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Rule of law needed for good governance

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Partly because of the contemplative atmosphere that the 1997 crisis threw Malaysia into, and partly because the country is mired in a "strong man's legacy" management period subsequent to the retirement of long-serving Prime Minister Tun Dr Mahathir Mohamad, the relationship between governance and integrity remains a subject that many Malaysians cannot avoid brooding over.

Indeed, the present administration of Prime Minister Datuk Seri Abdullah Ahmad Badawi capitalised on this trend very early in its mandate by launching the National Integrity Plan (NIP) on April 23, 2004, two days after winning a convincing victory in the general election. This is despite the fact that Malaysia is not among the 140 nations that have signed the United Nations Convention Against Corruption adopted on Oct 31, 2003, incidentally the day Abdullah came to power.

The Abdullah administration sold this ambitious plan as part of the greater "vision" that the country wrestles with, that is, to become a "fully developed country" by 2020 in which "citizens are strong in religious and spiritual values and imbued with the highest ethical standards".

One major qualitative goal of the NIP over the following five years is to improve Malaysia's 37th position for 2003 in the Corruption Perception Index (CPI) constructed by Transparency International (TI), to 30th by 2008.

Why a plan to improve "integrity" in Malaysia was needed so badly may be garnered from the fact that Malaysia used to be in 23rd position in 1995, and had therefore dropped 14 places in nine years. A continuous drop on this important index translates into diminishing foreign direct investments and detrimental effects on the tourism industry, among other things.

Despite the many objections one can raise against the methodology behind the CPI, one cannot escape the fact that despite its simplifications, the ranking is taken seriously by many throughout the world, including big investors.

Thus, something needed to be done, and needed to be seen to be done. At the same time, the risk is great that when ambitious plans fail in implementation, they become part of the problem, fanning already widespread cynicism to make the next attempt at improving governance that much harder to achieve.

Sad to say, Malaysia's steady downward trend on the CPI chart has continued, with the country ending up at 44th position for 2006, down from 39th for 2004 and 2005. No improvement is expected for 2007. Sadder still, Malaysians in general do not expect any improvement on that front at all over the coming years.

Instead of waiting until 2020 to declare that the NIP approach was a non-starter, it would be better to pause and reconsider. The bull of corruption — and the attendant rise in criminality — needs taking by the horns.

For starters, a high-sounding and vague word like "integrity" makes the achieving of good governance, which is the point after all, a thorny task. The problem suddenly appears much more difficult and esoteric than need be. An "operationalisation" of the term would simplify matters.

What we generally denote by integrity, where governance is concerned, is transparency and accountability. "Transparency" means clear regulations that, when followed, are easily seen to have been followed. "Accountability" suggests that those who choose to break these clear regulations may expect to be punished in predictable ways for having done so.

The call for "integrity" in Malaysia has been watered down to include the ethical upbringing of each citizen. So much needs to be done to achieve this that the project is practically doomed from the start. The "moral uplifting" of citizens simply needs to be separated from the achieving of good governance. They are essentially different things, and the measures needed to achieve the two differ from each other.

For one thing, the time scale is different. Making moral persons take time, and is done through socialisation and education. We know for a fact that criminal behaviour falls with declining poverty levels. Providing stability, schooling and a good living takes care of unwelcome behaviour among the people.

Achieving good governance is basically a matter of having effective rules and procedures that are easily followed by all involved, as well as the presence of an impartial whip to punish those stepping out of line. The latter is thus not something that requires generations to come into being, but merely needs properly legislated and executed laws and regulations to achieve.

A country does not have to be inhabited by saints to enjoy good governance. It just needs genuine rule of law.

Thus, when Abdullah told those present at the National Integrity Convention 2007 held on Sept 6 in Putrajaya that "integrity must come from within", he spoke more as a religious scholar than head of government. Tan Sri Sidek Hassan, the chief secretary to the government and chairman of the organising Integrity Institute of Malaysia, on the same occasion asked every Malaysian to act as a role model for others.

Legislation against corruption is central to good governance because it amounts, most importantly, to a vital check on all arms of the government. Where politicians and public servants are concerned, clear regulations and definite punishment for the breaking of those regulations go a very long way towards creating an administration that is popularly respected, and — this is key — self-respecting.

The arm of the law has to be not only long, but swift and certain, especially against its own. Besides being a matter of justice, integrity in governance is about efficacy in carrying out the business of state, be it in foreign policy or the collection of parking fines.

Therefore, the National Integrity Convention did not need to have announced as many as 21 resolutions. Such a number merely overshadows the most important resolution, namely the call to turn the Anti-Corruption Agency (ACA) into an independent body. This one move alone would start the ball rolling in the right direction, and other necessary measures will follow.

Indeed, that seemed to have been the rationale when the ACA was set up on April 12, 1967, by then Home Affairs Minister Tun Dr Ismail Abdul Rahman. It was the last important motion he tabled before his retirement the following month. As reported in *The Straits Times* then, his idea was to place the new agency under the Home Affairs Minister for a few years, after which it was to be detached to become an independent body.

Forty years later, this detachment has yet to happen. And as long as that remains the case, talk of integrity remains shallow.

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