

Thank you very much for inviting me for this evening's get-together to share with you an evening of dinner as food for thought. I'm deeply honoured to be the first invitee which I believe will be followed by others for a similar evening.

2. It is not often that we get an opportunity to share our thoughts and experiences in a visible and open manner as tonight. This is not because there is an unwillingness but the reality of our society exists today make it difficult for honest and fearless exchange of ideas. There is in my view an increasing closing of the minds and public space for exchange of experiences. One of the main preconditions of democracy and the intellectual development of our country is the creation of the atmosphere where free exchange of ideas is not constrained by fear or unreasonable legal constraints.

3. Professionalism, ladies and gentlemen, is at its lowest ebb in history. Its traditions and canons have been sullied and violated to an extent that is unknown in human history. Despite our obsessions with ISOs, there seems to be a serious decline of moral standards in almost every single field of human endeavour. Corruption threatens to eat into the vitals of human society, and weaken the fabric of human civilization.

4. All professions exist as a means of public service; in this sense it is different from mere occupation. An occupation provides the means of livelihood, whereas a profession provides the building block for human advancement. A professional is accountable to standards of public interest beyond personal or pecuniary considerations. The public places implicit trust and confidence in the competence and skills of the professional who owes society an obligation to conduct himself in accordance with ethical standards.

5. It is in this context that I wish to say quite bluntly that professionalism may well be considered to be the opposite of what you may consider to be an objectionable word - prostitution. By using the word prostitution please forgive me if I am being unfair to the world's oldest profession.

6. My concern is simply this: we do not want a profession to be prostituted – for if that happens the profession is condemned to suffer aids from which it might never recover. Never allow a noble profession, be it medical, legal, journalistic or any other calling, to be diseased by allowing opportunists to abuse the profession. Unlike the days of old, the door is wide open for opportunists to enter the sacred precincts of any profession. Today, the so-called professionals,

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in collaboration with strangers outside the profession, are determined to cause untold problems for the profession. They are the worst enemies of the profession, and may be considered as the nation's public enemy number one because they are likely to move up very fast and very high up the ladder where they will work their way much like termites with power to bring the entire edifice of human civilization to its knees.

7. When I say that a profession is harmed, it is the people whom the profession seeks to protect who are harmed; it is the society that the profession seeks to protect that is harmed; it is the civilization that the profession seeks to preserve, perpetuate and promote that is harmed. There can be prostitutes in each and every professional practice. These are people who are motivated by power, lust and greed for which they are willing to sacrifice the sacred trust that society has placed in them. Through the actions of a few, the ethics and principles that govern the profession are violated and civilization as a whole is likely to slip down the depths of decline and decay.

8. As a former Finance Minister, I am only too aware of the importance of professional ethics in the corporate sector. The collapse of corporations in various parts of the world has drawn our attention to the need for ethical standards within the accounting profession. The Enron scandal represents a perfect example of the abuse of professional knowledge. The scandalous fraud would not have occurred if only the staff of the firm concerned had upheld public interest expected of accounting professionals. Let us take our own example in Malaysia. The government is losing billions in revenue every year just because tax accountants are less than honest. On a more important matter related to the Port Klang Free Zone (PKFZ) scandal the so-called professional accountants of an international firm failed to disclose how a RM1.1 billion scandal could have escalated to more than RM12 billion.

Ladies and gentlemen,

9. A one time professional doctor made a fairly accurate observation when he said Melayu mudah lupa. More accurately stated it should have been orang Malaysia mudah lupa. We forget things easily. To jolt our memory there are two abandoned towers in Ampang that continue to loom out of the green density of the jungle. The ruins of the once prestigious Highland Tower buildings bespeaks the fate of a society for whom profits are more important than people. The construction industry continues to build and build, ignoring safety standards, aesthetic values, and public interest. Even now, controversy is raging over a new township, including a 29-storey high-rise condominium, that is proposed to be built close to the Batu Caves temple. It is feared that the construction could pose a danger to the caves and to structures at the temple. After having gone through so much of travail, it is simply unbelievable that society can continue to

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tolerate having professionals who do not have the slightest regard for public welfare and safety, people who continue to do things without using their heads or their hearts.

10. Another instance of professional callousness and greed: not too long ago a young boy died right in front of a hospital just because he could not come up with RM 5,000 for admission deposit.

11. That is the state of affairs for a noble profession like medicine, and we realize how far away we have moved from the ideals of professionalism that was enshrined in the Hippocratic Oath. Every medical practitioner had to observe the Oath in ancient Greece. It required every entrant into the profession to swear upon a number of healing gods that he will uphold professional standards that are rooted in ethics and public responsibility. Today, we have the example of doctors who prescribe and promote costly medicine from a preferred company, while a cheaper medicine would have easily sufficed for the poor patient.

12. Today, due to profiteering practices, doctors and hospitals have become a burden on society. Treatment has become prohibitive due to the avarice of doctors and the businessmen to whom they are beholden. Greed has become so rampant that it is considered “normal” practice.

Ladies and gentlemen,

13. The best beloved of all things in God’s sight is Justice, and a fair judgement does honour to God. Justice is the last bastion of hope for a flagging humanity. Needless to say, a society that compromises justice is both decadent and backward. It was for this very reason that our legal luminary, Tun Suffian used the word “primitive” to characterize the sad state of affairs in our country, and I do not wish to go into the details.

14. The judicial system in a country is also the penultimate defender of democracy. In our country, I am sad to say that the decline of professionalism in the field of law has assumed epidemic proportions. Had Tun Suffian been alive, I do not know what other words Tun Suffian would have used to describe the scandal involving the appointment of judges. About six years ago, Malaysians were shocked by a videotape showing a senior lawyer trying to broker the appointment of a judge to the highest judicial post in the country. It was sad to note that such an

important appointment had been reduced to tawdry politicking and power play involving wily politicians and wealthy businessmen. Of a sudden, what had all along been a mere subject of murmurs and whispers took on real form, to be viewed over and over again on our own computer screens. It was too much for Malaysians to bear, and needless to say, the shock contributed in no small measure to the unprecedented losses suffered by the ruling government in the 2008 elections.

15. The problem did not start of a sudden. It has been a slow but sure downslide which began in 1988 when Tun Salleh Abbas was removed from his position as Lord President. Since then, the impartiality, independence and basic honesty of the judiciary has been called into question time and again. Since then, the Attorney-General's Chambers has become the object of public odium, being perceived as a willing tool of the executive.

16. As an individual involved in the concerns of public interest, I am an example of how the law, as a profession, in the wider sense, and the institutions that the law uses had impacted on my freedom from abuse, misrepresentation and persecution. Some of you may remember the infamous BMF affair and some of you may be too young. Nevertheless, I don't intend to go into the details of the saga but just to remind you; it was about a conduct of certain individuals and managing a bank which ended in questions about the role of certain individuals, their integrity and objectives. My political opponents, and they were formidable ones who had the command of the political system and the media launched an attack on my integrity for obvious political reasons. The allegations were outlandish, abusive, dishonest statements without any factual basis whatsoever but the media made a sensation out of it and gave it maximum publicity. I naturally sought legal advice about the possibility of legal redress in our courts. I was told that I had no chance of obtaining the kind of justice and redress against the media or those responsible for it in the circumstances that prevailed at the time. I had to bear and suffer the public suspicion that was created by the media but bided my time for the opportunity.

17. The opportunity came when the newspapers – The Sunday Times and The Independent in England and the South China Morning Post in Hong Kong – published similar allegations. On advice, I took the opportunity and sued all three newspapers. Without even a hearing, after the pleadings have been closed, all three newspapers apologized to me and published the apologies. Unfortunately, the apology that I obtained from these newspapers was not given the extent of publicity in our newspapers, and that speaks volumes about the freedom of press and responsibility to the public that prevailed and prevails.

18. In that short narration of my experience, I hope I have provoked a food for thought about the importance of the Rule of Law. A lawyer is only as good as its institutions make him. The

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institutions of justice are also only as good as the lawyers make them. Therefore, if we seek the dignity of the law as the basis for the Rule of Law that is essential for the wellbeing of all citizens and the country, then the profession, the institutions that are involved, the law and the citizens are all inseparable. This applies to all professions.

19. The AG Chambers has the audacity to ignore and repudiate two major reports by the Royal Commission of Inquiry (RCI), established in the name of the Yang di-Pertuan Agong. This has reduced and belittled the work of the independent Commissions to sheer exercise in futility. The cases involving the RCI pose the question as to whether the judiciary is truly free from executive interference.

20. The concept of separation of powers is important not just for professionalism, but also democracy. Without checks and balances that the separation of powers provides, one cannot claim that we enjoy genuine democracy in our country. This concept of separation of powers has taken many centuries to evolve from the times of the Roman Empire; and yet it has taken just one day for a primitive mind to destroy what has taken ages for civilized men to build.

21. Executive interference has pervaded almost every profession that we consider to be sacrosanct. Today, our education system is in tatters. The drastic drop in educational standards is such that many parents shudder to think of putting their children through the Malaysian school system. The problem of standards is clearly due to executive interference, which in turn poses a serious challenge to the professionalism of our teachers. We may not like to hear it, but the sad truth is that the rot in our education system started with executive interference linked to the New Economic Policy. Needless to say, the inevitable fall in standards has led to massive brain drain of parents wanting to see their children enjoy a better education overseas.

Ladies and gentlemen,

22. Professionals must stand up for their rights if they wish to live up to the ideals of their respective professions. Sometimes the professionals are only too eager to please their political masters. Everyone knows that wisdom among Malaysian politicians is rare, but perhaps few realise that the courage to tell the truth to people in power is just as rare, if not rarer among the professionals. Nowhere is this more obvious than in the public sector – which at the time that we inherited from the British could be described as par excellence. Today, it has become a burden on the people and our resources.

23. Let us take a look at the professionals whom we pay to take care of our internal law and order. What comes to mind right away is the image of three policemen who are expected to face rape charges soon, following allegations of sexual assault on an Indonesian woman at a police station. Can you imagine such a thing happening in a police station? We also call to mind a former Inspector-General of Police who used violence on a former Deputy Prime Minister under police custody in Bukit Aman. Can you imagine the highest-ranking police official committing a heinous crime in the nation's police headquarters. Sad to say, the image of the police force is at the lowest ebb today. There are many unexplained cases of deaths under police custody, creating unrest and agitation among the people of a certain community. The total lack of professionalism within the ranks of the police force was again clearly evident during the Bersih rally when violence and brutality was inflicted on innocent journalists and protestors in what could have been a peaceful protest. The post-rally propaganda against Bersih, especially Ambiga Sreenivasan, was most shameful and unprofessional.

24. Unprofessional conduct is most blatantly evident in the case of the Malaysian Anti-Corruption Commission which is charged with the responsibility of ensuring an incorruptible administration in the country. Although established in the midst of much fanfare as part of the government's reform programme, sad to say, the hopes of the people were dashed soon after it was formed. The people were disappointed when the agency appeared to show interest in petty matters while failing to address more urgent and important cases of corruption. Two witnesses died in the MACC headquarters, stirring a great deal of speculation about the professionalism and integrity of the officials involved. We are not unjustified in wondering if the agency is really serious about fighting graft or merely finishing off political 'enemies'.

25. Another instance of unprofessional conduct on the part of our civil servants is their deafening silence in the face of political misconduct in the area of their responsibility. About five years ago, records of the Selangor State government were feared to have been destroyed by the political party that was defeated in the last general elections. And yet not a whimper was heard from the custodians of public records in this country, despite the fact that the records professionals are believed to have their own code of professional ethics. I do not think that anyone in the executive would have instructed the National Archives against following the stipulations of the Act of Parliament or professional code of ethics that governs the profession.

26. The trend continues, for sometime this year a former Director of the Archives in Sabah found it perfectly alright about making a political statement with regard to the twenty point document that was signed prior to the formation of Malaysia. The constant pandering to political masters on their own free will calls into question the extent of professionalism.

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Ladies and gentlemen,

27. Having looked at professionalism from the viewpoint of moral and social responsibility, we need to also look at it in specific relation to the way that we execute our work. This particular area falls within the framework of international and national standards that are clearly established in the ISO standards. In dwelling on this particular aspect of professionalism, I wonder what could be a better indicator of the total absence of professionalism in the public sector than the alarming degree of laxity in the security and defence of our nation, which to my mind constitutes the single most urgent responsibility for any government in power to be concerned about. Not long ago, the nation was shocked when military weapons were suddenly found missing in a number of military camps in the country. Then again we were shocked to find that two sets of RMAF jet fighter engines had been stolen from the air force base in the capital city. The mystery of it all continues to loom in our minds as an unresolved puzzle for our people.

Ladies and gentlemen,

28. In order for professionalism to take roots in our society, we need to avoid manipulation by the powers that be. This is impossible to achieve in the absence of a strong and credible legislature and a robust media which highlights official malfeasance and abuse of power. On the positive side, the increasing tempo of globalization causes a great number of professionals and agencies in both the public as well as the private sector to seek affiliation with the world community of professionals in related areas.

29. But there are some things that we need to change within us, and this we can achieve. We need to imbibe a new mindset and a new culture that goes well with professional ethos. We can never aspire to be professional so long as we continue to be imprisoned by the feudal mentality that conditions our mind to blindly follow our leaders or those in positions of power and authority.

30. There is a saying that you can take the Malay out from the kampong, but you cannot take the kampong out of the Malay.

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31. The predominance of one race in the public sector has created a sub-culture that expresses itself in ways that are strange for a modern public administrative ethos that emphasizes professionalism. Public officials are fond of exchanging endearing terms such as “abang”, “kakak” and “adik”. Their universe is centred around “aku” and “kami” (we) which emphasize a narrow group loyalty which is also reflected in terms of clan or group solidarity. The kampong culture is also translated in many other ways such as making it necessary to remove shoes when entering an office in a public domain.

32. We need to remove the kampong from our minds and work towards inculcating and internalizing a new culture and ethos that reflects universally acceptable standards of professional conduct. Only then can we ensure the success of our struggle and ensure the continued survival of our nation as a civilized entity within the global context.

Thank you.

Speech At A Dinner Function At Rama V Restaurant Hosted By Messrs. Lee Hishammuddin
Allen & Gledhill at Kuala Lumpur on Friday, 7.12.12 at 8.00 P.M