

The Straits Times: Review, Friday, 15 July 2005, p.31

Make codes of conduct law

By Gillian Koh

PRIME Minister Lee Hsien Loong recently issued revised codes of conduct for ministers and Members of Parliament.

Given the substantial publicity which the changes received, the public is now better informed about the higher levels of accountability their lawmakers and representatives must uphold when it comes to business and other dealings.

The codes also serve to remind all of the low level of tolerance there has always been towards corruption in independent Singapore.

Why was it so important that the revised codes be made public?

Was there something amiss in this city state, which has regularly been ranked among the least corrupt countries in the world?

The spirit of the announcement is indeed to signal to all concerned that Singapore is not a 'free-for-all' city, no matter how much times have changed here.

On the business front, there is now greater scrutiny of corporate governance and, specifically, over how boards are constituted.

This momentum will grow as acts of corporate malfeasance are covered in developed markets here and abroad.

Asking MPs to consider if they are qualified for offers of directorships dovetails nicely with such efforts.

The Singapore premium of being incorruptible and its commitment to good governance attract companies from countries just emerging into the global economic system or those with a less-than-stellar image to seek listings in Singapore.

The attraction of having a People's Action Party MP on the board to boost a company's reputation can only grow.

But listing in Singapore by no means ensures that there will be no wrongdoing. And if that, indeed, were to be discovered, the association with the company in question may prove to be a liability for the MP – and the party he represents.

A clear benefit of publicizing the codes is that the level of vigilance against anyone who uses a public or political post to feather his own nest will be upheld and become more entrenched.

But even with the codes in place, it may be worthwhile to consider including case studies of conflict-of-interest situations and how to deal with them, as part of the political education process for MPs.

And if ministers are going to get increasingly involved in investment promotion, they need to make clear that their role is purely in the promotion of Corporate Singapore.

They must be able to avoid opening themselves to accusations of favouritism towards any particular private or corporate interest that they or their family members might somehow be associated with.

This will help to maintain the high level of trust that the public already has in the Government.

Most importantly, the publications of the codes means that the public is assured that checks exist.

Even if members of the public are not directly part of a 'non-specific' control system against corruption, they are still part of what some refer to as a broader 'national integrity system' here.

Corruption is well under control here as there exists a system-wide culture and support for the effort.

Public opinion must continue to condemn corrupt acts, and must serve to complement the Prime Minister and his Government's commitment to prevent situations where directorships and gifts can be given to ministers, MPs or their family members to distort policies and outcomes.

The codes, however, are not law. The code governing the conduct of ministers states: 'Issues concerning compliance or non-compliance with it are not subject to review by any court or tribunal.'

Declarations of interests by ministers are made in confidence to the President, through the PM.

There are specific measures that exist to combat corruption.

The Corrupt Practices Investigation Bureau (CPIB) gives teeth to laws on corruption, and we are reminded from time to time that laws are enforced without fear or favour.

In fact, then-deputy prime minister Lee said in Parliament in March 2003 that under the Constitution, if the Prime Minister does not give permission to CPIB to pursue a case, the bureau can go to the President for permission.

'So even the Prime Minister could be investigated,' he had said.

The codes are, therefore, different. The declaration of interests provides accountability but not necessarily public accountability.

It straddles some middle ground, on the one hand, of seeking to protect ministers from any abuse of information regarding their personal finances.

On the other hand, without enough public disclosure, we may be left without having to take the Prime Minister's word that they are all men and women of honour.

This is almost the same for MPs. But it is, I suppose, possible to trace information on directorships they might hold from company reports and the like – as one newspaper has done.

Such information would be difficult to obtain on a systematic basis.

It would take the efforts of a 'super citizen' or organizations to make the undisclosed links between decisions and private interests.

What the revised codes and the publicity surrounding them also suggest is that the PAP is really the only party we can trust because it is the only one that has enforced these rules upon itself willingly.

And, if the party seeks to tap younger private-sector individuals for political office, it becomes all the more urgent that the line is drawn between private interests and that of public office.

But it might be even better if the PAP and the Government were to translate the codes into law, with all the necessary provisions to ensure full public accountability and compliance.

Perhaps, at the very least, the next step could be to introduce legal provisions for a yearly declaration by ministers, all MPs and senior civil servants.

These would then be published in the Gazette.

This would submit all those sitting in the House today, and in the days to come, to rules of disclosure such that informed citizens could play their part in upholding a system of good governance that will endure beyond Mr Lee.

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