziehungen in der Gesellschaft, ihre Beziehungen zu anderen Menschen. Abhängig von der Intensität dieser Beziehungen fühlen sie sich verpflichtet, sich gegenseitig zu helfen, mal stärker, mal schwächer ausgeprägt.

In seinem Buch: *China.de – Erfolgreich verhandeln mit chinesischen Geschäftspartnern*<sup>14</sup> stellt

<sup>13</sup> Das chinesische Wort Kultur (Wenhua) setzt sich aus dem Schriftzeichen Wen = Literatur und Hua = transformieren, verändern, beeinflussen zusammen. Im Deutschen leitet sich das Wort Kultur vom lateinischen Wort cultus ab und bedeutet „sich gut um den Körper kümmern“, primär aber „sich gut um den Geist kümmern“. Später Gebrauch im Kontext mit cultura (Landwirtschaft); heutzutage denkt man beim Wort Kultur eher an Kunst. Kultur umfasst die Gesamtheit des gesellschaftlichen Lebens, beruhend auf Wissen und Überzeugungen, auf Gewohnheiten und moralischen Werten.

<sup>14</sup> Dr. Manuel Vermeer: *China.de – Erfolgreich verhandeln mit chinesischen Geschäfts-*

mein ehemaliger Studienkollege, Dr. Manuel Vermeer, dieses Beziehungsgeflecht in konzentrischen Kreisen wie folgt dar:

- a) Der innere Zirkel zeigt die überwältigende Bedeutung der Familie. Bereits Konfuzius bezeichnete die Familie im 5 Jhd. v. Chr. als Kern des Staates. Dies bedeutet für Chinesen – quasi als moralische Verpflichtung – sich gegenseitig zu helfen, sei es im privaten oder geschäftlichen Umfeld.
- b) Der nächste Zirkel beschreibt die Beziehungen früherer Schulkameraden, Studenten oder Beziehungen, die während des Militärdienstes entstanden sind. Wenn man sich einmal gut kannte, bleibt diese Beziehung erhalten, selbst wenn man sich über Jahre nicht sehen konnte. Guanxi kann zu jeder Zeit erneut aktiviert werden.
- c) Der Kreis C symbolisiert Phasen, in denen Menschen – auch unter schwierigen Bedingungen, wie zum Beispiel bei Naturkatastrophen in China – zusammen trafen und sich unterstützten. Dieser Personenkreis kann auch später stets aktiviert und um Hilfe gebeten werden. Wichtig – und hier können wir Deutsche sehr viel von Chinesen lernen – sind die Beziehungen zwischen Schülern oder Studenten zu ihren Lehrern. Der traditionelle Respekt im Hinblick auf Wissen, in Kombination mit dem Respekt für ältere Menschen, bewirkt eine intensive Schüler-Lehrer Beziehung, die in konkreten Situationen stets genutzt werden kann.
- d) Schließlich sind die Beziehungen zwischen Freunden etwas ganz Besonderes.

Charakteristisch für das chinesische Guanxi ist, dass diese Verpflichtungen zur gegenseitigen Hilfe ein ganzes Leben lang bestehen bleiben. Dieses System kann enorme Zugänge, wirtschaftliche und persönliche

Vorteile verschaffen. Die traditionellen Verhaltensmuster bieten allerdings auch der Korruption in der VR China einen geradezu idealen Nährboden.

### Kernerkenntnisse der Carnegie Studie<sup>15</sup>

- Die Korruption in China konzentriert sich auf Sektoren, in denen der Staat erheblich involviert ist, wie Infrastrukturprojekte, Immobilien, Finanzsektor, Beschaffungswesen.
- Seit den 80er Jahren ist im Rahmen von Korruptionsskandalen ein enormer Anstieg von Gelddiebstahl zu beobachten. Die direkten Kosten der Korruption werden mit jährlich 86 Milliarden Dollar beziffert.
- Etwa 10 Prozent aller Regierungsausgaben werden bei Verträgen und Transaktionen vermutlich für Schmier- und Bestechungsgelder aufgewandt.
- Obwohl die chinesische Regierung mehr als 1.200 Gesetze, Vorschriften und Anweisungen zur Korruptionsbekämpfung erlassen hat, ist die Implementierung schleppend und ineffizient.
- Die Wahrscheinlichkeit, dass ein korrupter Beamter ins Gefängnis kommt, ist geringer als drei Prozent. Dies macht Korruption bei geringem Risiko sehr verlockend.
- Das Fehlen eines konkurrierenden politischen Prozesses und einer freien Presse machen die hoch riskanten Sektoren empfänglich für Betrug, Diebstahl, Schmiergelder und Bestechung.
- Die indirekten Kosten der Korruption wie Effizienzverluste, Verschwendung, Schädigung der Umwelt, der Gesundheit, der Erziehung, der Glaubwürdigkeit und der Moral sind unkalkulierbar.
- Die Korruption unterminiert die soziale Stabilität, trägt zum Niedergang der chinesischen Umwelt, sozialer Leistungen, steigender Kosten im Ge-

sundheitswesen, im Haus- und Wohnungsbau sowie im Bereich der Erziehung bei.

- Die Korruption schädigt westliche Wirtschaftsinteressen, insbesondere die von Auslandsinvestoren, die mit Wettbewerbern konkurrieren müssen, die rechtswidrige Praktiken anwenden, um Aufträge zu erhalten.
- Die US-Regierung sollte Mittel zur Verfügung stellen, um Korruptionsfälle in der VR China verfolgen zu können.
- Die Kooperation mit China in Rechtsfragen sollte verstärkt (illegale Migration, Geldwäsche) und auf Umsetzung chinesischer Gesetze beharrt werden, ehe Washington gegen flüchtige chinesische Rechtsbrecher in den Vereinigten Staaten vorgeht und gestohlene Vermögenswerte sicherstellt.
- Die epidemische Korruption unter chinesischen Beamten einzudämmen, stellt eine der größten Bedrohungen für Chinas wirtschaftliche Zukunft und die politische Stabilität dar.<sup>16</sup>

### Stimmen aus China

Wie sehen die chinesische Regierung, die Bevölkerung und die Medien das Korruptionsproblem in ihrem Land?

Auf einer Pressekonferenz im März 2007 äußerte sich Ministerpräsident Wen Jiabao wie folgt: *Wir müssen zugeben, dass das Phänomen Korruption im Rahmen der Wirtschaftsentwicklung in zunehmendem Maße bedrohliche Formen angenommen hat und sogar viele hochrangige Führungskräfte involviert sind. Korrupte Elemente müssen, unabhängig von ihrem Rang, gemäß unseren Gesetzen schwer bestraft werden.* Und in einer Ansprache vor hochrangigen

<sup>16</sup> Zu beklagen ist in China, aber auch im Rahmen der internationalen Finanzkrise, der Verlust konfuzianischer Werte wie Li = Selbstbeherrschung und Rücksichtnahme, wie Ren = Mitmenschlichkeit. Der Einzelne muss sich seiner gesellschaftlichen Stellung, seiner Rechte und Pflichten bewusst sein und sich gegenüber anderen Menschen entsprechend verhalten.

Kadern stellte Staatspräsident Hu Jintao am 15. Januar 2008 fest: *„Die ungezügelter Korruption kann zur Zerstörung der Kommunistischen Partei führen.“*<sup>17</sup>

Die chinesische Bevölkerung verfolgt den Kampf gegen die Korruption mit großer Aufmerksamkeit und übt hinter vorgehaltener Hand drastische Kritik am Verhalten der Kader. Um herauszufinden, ob ein Kader korrekt sei, müsse man sich nur die Tätigkeiten seiner Frau und seiner Kinder ansehen. Um herauszufinden, ob ein Kader korrupt sei, müsse man sich nur Wohngegend und Wohnfläche ansehen. Um herauszufinden, ob ein Kader von übler Natur sei, müsse man nur sehen, ob er sich am Wochenende und in den Ferien als Gast in exklusiven Clubs und in einschlägigen Etablissements aufhalte.

Die weitgehend staatlich gelenkten Medien können ihre Kontrollfunktion allerdings nur bedingt wahrnehmen. Lehnen sich Journalisten bei der Aufklärung von Korruption zu weit aus dem Fenster, müssen sie mit Verhaftung rechnen. Dennoch greift die Zentralregierung Hinweise und Eingaben der Bevölkerung immer dann auf, wenn es der Führungsspitze opportun erscheint.

Die Spielarten der Korruption haben sich in den vergangenen Jahren auch verfeinert. Längst werden Bestechungsgelder nicht nur in China, sondern auch im Ausland gezahlt, sei es für den Kauf von Luxuswohnungen, für die Finanzierung von Familienangehörigen, für Luxusreisen und Glücksspiel.

<sup>17</sup> Die Zentralkommission für Disziplinarinspektionen kündigte deshalb im Januar 2009 erneut verschärfte Maßnahmen gegen Kader an, die Bestechungsgelder annehmen. Folgende Bereiche sollen besonders kontrolliert werden: Nahrungsmittelproduktion, Umweltschutz, Landnutzung, Ölpreise, Sonderfonds der Regierung, Vorteilnahme seitens der Ehefrauen und Kindern von Kadern, Vorteilsnahme durch Bestechung im Bauwesen sowie Überprüfung der Auslandsreisen von Regierungsbeamten. Ferner sollen das Anti-Korruptionssystem und Ausbildungsmaßnahmen verstärkt werden.

<sup>15</sup> Studie des Chinaexperten Minxin Pei, Direktor des China Programms bei der Carnegie Stiftung in Washington.

## Korruptionsbekämpfung

Seit Staatspräsident Hu Jintao Mitte 2006 zu einer Intensivierung des Kampfes gegen Korruption aufrief, wurden auch Verfahren gegen hochrangige Beamte auf Provinz- oder Ministerialebene eingeleitet. Einige spektakuläre Fälle:

### Chen Liangyu

Seit 2002 Parteisekretär in Shanghai und Mitglied des Politbüros, Beteiligung an einem der größten Finanzskandale, Missbrauch von Geldern des Shanghai Rentenfonds, Haftstrafe: 18 Jahre, Ausschluss aus der KPCh 2007.

### Liu Zhihua

Seit 1999 Vizebürgermeister Beijings, zuständig für Olympiabauten, Grundstücksvergabe und Verkehrsbetriebe, Annahme von Bestechungsgeldern in Millionenhöhe, Amtsenthebung und Parteiausschluss 2006.

### Zheng Xiaoyu

Bis 2005 Direktor der Staatlichen Verwaltung für Arznei- und Lebensmittel, Annahme von Bestechungsgeldern der Pharmaindustrie in Millionenhöhe, Hinrichtung im Juli 2007.

### Wang Shouye

Vizeadmiral, seit 2001 stv. Kdr. der VBA Marine, Veruntreuung öffentlicher Gelder in Millionenhöhe, Dezember 2006 lebenslange Haftstrafe.

### Du Shicheng

Seit 2004 stv. Parteisekretär von Shandong, Machtmissbrauch, Annahme von Bestechungsgeldern in Millionenhöhe, 2006 Amtsenthebung, April 2007 Parteiausschluss.

Einem Bericht an den Nationalen Volkskongress (März 2008) ist zu entnehmen, dass in den vergangenen 5 Jahren Strafverfahren gegen 35 hochrangige Staatsbedienstete auf Provinz- und Ministerialebene, 930 auf Kommunal- und fast 14.000 auf Städte- oder Bezirksebene wegen Unterschlagung, Bestechung oder dem Missbrauch öffentlicher Gelder eingeleitet wurden.

Die Disziplinkontrollkommission spricht für das Jahr 2008 von 4.900 Staatsbediensteten oberhalb der Bezirksebene, die landesweit diszipliniert wurden; davon sollen 801 bestraft worden sein. Dies ist allerdings nur ein Tropfen auf dem heißen Stein!<sup>18</sup>

Wie sieht es nun mit Korruptionspraktiken ausländischer Konzerne in China aus?

Mit großem Interesse habe ich eine aktuelle Analyse (Januar 2009) des indischen Sicherheitsexperten Dr. Sheo Nandan Pandey mit dem Titel: *China – Combating Corruption* gelesen. Hierin stellt er fest, dass die Siemens Abteilungen Transport Systems (TS), Power Transmission and Distribution (PTD) und Medical Solutions (MED) Bestechungsgelder an chinesische Staatsbedienstete und Ärzte im Zeitraum 2002 bis 2007 in Höhe von 70,4 Millionen US-Dollar bezahlt haben sollen.

Diese Zahlungen sollen von einem ehemaligen Mitarbeiter von Siemens PTD über eine Consulting Firma in Dubai und dann über verschiedene Persönlichkeiten, die wiederum mit einem chinesischen Consultant in den USA vernetzt waren, der über hochrangige Kontakte verfügt, unterstützt worden sein.<sup>19</sup>

## Fazit und Handlungsempfehlungen

Die chinesische Führung hat das Problem der epidemischen Korruption zwar erkannt, bislang aber einen Kampf gegen Windmühlen geführt. Ohne tief greifende politische Reformen, einen System-

<sup>18</sup> Transparency International und UNDP würdigen allerdings auch Chinas internationale Kooperation bei der Korruptionsbekämpfung. So habe Peking zahlreiche bilaterale Rechtshilfeabkommen in Strafsachen und Auslieferungabkommen mit über 20 Ländern abgeschlossen. Etwa 800 verdächtige chinesische Wirtschaftskriminelle haben sich ins Ausland abgesetzt, z.B. in die USA, Kanada, Australien, Dubai etc. Sie sollen etwa 70 Mrd. CNY veruntreut haben. Monaco betreibt offensiv die Gewinnung chinesischer Millionäre für „Investitionen“ im Fürstentum.

<sup>19</sup> Die Kosten des gerichtlichen Vergleichs und der Untersuchungen beliefen sich für Siemens auf etwa 2,5 Mrd. Euro. Das Ausmaß der Korruption war einmalig, aber auch die großen Anstrengungen des Unternehmens zur Aufarbeitung. Die US-Börsenaufsicht würdigte diese intensive Aufarbeitung besonders.

wandel, der allerdings auch den alleinigen Machtanspruch der Partei in Frage stellen könnte, wird sie die Korruption nur an der Oberfläche eindämmen, nicht aber weitgehend beseitigen können.<sup>20</sup>

Bei der Entwicklung unabhängiger Justiz- und Kontrollorgane, der Verbesserung des Rechtssystems, einer verbesserten Ausbildung von Staatsbediensteten, können wir und sollten wir China unterstützen. Angst vor einem erstarkenden China sollten wir nicht haben, eher vor einem schwachen!

Folgende Hinweise können bei Geschäftskontakten in China nützlich sein:

1. Aneignung interkultureller Kompetenz als wichtiges Element für den persönlichen Erfolg und den des Unternehmens.
2. Überprüfung des Geschäftspartners und dessen Firma vor intensiverem Geschäftsbeginn durch kompetente Wirtschaftsprüfungsgesellschaften etc.
3. Aufbau und Pflege von GUANXI
4. Genaue Beobachtung des eigenen Umfelds, da Korruption in China weit verbreitet ist.
5. Beachtung der Landesgesetze.
6. Lassen Sie sich auf Korruption grundsätzlich NICHT ein.
7. Verzichten Sie auf unseriöse Geschäftspraktiken.
8. Suchen Sie kompetente Beratung bei Korruptionsverdacht.
9. Auch in China gibt es redliche Geschäftsleute, die Interesse an verlässlichen und nicht korrumpierbaren Partnern haben.

<sup>20</sup> Haupthindernis bleibt das mangelhafte Kontrollsystem! Die Partei lässt kein unabhängiges Kontrollsystem zu. Ferner gibt es Kompetenzgerangel zwischen Zentraler Disziplinkommission, dem Ministerium für Verwaltungskontrolle und der Volksstaatsanwaltschaft. Alle drei unterstehen der Führung der Partei.

10. In Zeiten der Rezession und der internationalen Finanzkrise sind Sie in China nicht nur der Korruption, sondern auch verstärkter Wettbewerbs- und Wirtschaftsspionage ausgesetzt. Schützen Sie deshalb Ihr Unternehmen und Ihre Mitarbeiter!

*Dr. Peter Roell, Berlin*

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Der Vortrag gibt die persönliche Auffassung des Autors wieder.

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