

NFC scandal mocks rule of law
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COMMENT Federal minister Shahrizat Abdul Jalil's intention to resign on April 8 has again thrown the spotlight on the government's utter impotence in dealing with a high-profile corruption allegation.

Almost five months after the National Feedlot Corporation (NFC) scandal broke, and when the public domain has been flooded with innumerable details of alleged irregularities, the only outcome is Shahrizat's pending departure from the cabinet.

And even this is not an action on anyone's part - she was not sacked and she did not resign. In reality, her tenure becomes legally void when her term as a senator comes to an end on April 8 as, under the constitution, only a member of parliament or a senator can become a minister.

Though alleged abuse of RM250 million is no big deal by BN standards, it is the contemptuous disregard for corruption laws by the coalition's top hierarchy and the criminal negligence of our civil servants that have irked an increasingly disillusioned public.

Topping it all is the reluctance of our law-enforcing bodies - Malaysian Anti-Corruption Commission (MACC), police, Attorney-General's Chambers - to act against culprits.

To start with, Shahrizat's family should never have been awarded this pivotal project to transform the beef production and supply industry, as it has neither the financial capacity nor the business wherewithal to undertake it.

Not surprisingly, once the windfall - the RM250 million soft loan and the RM13 million grant - had landed on its lap, the family is said to have splurged on luxury assets such as high-end condos and premium land, as well as high-end restaurants and a supermarkets, while failing to fulfill the NFC's primary objective which is to develop the feedlot industry.

To put this scandal in proper perspective, the potential criminal offences fall into two parts: the dubious award of the project, and its questionable execution.

There was obvious favouritism and conflict of interests when the plum contract was granted to the family of a cabinet minister, more so when that family is manifestly ineligible to receive it.

In any corruption case, there is always a giver and a taker. In this case, Shahrizat became the beneficiary when her family became the recipient of the project contract, loan and grant.

It is obvious that her husband and children couldn't possibly have been considered since they had no merits of their own to justify such consideration. That leaves us with the only possible explanation: Shahrizat's connection to the decision-makers in the cabinet.

Questionable execution

That there was heavy favouritism is further evidenced from the cavalier and irresponsible manner with which the project was granted.

Apparently, no proper project paper was submitted or the Finance Ministry would not have eventually suspended disbursement pending the completion of a "viability and business model project study" in 2011 - three years after the loan was granted - when the project seemed to have moved only at snail's pace, as reported in the auditor-general's 2010 report.

Furthermore, there was the highly irregular indulgence of allowing the loan and grant to be disbursed, allegedly well before the project agreement was signed.

What do you call the award of such an important project involving RM250 million in public funds without even the existence of a proper project study and proposal? If it is not collusion, corruption and criminal negligence of the highest order, then what is it?

Who are the decision makers - the givers - in this corruption case? They are then agriculture minister Muhyiddin Yassin and the high impact project committee headed by then deputy prime minister Najib Abdul Razak.

It is the MACC's duty to scrutinise the entire decision-making process and bring to book both the giver and the taker. Regrettably, nothing seems to have come out from its investigations.

With regard to the highly questionable execution of the project, possible criminal offences are found in:

(a) Willful negligence by government officials in monitoring and controlling the implementation of the project and disbursement of the loan and grant; and

(b) Breach of trust by the NFC in misuse of public funds, in contravention of both the loan agreement and the project agreement.

While offences under (a) fall under the jurisdiction of the MACC, offences under (b) are being pursued by the police.

To date, there is no sign that the MACC has even started on its investigations on the government officials involved.

The police have completed their investigations, but prosecution is being stalled by the attorney-general who has repeatedly returned the investigation papers, each time asking for "further investigation". The last such request was made more than a month ago.

Since the whole world, not to mention Malaysia, has had access via the Internet to the minutest details of NFC's alleged offences - including the exact breaches of the loan agreement - what further information does the AG want before he consents to prosecution?

If this is not an act of willful obstruction of justice, then what is?

As this tragi-comedy goes on, Malaysians should have no more illusions about what the prime Minister can or cannot do to restore the rule of law.

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