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## **CORRUPTION IN MALAYSIA**

### **When low ability betrays high aims**

By Ooi Kee Beng

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IT MAY be interpreted as a good sign that Malaysia managed to improve its standing in the recently released Corruption Perception Index (CPI) by one notch. The country now stands at 43 in the ranking, up from 44 last year.

But the goal set by Prime Minister Abdullah Badawi in the National Integrity Plan (NIP) that he launched just after his victory in the April 2004 general election is astronomically higher than that.

His fight against corruption kick-started an enormous campaign, as can be gleaned from the name of the plan alone. Malaysia was to gear itself to raise integrity, not only among government officials and politicians but among the common people as well.

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 Datuk Seri Abdullah came to power.

The Abdullah administration attached his ambitious plan to the greater vision inherited from former prime minister Mahathir Mohamad, which is to make Malaysia a 'fully developed country' by 2020, where 'citizens are strong in religious and spiritual values and imbued with the highest ethical standards'.

But the Abdullah administration's claim to be fighting corruption has been taking hits in an endless stream over the past year or two, including painful attacks from Tun Dr Mahathir himself.

Recent events have added to the general perception that graft is now so entrenched that the incompetence that inevitably stems from it is now dangerously widespread.

Indeed, media reports of highly inappropriate behaviour and numerous badly handled cases by the police, prosecutors, judges and parliamentarians, all the way up to dubious choices being made by the government in the promotion of top judges, are upsetting and embarrassing more and more segments of Malaysian society.

The recent appointment of top judges almost led to an open showdown between the Council of Rulers and the government just before the celebration of Malaysia's 50th Merdeka anniversary on Aug 31. The two sides, however, managed to avert a crisis and new appointees were chosen. The Prime Minister gave in to the wishes of the sultans, led by the respected Perak monarch Raja Azlan Shah.

The pro-activeness of the rulers was a surprise in itself, and significant in that they were acting as a collective. Over the past few months, some members of the royalty, such as Perak's Crown Prince Raja Nazrin Shah, have been expressing their opinions on what they see as mounting problems in the country, such as deteriorating inter-ethnic ties, failing morality among the young, the lack of leadership models and entrenched corruption.

This trend is part of the growing unease that has come to include the prestigious Bar Council.

And worries about rising consumer prices have made unionists more openly unhappy.

The term being used to describe the situation today is 'rot'. Symptomatically, the 'de facto law minister', Mr Mohd Nazri Abdul Aziz, refused to acknowledge there was a crisis or scandal when faced recently with something as unusual as a protest by 2,000 lawyers and members of the public.

These outraged and concerned Malaysians were calling for a royal commission to investigate claims leaked on a video tape that suggested that appointments of judges were brokered by a senior lawyer.

Datuk Seri Abdullah's 'elegant silence' strategy, if one may call it that, has over time led to many voices of discontent. One would be able to say - and perhaps it would have been true in the first two years of his term - that his regime allowed for greater freedom of expression, if not for the fact that so much of the dissatisfaction now seems to be aimed at him and at what many see as his passive style of leadership.

Where the NIP is concerned, Malaysia's ranking in the CPI had in fact been falling since the plan was launched. The aim was to improve the country's 37th position in 2003 to 30th by 2008.

In 1995, the country occupied the 23rd spot and, sad to say, after the NIP came into being, it went down to 39 in 2004 and 2005, and then to 44 last year.

So, instead of waiting until 2020 to declare the NIP approach a non-starter, it would be better for the government to review its options if it is serious about fighting graft. The bull of corruption - and the attendant rise in crime - needs taking by the horns.

In the medium and long term, governance cannot afford to be stuck with a negative label. Such a reputation would translate into diminishing foreign direct investments and a fall in tourist arrivals, among other things.

Although one may well argue that the CPI methodology is flawed in some ways, it is hard to escape the fact that the ranking is taken seriously by big investors and potential tourists worldwide.

The problem and the solution must be re-understood in practical terms. Simply put, integrity, where the government is concerned, is all about transparency and accountability.

'Transparency' is enhanced by clear regulations that, when followed, are easily seen to have been followed. 'Accountability' discourages wrongdoing because the punishment is predictable and unwavering.

The understanding of 'integrity' in governance over the years has been diluted through the inclusion of the ethical upbringing of citizens. The 'moral uplifting' of citizens and the achieving of good governance are basically different things.

Creating morally upright persons takes time and is achieved through socialisation and education. And as Mencius would have said, poverty creates criminals. When needs are met, moral behaviour becomes common. But achieving good governance is basically a matter of having effective rules and procedures, with attendant punishments clearly declared.

A country can have good governance without having to first create saints of its citizens.

Thus, when Prime Minister Abdullah told those present at the National Integrity Convention 2007, on Sept 6 in Putrajaya, that 'integrity must come from within', he was speaking as a religious leader and not as the head of government. This conceptual difference is crucial to how solvable the problem of graft can be.

Legislation against corruption is central to good governance because it amounts to a vital check on all arms of the government. Most importantly, it helps civil servants to retain self-respect, without which graft becomes rampant.

In simple terms, Malaysia's Anti-Corruption Agency (ACA) needs to become an independent body. In concrete terms, this independence should be accompanied with prosecuting powers. Once the ball begins to roll again, other supportive measures will follow. It will give the public renewed faith in the administration and provide them with a real reason to rally around the government's purported fight against corruption.

When former home affairs minister Ismail Abdul Rahman created the ACA on April 12, 1967, just before he retired, he told The Straits Times that the new agency would be under the Home Affairs Ministry for a few years, after which it would become an independent body.

Forty years on, the ACA remains under the Home Affairs Ministry. Without an empowered and independent body fighting corruption, it is hard to take the government's talk of integrity seriously.

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*This is a personal comment.*