



MALAYSIA

PERMANENT MISSION TO THE UNITED NATIONS

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KEYNOTE ADDRESS BY

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SIDE EVENT AT THE MARGINS OF THE

HIGH-LEVEL POLITICAL FORUM (HLPF)

UNDER THE AUSPICES OF THE ECONOMIC AND SOCIAL

(ECOSOC)

“THE ROLE OF INDEPENDENT OVERSIGHT BODIES IN

CREATING PEACEFUL, JUST AND INCLUSIVE

SOCIETIES”

CONFERENCE ROOM B, UNITED NATIONS

HEADQUARTERS

NEW YORK, 17 JULY 2019

Thank you, Ambassador Thomas Guerber, Director of
DCAF

His Excellency Ambassador Rodrigo Carazo, Permanent
Representative of Costa Rica,

Distinguished Panellists,

Distinguished Guests,

Ladies and Gentlemen,

First and foremost, I wish to convey my sincere
appreciation to the Geneva Centre for Security
Governance or better known as DCAF, for its efforts in
organising this event. My delegation also wishes to
express our appreciation to the Permanent Missions of
Costa Rica and Switzerland who have been kind enough

to co-sponsor this event, in support of our quest in creating a peaceful, just and inclusive societies.

2. At the general election that took place just more than a year ago, the people of Malaysia expressed their wishes for a clean and fair government. Their collective voice has brought about the change in government. A coalition of political parties that has governed Malaysia for more than 60 years has been replaced by a new one that meets the aspiration of the people.

3. The new government calls itself a “New Malaysia” and is committed to not repeating the mistakes of the past government and is committed to reform for better governance.

4. I am certain that many of you here will agree with me that people are the core element in, and is at the heart of a democracy. The voice of the people must be heard to ensure the aspiration of the majority prevails. In this sense, a government would act its way to cater for the needs of the people.

5. This is the idealism behind the notion of democracy, although all of us are well aware that it has not always been the case. The voice of minority must also be heard. And it is also a duty of a government to ensure that the interest of minority is not ignored.

Excellencies, Distinguished Guests, Ladies and Gentlemen,

6. Our focus at today's event is the role of independent oversight bodies in preventing violence and crime. The role could include receiving, investigating and rectifying grievances, and at the same time, strengthening the good governance of peace and justice institutions, in the context of meeting SDG 16.

7. In most countries, prevention of violence and crime falls under the responsibility of security agencies such as the police force, whose actions would be checked against by legal institutions such as the Attorney-General's office and the judiciary.

8. Nevertheless, it is regrettable to note that the United Nations have established a fact that among the institutions most affected by corruption are the judiciary and police. By

this fact, many criminals would be enjoying impunity and many innocents could have been incarcerated at this present moment due to abuse of power. Further, according to the UN fact, corruption, bribery, theft and tax evasion cost some USD1.26 trillion for developing countries per year. This is worrying, as this amount of money could be used to lift those who are living on less than USD1.25 a day for at least six years.

9. When officers act in contravention of laws and regulations without fear of investigation or reprimand, the culture of impunity begins to develop. Each wrongdoing that is not investigated or punished or is supported by higher ranks, leads to the perception that such misconduct is permissible.

10. The abuse of power by the men with authorities is therefore a critical issue that all responsible governments need to address. There comes the importance of the role of an independent oversight bodies. Bodies that can help in making governments accountable and transparent in all their actions, according to the laws of the land that have been passed by the representatives of the people.

11. In all circumstances, the rule of law must be upheld, and accountability as well as transparency must be put in place. This is important to ensure that no one enjoys impunity, and that no one should be above the law. Concerns over corruption, financial mismanagement and excessive politicisation of public institutions must be looked into by oversight bodies that are empowered to monitor, assess and report independently of the

performance, transparency and accountability of the governments and their agencies.

12. In Malaysia, the Enforcement Agency Integrity Commission was established by an Act of Parliament - Enforcement Agency Integrity Commission Act in 2009, to inculcate and enhance integrity among enforcement officers and law enforcement agencies.

13. Since the Act came into force, the Commission has begun to carry out its functions, which include receiving complaints of misconduct from the public against enforcement officers or law enforcement agencies, and investigating and holding a hearing on the complaints received. This way the enforcement activities are constantly monitored and in the event of misconduct,

appropriate actions will be recommended.

14. Another establishment that has been playing such an important role is the Human Rights Commission of Malaysia. Beyond engaging the enforcement agencies, inquiring into complaints and advising authorities on appropriate actions to be taken, it has been tasked to inculcate human rights values in all Malaysians, through promoting awareness and providing education on their human rights. This is the most important part, as it is useless to have as many oversight bodies, if citizens are not aware of their rights or are afraid to lodge complaints.

15. Mere recommendations without power to investigate and impose punishments may not be sufficient to address misconducts. Further steps need to be taken. The new

Government of Malaysia will soon introduce a new bill at the Parliament to establish the Independent Police Complaints and Misconduct Commission (IPCMC). This proposed new independent body will be tasked to investigate police complaints more holistically, independent and able to investigate police misconduct. It is aimed at enhancing integrity among the police personnel, thus enable the government to deliver a better service for the public. The establishment of IPCMC, which has long been overdue, will be coupled with continuous efforts to improve the welfare of policemen and their working environment.

16. Another effort that is being undertaken by the Government of Malaysia is the proposal to introduce Ombudsman Bill within this year. The establishment of

Ombudsman could ensure more effective management of public complaints through the creation of a safe and secure ecosystem for people to lodge complaints with government agencies. The proposed establishment of Ombudsman Malaysia will purportedly serve as a 'second tier' of complaint mechanism. Under this new proposed mechanism, the public would be able to lodge their complaints to the Ombudsman if complaints through the first tier of government agencies were fruitless.

Excellencies, Distinguished Guests, Ladies and Gentlemen,

17. In a vibrant democracy, apart from passing laws, parliament also plays an important role in making the government transparent and accountable. Parliament can

hold cabinet ministers, civil servants and government agencies answerable for their policies and actions. It could perform this oversight function by establishing permanent and select parliamentary committees with the power to question ministers and their civil servants. The parliament could also conduct public inquiries on matters that are of wide public concern such as a serious financial scandal involving the integrity of the government.

18. It should be stressed however, that the parliamentary committees should not interfere in the running of the oversight bodies. Instead, they should monitor the bodies' activities by making it mandatory on them to submit annual reports and progress updates for scrutiny and debate in the committees. Experts and civil society representatives can also be invited to answer questions or give their views

on the matters of interest to them. Through this interaction between the parliamentary committees, the institutions and civil society, the public will be better informed about the issues affecting them, especially the issues of law and order and violations of the political, economic and human rights of citizens.

Excellencies, Distinguished Guests, Ladies and Gentlemen,

19. I am certain many governments are doing their best to meet Goal 16 of the SDG. Creating peaceful environment within the framework of institutions that are clean, transparent and accountable is indeed vital for political and socio-economic stability. Malaysia for instance, has been undertaking vigorous efforts by implementing various

policies and plans to review the existing and introduce new laws, creating public awareness on the citizens' rights, empowering enforcement agencies, strengthening the capacities of legal and justice institutions, as well as building and supporting community participation through partnership with authorities.

20. Nevertheless, I wish to emphasise on the important role of independent oversight bodies could play in providing check and balance to actions of governments. Governments must be fully responsible of all their actions, and not take the rights of their citizens for granted. Otherwise, all efforts will only be a waste of our limited and invaluable resources.

21. In closing, I wish all the speakers a fruitful and

productive discussion. Our wish is only one, to have responsible governments as enabler for peaceful and just societies that are vital for holistic development of all countries.

Thank you.

1478 words (10 minutes)