

AT two international conferences in Kuala Lumpur in the last fortnight the issue of "good governance" occupied centre stage. This universal ideal is, however, so multi-faceted and has such diverse social, political, legal and moral dimensions, that no international agreement exists on what set of arrangements, institutions, principles and procedures constitute "good government."

On a host of issues relating to statecraft our views are coloured by "framework assumptions" of our historical, religious, social, political and economic outlooks. However, despite a rich diversity of opinions, some general attributes of a mature, functioning and just system of government can be singled out.

Security front: People have a fundamental right to live without fear and to have security of expectations about their life, liberty and property. Neither of this is possible if the fires of war engulf a nation or internecine racial, religious or tribal conflict tears society apart. The first task of a government is to ensure internal as well as external peace.

Crime should be controlled and the rule of law enforced. The government of the day should be strong, effective and determined to tackle the challenges and opportunities of nation building.

Economic front: Tackling poverty, deprivation and destitution and ensuring that basic necessities of life are available to all is another primary task of government.

To generate wealth, the state should encourage and facilitate private entrepreneurship. It should join hands with the private sector to supply essential services to the people. But casino capitalism must be checked and social responsibility enforced. The challenge of controlling the private sector without crippling it requires wise and pragmatic policies.

Administrative front: Bureaucratic systems, procedures and policies should exist to serve the people. Often they achieve the opposite effect. Multi-layered and antiquated procedures cause delays and frustrations and encourage corrupt, under-

Creating a govt that works for all

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handed deals. Effective public sector management is an unmet challenge in most Asian societies.

Institutional framework: All government institutions should have proper administrative frameworks and terms of reference. Procedures and policies must be

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made known to the public. The administrative machinery should have clear-cut hierarchies and structures.

Corruption is endemic and must be combated. To reduce its incidence the Anti-Corruption Agency or Integrity Commission (as it is called in some countries) should be independent and armed with sufficient powers of investigation and prosecution.

Within the bureaucracy there should be transparency of procedures, established criteria for those seeking permits and licences, time

limits for decisions, one-stop application processes and the requirement to give reasons for decisions. Citizens should have right to information through a Freedom of Information Act.

All public officials must be required to declare their assets annually through their head of department to an independent Integrity Commission.

The principal foundation of all states is in good laws.

No government is respectable if it is not just. The legal system should have a substantive dimension of just and fair rules. There should be respect for human rights in both the public and private sectors.

Of utmost importance to the rule of law is that those who make the law must comply with its injunctions. Public officials should show fidelity to the law and "internalise" its values. The law should apply equally to the powerful and the powerless. It is often the case that "hornets go free, the flies get caught."

The nation should be blessed with leaders who have maturity, courage and vision. In a democracy, leaders should be responsible to the people and responsive to the necessities. But they must not play to the gallery.

Leaders of substance do not follow opinion polls. They mould opinion. Not with guns or power or position but with the power of their souls.

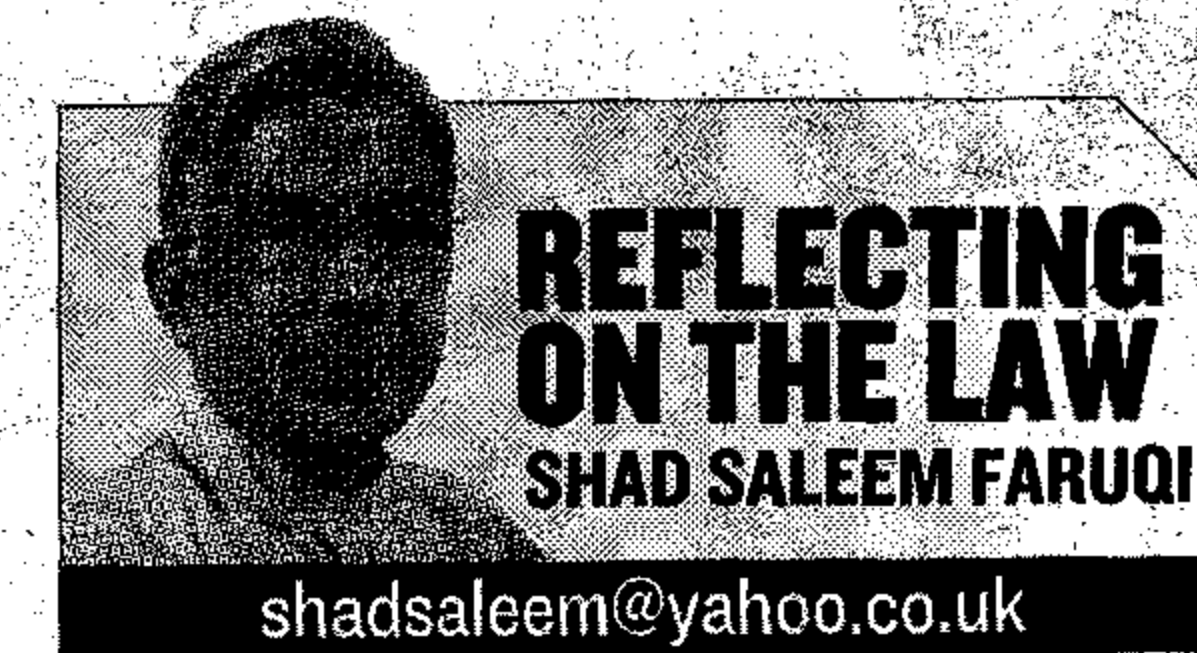
Every successful nation must invest in programmes to educate its citizenry, to build a knowledge-

based society and to develop human capital.

Goethe said that the best of all governments is that which teaches us to govern ourselves. In every enlightened society, participatory democracy through consultative processes should be encouraged; a free and fair electoral process should be guaranteed; and the role of a free and responsible media as a check and balance mechanism should be recognised.

No person or institution can be trusted with absolute, unchecked authority. The legal system must be so devised that the power of one institution checks the power of another. In modern democracies the following principles and methods are employed to keep administrative and legislative discretion under check:

- A supreme and written Constitution that replaces parliamentary supremacy;
- A constitutional chapter on fundamental rights;
- Explicit, legislative limits on the powers of the agencies of the state;
- The power of the courts to review the constitutionality and legality of governmental action;
- Safeguards for judicial independence and impartiality;
- Parliamentary techniques like question time, debates, motions and



- scrutiny committees to oversee the executive;
- A federal-state division of powers;
- Constitutional allocation to and separation of powers amongst the executive, the legislature and the judiciary;
- Safeguards for media freedom;
- Provision for an independent ombudsman or Public Complaints Bureau;
- A Human Rights Commission; and
- Institutions like the Auditor-General, Election Commission, Attorney General, Anti-Corruption Agency and Commissions of Enquiry.

Principles and methods should exist to enforce answerability, responsibility and accountability in government. The common law tradition is to rely on the judiciary to provide redress to citizens who are aggrieved by acts of commission and omission of the administration.

But in an Asian context with low levels of legal literacy and a relatively undeveloped system of legal aid, court-centred remedies are not a solution, they are part of the problem of rights that go unenforced and wrongs that go unremedied.

We need a rich collection of expeditious and inexpensive remedies of a legal and non-legal, formal as well as informal, nature to supplement the work of the courts. It must be remembered that an aggrieved person with a complaint is like a sick man with a pain. Both need remedies and do not really care who mitigates the malady and how.

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