

Umno affiliation makes EC duo partisans
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COMMENT Referees must not only act impartially but must be seen to be so.

Their bona fides as neutral interlocutors, favouring no side in enforcing the rules, must be beyond question. Otherwise their position as referee is untenable.

The old saw that justice must not only be done but seen to be done applies to any role requiring the mediation of a person vested with the task of holding the scales between competing interests in a balanced way.

In these roles, the appearance of being fair and doing what is fair are indivisible aspects of the same function, the one dovetailing nicely with the other - a seamless garment with no folds.

kuala terengganu parliament by election spr ec announcement 051208 wan ahmad wan omarBy these standards, the present chairman and secretary of the Election Commission (EC), Abdul Aziz Mohd Yusof (above) and Wan Ahmad Wan Omar (right) respectively, now find their positions untenable.

The fact they are Umno members straightaway renders their occupation of the top two posts in the body charged with running and refereeing elections in Malaysia as impossible to justify on grounds of natural justice.

The honourable thing for both of them to do is to quit their positions without delay.

Their replacement by people with strong credentials for fair conduct must be effected before the next general election.

Now that it is not denied Abdul Aziz and Wan Ahmad are Umno members, nothing they say in extenuation can absolve them of their being in a caught-out situation - that is, they are not neutral interlocutors, and cannot be construed as having the capacity to be impartial.

In other words, their membership in a political party has encumbered them with the fatal flaw of partisanship.

The very fact that both, having been caught-out in a non-neutral zone, have said things in mitigation of their position as Umno members only serves to highlight the defect in their capacity for fair dealing.

A proper conception of that capacity would have, by dint of their membership of a political party, prevented them from being eligible for appointment to their present positions in the EC.

But an Umno-dominated government, steeped in a half-century's habit of thinking its writ is beyond question, has blurred the lines of demarcation between state and party interests such that people like Abdul Aziz and Wan Ahmad don't know the difference between the two even when they are appointed to positions that make it imperative they do.

Thus when they are caught out as they have been in this instance when it is undeniable they have lacked an important credential - non-partisanship - for their present position, they stumble into an orgy of extenuation, retailing one excuse after another.

EC's partial conduct

Men of honour, when similarly caught-out, would apologise and tender their resignation. Even if they have a plausible reason that would mitigate their offence, they will allow a lapse of time before they say something in extenuation.

One of the better examples of such nobility of conduct was displayed by former prime minister Hussein Onn in the mid-1980s, some years after his retirement from the top post.

He tangled with the Dr Mahathir Mohamad administration over who was actually responsible for the Maminco Affair, the infamous episode in 1981 when the government tried to corner the international market in tin on the London exchange.

The affair incurred huge losses and was deeply embarrassing to the government. Incidentally, cabinet records showed that the decision to corner the market was made at the tail end of Hussein's tenure as PM.

Apparently, Hussein could not recall the episode. In extenuation, it must be said that he was recovering from heart bypass surgery at the time the cabinet decision was taken and when his administration was virtually on auto-pilot.

Yet, when the relevant cabinet meeting minutes were publicly exposed and showed that he was in charge, he did not hesitate to offer his apology for the memory lapse.

Many sympathised with him, sensing his anguish at having to be saddled with responsibility for an action whose enormity could not be visualised at the point in time when it was made and about a matter whose initial contours were hazy at best and unthreatening at worst.

NONThe ethos that Umno has foisted on the nation's politics, which has allowed someone to be chief justice who had earlier been the party's lead counsel, has become so permissive that Abdul Aziz and Wan Ahmad could be forgiven for thinking that their membership in Umno did not disqualify them for the posts they hold in the EC.

Umno luminaries have been appointed to the governorships of states without hereditary sultans, a position that used to be reserved for renowned educationists and other non-politically affiliated society notables.

If such permissiveness has become the norm, how, then, could ordinary membership of the party be a disqualifier for signal posts in the EC?

The baffled reactions of Abdul Aziz and Wan Ahmad to the discovery they have been Umno members are indicative of how matters to do with what is perceived as honourable and impartial conduct have deteriorated on Umno's prolonged watch.

That watch is no longer sustainable.

