

Umno's incompetent disciplinary committee
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Now that Umno elections are done with, the raging controversies over its disciplinary committee's decisions will soon be forgotten, until the next election season.

It is a sad commentary that the party's attempt at eradicating corruption succeeded in only creating more problems and aggravating existing ones.

It reflects poorly on members of the disciplinary committee, made up supposedly of the party's distinguished elder statesmen. Its chairperson for example, was a former foreign minister. They were given a major task and they bungled it.

Their botched performance reflects a more general theme: the dearth of competence and talent in the party's upper reaches. That, together with pervasive corruption within the party, is what ails Umno.

The internal affairs of Umno would not ordinarily interest except that the party still represents a major (though fast diminishing) segment of the Malay community and its leaders are also the leaders of our country. Until this reality is altered by voters, what happens in Umno should interest all Malaysians.

Root cause analysis

That Umno is rotten to the core is acknowledged by all, including its leaders. Unfortunately, that is the extent of their insight. I have yet to hear any reflection on the part of the party's leaders, from former Prime Minister Mahathir down to the lowest cawangan head, of how or why the party had degenerated to such a sorry state.

To date they have been content dealing merely with the symptoms of corruption. Like other human vices, corruption is infinite in its variations. Thus dealing with any one manifestation forces corruption to morph into other more sophisticated forms that would be even more destructive and difficult to detect or eradicate.

The disciplinary committee has been at it now for years, mechanically investigating the cases reported to it. The committee has yet to reflect on how to avoid or prevent the problems in the first place.

The committee members are like amahs busily preoccupied wiping the wet floor but never figuring what caused the problem. Had they looked up they would have noticed that the problem could have been more effectively dealt with by fixing the leaking faucet above. In fact they are worse than amahs. A maid may not know anything about sealing the leak but at least she has the common sense to call for a plumber.

The committee has dealt with literally hundreds if not thousands of alleged cases of "money politics" and other breaches of party ethics. Yet it has not issued any report to share their insight with the rest of party, like ideas on how to prevent the problems in the first place.

Even if that was not part of their mandate, I would have thought that they would have been unrestrained in wanting to share their accumulated wisdom. They must have learned something, unless of course they were content with merely being amahs busy robotically mopping the soiled floor but never bothering to look up to see the leaking faucet.

ALI RUSTAM There are two ways for the committee to discover the metaphorical leaking faucet. One is through careful systemic analysis to determine patterns and elicit commonalities. The other is to do a "root cause analysis" and "follow the money," especially with the more egregious abuses, as when top

personalities were implicated or large sums of money were involved. Examples would be the current case with Ali Rustam and the earlier one involving former federal minister Isa Samad.

There are definitely patterns to be discovered. One, money politics plagues Umno only during party elections, with the worse offenders being those pursuing top positions. Ali Rustam was after the deputy president position while Isa Samad was the top vice-president at the time he was booked.

The other is that most of the offences were committed in the pursuit of securing the party's nominations. So why not dispense entirely with the current quota system of nominations. Let anyone who wishes to be candidates do so without having the division nominate them. Do away with the current "tradition" of no-contest rule for the top positions. With these barriers removed, there would no longer be the need to bribe anyone just to get your name on the ballot. Such a reform would also open up the process and attract talented candidates. Under its present rule Umno will never see its Barrack Obama emerge.

With many more candidates contesting, your members would get a better and wider choice. The election process would of course need to be changed to accommodate the bigger slate. Thus should any one candidate fail to secure a majority vote, there will be run-off elections but with the bottom candidate eliminated. This process continues until we have one who successfully secures a majority vote. Otherwise you would get the current divisiveness and rancor as seen with the recently concluded Umno Youth election.

A "root cause analysis" would reveal that these money politics cases involved the trading cash for votes (or promised thereof). Tengku Razaleigh made an eminently sensible suggestion of not only removing the nomination quotas but also having the entire membership vote for the national party leadership instead of at present, leaving it to the delegates. It is near impossible to bribe three million Umno members; it is much easier with only 2,500 delegates.

Umno could hire the Elections Commission to conduct such party elections. The cost would be considerably cheaper than the costs of the current "money politics." It would also be fairer and cleaner.

Incoming Umno president Najib Razak is finally aware of this. Unfortunately he did not spell out in his recent speech how far he was willing to open up the process.

Equally productive is to "follow the money." Where do these guys get their cash? It was not too long ago that these guys (or their parents and grandparents) were stuck in the poverty of the kampong. Many are also former civil servants; we all know how much they earn (at least their legitimate income).

The other major source of money politics and outright corruption is in securing juicy government contracts. Again here, having open tenders would ameliorate this scourge. The problem would also be reduced were the government to curtail its involvement in business. Fewer contracts, fewer opportunities for corruption!

The disciplinary committee missed out on these sensible recommendations because its members are too busy mopping the floor with no time for thinking and reflecting. Perhaps they were thinking of their job security! As long as that leaking faucet is not fixed, the floor will need to be continually mopped.

A superior solution

No wonder the committee members find their task onerous and unappreciated, or in the words of its chair, "Damn if we do and damn if we don't!" They have no clear idea of going about their work. They have not clearly spelled out what their rules of evidences and the level of burden of proof needed. Do they follow the rules of "beyond reasonable doubt" as with the criminal justice system, or merely the "preponderance of evidence" as with civil cases.

My folks back in the kampong have an apt phrase to describe those who bungle through their work. "Tak

tau buek kojo!" (They don't know what the heck they are doing!)

The committee could streamline as well as enhance the quality of its work if it were to classify the cases it received into three categories. First would be those that were obviously without merit. The second would be the egregious cases with more than just a hint of criminality. The third would be the large number of in-between cases.

The committee should deal only with this third group. It should quickly dispose of the first group. As for the second, those with shades of criminality, they should be referred directly to the Anti Corruption Agency (ACA). The committee should have nothing more to do beyond forwarding all the evidences to the Agency, which is equipped with the necessary investigative and prosecutorial tools.

It boggles my mind that to date the Committee has yet to make a single referral to the criminal justice system. I would have expected where the committee imposed such severe penalties, as with the case of Isa Samad and Ali Rustam, the committee must have found compelling evidence that ordinary citizens would classify as criminal. Yet even in both cases there was no referral to the ACA.

Corruption is a criminal act regardless where it is perpetrated. It does not magically be sanitized to "money politics" or "breach of party ethics" just because it is committed within the confines of Umno.

The chair and vice-chair of the disciplinary committee are both lawyers; they were or still are members of the bar. As officers of the court they are duty bound to report to the appropriate authorities if they suspect a crime has been perpetrated. Failure to do so would be a serious breach of their professional ethics. That would merit disbarment, at least in America.

Perhaps the best commentary on the disciplinary committee was the response from Isa Samad to a television interviewer who inquired as to the extent of money politics in Umno today. He replied, with a straight face, it must no longer be a problem since he was the only one the committee found guilty a few years ago!

Isa summed it well! Unfortunately it is unlikely that Umno leaders or members of its disciplinary committee would grasp the subtle sarcasm of Isa Samad's sharp observation.

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