

Assets declaration: What's your problem?

MalaysiaKini.com

February 1, 2012

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COMMENT It is ridiculous of de facto law minister Mohd Nazri Abdul Aziz to claim that it would be dangerous for members of the cabinet and their families to publicly declare their assets.

This is clearly the standpoint of those who are scared that their involvement in corrupt practices would be exposed by such an exercise.

selangor government declare asset 130309The example set by PSM (Parti Socialis Malaysia), whose elected representatives have declared their assets for the past three years, has motivated the Selangor and Penang exco members to do the same.

The rakyat welcomes this, as they want to ensure that people who hold public office are accountable to them and do not misuse their position to enrich themselves.

Is it out of the norm for the people to demand that those holding public office must declare their assets? Is the BN right in saying that the public declaration of assets would endanger the lives of ministers and their families?

Let's take a look at the practice in other countries.

NONEIn Latin America, senior officials in eight countries - Argentina, Belize, Bolivia, Brazil, Chile, Jamaica, Mexico, Nicaragua and Paraguay - are required to make full assets declarations every year. In Mexico, over 100,000 public declarations are filed every year; in the Bahamas, summaries of financial declarations are published in the Government Gazette.

In Ecuador, declarations must either be made public or authenticated by a notary. In Belize, Brazil, Chile, El Salvador, Guatemala, Guyana, Honduras, Jamaica, Mexico, Nicaragua, Trinidad and Tobago and Venezuela, financial declarations must include information for spouses, children and other financial dependants.

Also in Belize, Brazil, Chile, Jamaica and Nicaragua, there is public access to financial declaration information regarding spouses, children and financial dependants.

Conflict of interest code

In Canada, the financial disclosure law requires that public officials - from ministers to officers of the Royal Canadian Mounted Police - must disclose their financial assets yearly.

This is important as the Canadian Parliament is adopting the Conflict of Interest Code, in which transparency is crucial. To ensure public officials do not misuse their position, the declaration of financial assets is compulsory.

In United States, in response to 'Watergate' and other scandals and a weakening of public trust in government, the Congress has enacted the Ethics in Government Act of 1978. It requires detailed financial disclosure by high-level employees in all three branches of the federal government.

Every country in continental Europe has some form of financial disclosure requirement for public officials.

Latvia has one of the most comprehensive systems, which has arguably led to the reduction of once-rampant corruption in this post-Soviet democracy. In Romania, there is a robust system of publishing public officials' assets disclosures, grounded in the constitutional right of access to information.

Moving to the African continent, South Africa has implemented a comprehensive conflict of interest policy and has enacted a number of conflict of interest codes requiring disclosure of financial interests by public officials.

Since 1983 in Australia, conflict of interest laws and regulations have required members of parliament to disclose their financial interests, including those of their spouses and dependent children. The House of Representatives and Senate have published these disclosures in a registry since 1984 and 1994 respectively.

Other Asian nations do it, too

But is this an Asian way? Well, it is.

In India, politicians who contest elections to Parliament or a state legislature are subject to a more rigorous regime.

A 2002 Supreme Court judgment requires all electoral candidates to submit on oath, details of movable and immovable assets owned by them, their spouses and their dependents. This also covers liabilities like loans from public sector banks and unpaid bills for public utilities such as electricity, water and telephone connection.

Their affidavits must be submitted along with the nomination papers. The Election Commission uploads these on its website in order to inform voters about the background of the candidates.

In Philippines, citizens have the right to review financial disclosures of all public officials and employees, including spouses and unmarried minor children living in their households, pursuant to Section 8 of the Code of Conduct and Ethical Standards for Public Officials and Employees. These financial disclosures are made available for scrutiny at reasonable hours.

In 1989, the constitutional court of South Korea held that citizens have a constitutional right to freely access information. The government began requiring public disclosure of the financial interests of public officials in 1993.

All high-ranking public officials, their spouses, and many of their lineal ascendants and descendants must disclose their ownership of real property, intangible property, and shares in non-public business entities.

In addition to examination by a Public Ethics Committee, the property declarations of most of the public officials and their families are published in a public bulletin within a month of submission.

Thailand too has a requirement for all holders of political office, as well as high-ranking public officials, to make full disclosure of all assets and liabilities, including those of their spouses and minor children. This declaration is published by the National Counter-Corruption Commission in the Government Gazette.

What is the gov't scared of?

It looks like the whole world - developed, developing and least developed countries - have some form of public declaration of assets not only by parliamentarians and cabinet ministers, but also senior public officials - to the extent that even assets under the name of minor children need to be declared. This is done to ensure transparency and accountability.

So what is the problem with the Malaysian government? Why doesn't it come up with a law requiring the declaration of financial assets of ministers and lawmakers? Why is the BN-led federal government so scared, unless it has something to hide?

If it is not afraid, the federal government should follow PSM's and Pakatan Rakyat's precedent, and prove

that their hands are clean.

Malaysia likes to emulate other countries in putting up the tallest building or the longest bridge; the administrative capital of Putrajaya is even modelled after Washington DC.

nfc office story So why not emulate ways to fight corruption, including through public declarations of assets? Wouldn't this prevent scandals like those involving the National Feedlot Corporation?

In the event that Pakatan takes over the federal government in the next election, it should prioritise legislation toward assets declaration. Only then can it ensure a clean administration.

Too much power and no accountability can lead to rampant corruption.

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