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Where Have The Capitalists Gone?



Corporate Malaysia Under Mahathir:

Where Have All the Capitalists Gone?

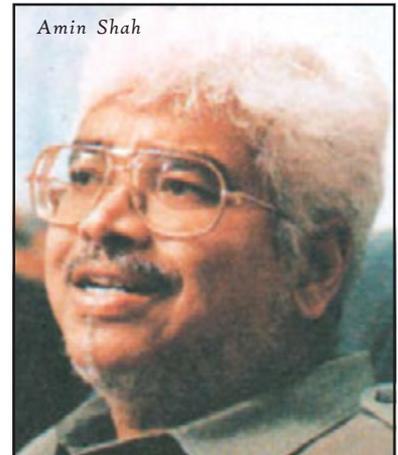
by Terence Gomez



When Mahathir Mohamad was appointed Prime Minister in 1981, his stated economic vision involved three goals: first, to develop an industrialised economy; second, to create a dynamic, entrepreneurial community with the capacity to compete internationally; and finally, and probably most importantly for him, to nurture a new class of internationally recognised Bumiputera capitalists.

Some of these policies were strongly opposed, not just by government critics but also members of his first cabinet, one reason why Mahathir moved to concentrate power within government in the office of the Prime Minister. Mahathir would later justify this concentration of power as a means to help him achieve industrialised nation status for Malaysia by 2020 and to fulfil his vision of creating this new class of dynamic, entrepreneurial Malay capitalists.

To aid his vision of creating huge companies with international reputations led by Malay capitalists, Mahathir appointed his close ally, businessman Daim Zainuddin, as finance minister in 1984. Both men were captivated



with business and developing the Kuala Lumpur Stock Exchange (KLSE) as an avenue to help create domestic capitalists and large conglomerates. The high degree of autonomy that the prime minister had within the state allowed him to selectively distribute government-created concessions to a select group of businessmen who, by the mid-1990s, were in control of a number of huge quoted con-

glomerates. These conglomerates were also rapidly built up through their relatively easy access to loans from government-controlled banks.

As for the KLSE, between 1989 and 1993, equity market capitalisation as a percentage of gross domestic product (GDP) increased from 105 per cent to 342 per cent. By the mid-1990s, the

In our cover story, Terence Gomez discusses the rise and demise of many of Malaysia's domestic capitalists spawned during the Mahathir years. Where have all of them gone, he asks. They either faded away when their political patrons disappeared or were removed from the scene. Yet another group of tycoons failed to survive the 1997 financial crisis due to their over-extended operations.

In a follow-up article, Sivarajan reports on the plight of 150 urban pioneers in Shah Alam who were ordered to vacate their premises without sufficient notice. Fortunately, Justice Suriyadi ruled the residents have equity over the land as they had worked and developed the area. Moreover, the developer had indirectly recognised this by offering the residents compensation of house rent.

Anil Netto wonders how a private Norwegian-based firm obtained the commercial rights to an improved breed of tilapia fish, which is widely farmed in the region. The selective breeding had been carried out by the Worldfish Center, now based in Penang and was supposed to be in the public realm.

Fan Yew Teng and K George continue our discussion about the transition in political leadership. Fan challenges the new prime minister to get serious about corruption, which he has declared war against. The first step, Fan suggests, is to make the ACA truly independent.

Aliran's oldest member, George, who at 80-plus is senior to Mahathir, jogs our memory about the antics of the former premier and is relieved that that era is over.

Finally, we present six pages of your letters, most of which are in response to our special issue on the Mahathir legacy. Keep those letters coming.

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KLSE's market capitalisation relative to GDP had emerged as the highest in Southeast Asia. The KLSE had also emerged as the fourth largest bourse in Asia and the 15th largest in the world in terms of market capitalisation.

By early 1997, Malaysia's leading corporations included a number of firms controlled by Bumiputeras, almost all of whom were well-connected to one of the then three most powerful politicians in Malaysia - Mahathir, then deputy prime minister and finance minister Anwar Ibrahim, and then government economic advisor Daim Zainuddin. The Malays in control of major firms included Halim Saad, Tajudin Ramli, Wan Azmi Wan Hamzah,

Samsudin Abu Hassan, Hassan Abas, Ahmad Sebi Abu Bakar and Amin Shah Omar Shah, who were closely associated with Daim; Ishak Ismail, Mohamad Sarit Yusoh, Kamaruddin Jaafar, Kamaruddin Mohd Nor and Rashid Hussain, who were linked with Anwar; while those who were close to the prime minister included his sons, Mirzan and Mokhzani Mahathir, as well as the late Yahya Ahmad, Basir Ismail and Mohd Noor Yusof.

Among the more independent business figures in the corporate sector who had emerged as businessmen of some repute prior to Mahathir's ascendancy to the premiership were Tunku Abdullah, Shamsuddin Abdul Kadir and

Azman Hashim, but all three were known to be intimate friends of the prime minister.

A number of well-connected non-Malays also quickly evolved as owners of large enterprises during Mahathir's tenure. These businessmen included Vincent Tan Chee Yioun, Ting Pik Khiing, Francis Yeoh, Lee Kim Yew and T. Ananda Krishnan who were all reputedly aligned with Mahathir and Daim, while Tong Kooi Ong, Quek Leng Chan and T.K. Lim were associated with Anwar. Almost all these Malay and non-Malay businessmen who were among Malaysia's leading corporate figures before the 1997 currency crisis had been privy to state patronage in some form, specifically the award of privatised contracts.

However, since the rise of most key businessmen was linked to the patronage of influential politicians, wealth accumulation depended on whether their patrons remained in power. After Anwar was removed from office in September 1998, thus allowing Mahathir to concentrate even more power in the office of the prime minister, most Malay and Chinese businessmen associated with the ex-deputy prime minister have had to struggle to protect their corporate interests. Similarly, when Daim fell out of favour with Mahathir in 2001, corporate assets owned by his business allies and proxies were taken over by the government. These political fallouts between Malaysia's leading politicians were sparked mainly by the impact of the 1997 crisis on the corporate sector.

The currency crisis had a profound impact on domestic capitalists, es-



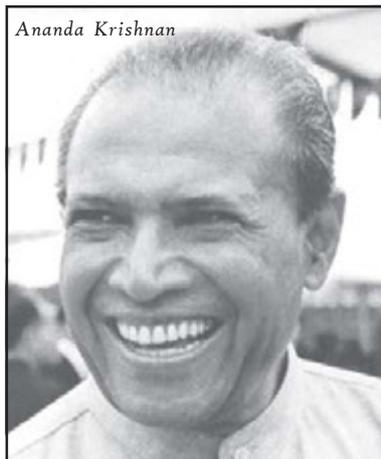
Ting Pik Khiing



Quek Leng Chan



Francis Yeoh



Ananda Krishnan

pecially well-connected businessmen. With the rapid fall in the value of equity quoted on the KLSE, many well-connected companies fell off the list of the top 100 Malaysian firms, far more rapidly than they got there. Chinese capitalists appeared to have fared better in the crisis, as did government-owned listed companies.

By the beginning of 2001, according to one study of the wealthiest business people in Malaysia, no Malay figured among the richest 10 businessmen, in terms of the total value of corporate assets they owned (see *Malaysian Business* 1 February 2001). This study indicated that, apart from one ethnic Indian, the remaining top 10 wealthiest corporate figures were all ethnic Chinese. Of the top 20, only three businessmen were Bumiputeras, while 16 were ethnic Chinese.

By 2003, all these three Malay businessmen, Tajudin Ramli, Halim Saad and Rashid Hussain, had lost control of their corporate assets. The currency crisis, as Mahathir would fervidly stress, was the primary reason for his failure to develop domestic capitalists. It was, however, questionable

if the prime minister had helped nurture entrepreneurial companies that could weather crises.

Enterprise Reform In The Post-Crisis Period

Despite this further concentration of power in the office of the executive in the post-crisis period that facilitated, among other things, controversial ‘bailouts’ of select businessmen, the government also introduced new policy initiatives and corporate governance measures to deal with the problems exposed in the corporate sector.

In February 1999, the government proposed the Malaysian Code of Corporate Governance which has two primary objectives. First, to encourage disclosure to ensure that investors are aware of the way their company is being managed. The second objective of the Code is remind company directors of their responsibilities.

The four principles of corporate governance set out in the Malaysian Code refer to:

- effective leadership by directors of companies

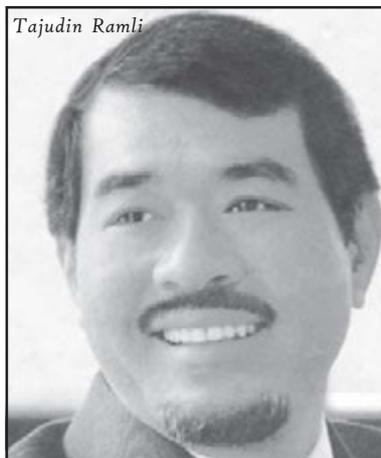
- transparency in determining the remuneration of directors
- ensuring the accountability of directors through adequate internal controls and an independent external audit, and
- the promotion of dialogue between a company’s management and its investors.

The new regulations to enforce corporate governance do not, however, have provisions to act against certain corporate practices common in Malaysia but not accepted in other countries. One example is the practice by a majority shareholder to inject a privately held asset into the quoted firm, a corporate manoeuvre that is not permitted in the United States as it is seen as a “self-serving deal”. This practice had led to a number of major controversies in Corporate Malaysia, specifically during the 1980s when the stock market emerged as an avenue for businessmen to raise funds quickly.

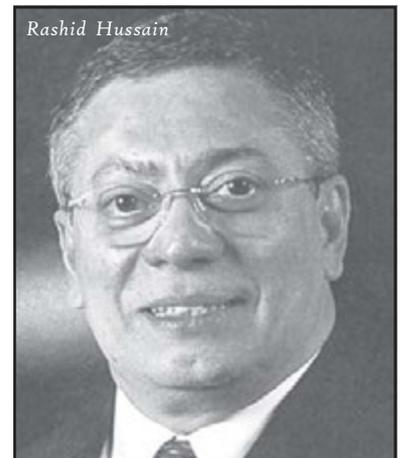
In Malaysia, the institutions established to ensure proper corporate governance have the capacity to perform effectively, have a good reputation for regulating the financial market. But because of



Halim Saad



Tajudin Ramli



Rashid Hussain

... lost control of their corporate assets by 2003

the hegemony of the executive over the state, the relevance and effectiveness of these institutions depends primarily on the will of key government leaders to enforce corporate governance. Simply put, regulatory institutions can - and usually - act independently but are also used as tools by powerful politicians for vested interests. These politicians can ensure that these regulatory institutions do not act against favoured businessmen, in spite of evidence of corrupt practices.

Thus, the maneuvering of corporate assets at the behest of political leaders indicates that through ostensible enforcement of corporate governance, politicians in control of the executive have transferred corporate assets into the hands of their allies. Moreover, while the selective imposition of rules and regulations on some enterprises has helped create the impression of an increasingly well-governed corporate sector, irregularities continue to occur, mainly to serve powerful vested interests.

**Political Conflicts,
Policy Response
And Wealth
Deconcentration**

Although the development of the Corporate Malaysia has been strongly influenced by Mahathir's policies, and he alone dominated the state, this concentration of political power has not contributed to concentration of corporate equity in the hands of an elite group. Towards the end of Mahathir's tenure, there was evidence not of wealth concentration but of rather wide dispersal of ownership of corporate equity

of the top 100 quoted firms. In 2001, a list compiled by Malaysian Business (2 January 2001) of the country's 20 wealthiest business people indicated that their combined wealth amounted to RM41.7 billion, only about 10 per cent of the KLSE's market capitalisation. More importantly, it does not appear that any of these 20 wealthiest business people hold corporate equity in trust for influential politicians.

This lack of wealth concentration is primarily due to conflicts among Malaysia's political elites. Between 1997, when the currency crisis occurred, and 2001, two influential politicians, Anwar and Daim, who had significant indirect control over important corporate enterprises, had been marginalized by Mahathir. The vast corporate assets owned by their business allies have been re-allocated to government institutions or other private individuals, an indication of the capacity of the former prime minister to control how companies are developed.

Businessmen, particularly Chinese entrepreneurs, who had little or no links with politicians, appear to have been able to retain control over their companies, mainly by conforming to state policies. But the fall of the Anwar-linked T.K. Lim, for example, suggests that it is not too difficult for

the government to remove corporate assets at will. This indicates that even those firms that are sustainable in spite of their rentier origins could be dismantled or taken over following power struggles in UMNO. Another example of a prominent businessman who is widely believed to have relinquished control of his corporate assets because of a fall-out with Mahathir is Rashid Hussain.

By the beginning of this decade, a review of the top 10 firms listed on the KLSE, in terms of market capitalisation, indicated that the government has majority ownership of six of these quoted firms. These companies include former public utilities like Telekom Malaysia (at number 1) and power supplier Tenaga Nasional (at number 3), the country's leading bank, Malayan Banking (at number 2), the national oil corporation Petronas' gas producer, Petronas Gas (at number 4), the national shipping line Malaysian International Shipping Corporation (MISC) (at number 6), and the well-diversified, but predominantly plantation-based Sime Darby (at number 7). Government firms also have a stake in Commerce Asset-Holding (at number 8), which owns Malaysia's second largest bank, Bumiputra Commerce Bank, an enterprise that emerged out of the merger



between government-owned Bank Bumiputra and Bank of Commerce. The other three firms in the top ten – Resorts World (at number 5), Genting (at number 9) and YTL Corporation (at number 10) – are owned by ethnic Chinese. Genting and Resorts World, involved in the casino and leisure industries, are part of the same group owned by Lim Goh Tong. The YTL group, involved in the construction, property development and power sectors, is owned by Yeoh Tiong Lay and his family.

Two other conspicuous points about the top ten companies is that, first, one of them is owned by a foreign enterprise. Second, in spite of phenomenal state support for the development of Malay capital, no Bumiputera individual has emerged with a controlling interest in any of the top 10 companies.

The failure of the government's policy to develop Bumiputera entrepreneurs, in spite of the phenomenal amount of privileges accorded to a select number of businessmen, was due to the manner of implementation of this policy. The government had selected these so-called "winners" in a non-transparent manner, and accorded them numerous concessions, particularly privatised projects, to facilitate their rapid expansion.

Moreover, since there was little clear focus in enterprise expansion by many well-connected Bumiputeras, and since political patronage also involved easy access to loans and government privileges, there appeared to be little caution in the manner they

developed their companies. This style of growth contributed to their rapid collapse when the currency crisis occurred in 1997.

Link To Senior Politicians

Another key reason for the decline of most leading Bumiputera businessmen is that since most of them were closely linked to – and dependent on – senior politicians, their corporate activities were often influenced by politicians and affected by political crises. In 1993, for example, Daim ensured that Renong, controlled by Halim Saad, divested ownership of the then highly profitable media companies, NSTP and TV3, to businessmen linked to Anwar. Anwar had then forged close ties with Daim to mount his bid for the post of deputy president of UMNO. When Anwar and Daim fell from power, so too did businessmen linked to them.

Malay capitalists that have remained relatively independent appear to have fared better. Shamsuddin Kadir, for example, who developed Sapura Telecommunications and Uniphone Telecommunications, remained unaffected by the 1998 political crisis in UMNO. Tunku Abdullah, who controls the Melewar group, has not been very dependent on any leading UMNO politician for continued business support and privileges. Moreover, Malaysian Assurance Alliance (MAA), Abdullah's main listed enterprise, has remained focused on the insurance industry.

Another factor contributing to the failure to develop Bumiputera businessmen is that many of them

were involved in sectors most affected by the currency crisis. This point also highlights another crucial fact – none of the Malay businessmen who had emerged as owners listed in the KLSE top 100 have shown a capacity to venture successfully into manufacturing. Most of them have focused instead on finance, construction, property development and telecommunications. Shamsuddin Kadir's telecommunications enterprises were probably the only Bumiputera firms actively involved in manufacturing. Shamsuddin, however, has since divested his interests in this sector.

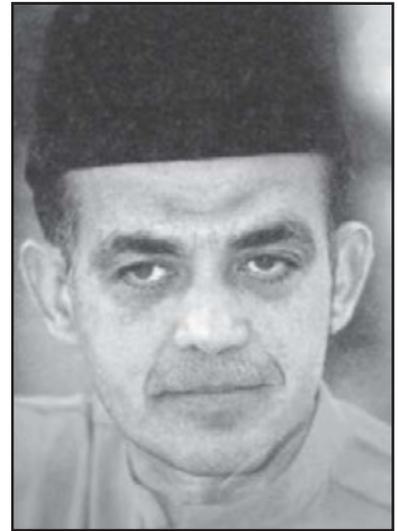
A further important feature of the largest publicly-listed firms is that, even among the top 100, barely 20 list manufacturing as a primary activity. Most of these 20 companies are foreign-owned – Rothmans, Nestle, Malayan Cement, Carlsberg, Guinness Anchor, RJ Reynolds, Malaysian Oxygen, Kedah Cement and Shell. Three of these 20-odd firms belong to Hong Leong group – MPI (electronics), OYL (air-conditioning), Hong Leong Industries (tiles) – probably one of the few entrepreneurial conglomerates in Malaysia. Ethnic Chinese own most of the other domestic manufacturing firms in the top 100 KLSE list.

There is, however, no evidence of intra-ethnic business cooperation involving members of the Chinese community, though it is widely believed they work together to protect common economic interests. The key factor that explains their capacity to thrive in the Malaysian economy is that they have been forced to compete, especially after the introduction of



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Syed Mokhtar Al-Bukhary

affirmative action through the New Economic Policy (NEP). This point was clear to Mahathir, who of late had been persistently counselling Malay businessmen to emulate the 'Chinese-way' of doing business, a style characterised by exposure to competition.

Mahathir would also eventually acknowledge that those businessmen privy to government patronage had failed to live up to the faith he had in them to serve as the vanguard of Malaysian capital. Probably in recognition of this fact, there has been a recent shift by the government from support for the creation of conglomerates to the promotion of small and medium-scale enterprises (SMEs). Taiwan's economy, dominated by SMEs – nearly 98 per cent of all firms in this country fall under this category – which had also apparently weathered the currency crisis well, became the new model for enterprise development.

There was also growing attempts by state to encourage firms to reduce their dependence on loans to generate growth. In this regard, Taiwanese firms were again seen as models to be emulated. Corporate debt in Taiwan was among the lowest in East Asia. Moreover, while the average overall debts of Taiwanese firms was only about 30 per cent of equity, corporate debt of South Korean companies was sometimes four times the value of assets.

Although there is now this new found emphasis to aid SMEs, this is not to mean that Mahathir has dispensed totally with his desire to create Malay capitalists. By 2003, a hitherto obscure, reclusive businessman, Syed Mokhtar Al-Bukhary, had quickly emerged as a major corporate figure, building up a highly diversified corporate base, akin to the UMNO-linked Renong group, controlled by the party's proxy, Halim Saad.

Apart from having a major interest in Malaysia Mining Corporation (MMC), Syed Mokhtar is reportedly a shareholder of Pernas International Holdings (32%), IJM Corp (20%), Padibernas Nasional (33%), Malakoff (23%), Johor Tenggara Oil Palm (36.5%), Fiamma Holdings (18.7%) and Amtek Holdings (50%) (see *The Star* 30 August 2003). Syed also controls Port of Tanjung Pelepas and Johor Port and is set to participate in the construction of another of Mahathir's pet projects, the multi-billion ringgit Bakun Dam project (see *Asian Wall Street Journal* 3 September 2003).

Syed Mokhtar has claimed that "by the time I met the PM, in early 1997, I was already a successful businessman.... But we have never abused the relationship. He gives us a fair hearing but there is no green lane with him" (quoted in *Far Eastern Economic Review* 26 May 2003). Mahathir, meanwhile, continues to call on Malay busi-

nessmen to aspire to become major corporate figures like Syed Mokhtar.

With Mahathir's departure as prime minister, and although his successor, Abdullah Ahmad Badawi, has openly stated that he intends to deal with corruption, this is unlikely to put an end to the development of well-connected firms. Abdullah's son has recently – and quickly – emerged as a prominent figure in the domestic corporate scene.

Moreover, in spite of the promotion by the press of the idea that corporate governance in Malaysia will improve appreciably, structural reforms necessary to promote transparency and accountability in government are not being implemented. The concentration of power in the executive and the lack of autonomy of regulatory institutions to act against corruption and business activities not in the interests of Corporate Malaysia do not serve to inspire confidence that genuine reforms are imminent after Mahathir's retirement as prime minister. □

Judge Grants Crucial Injunction

Govt's "Zero Squatter" Policy put in the spotlight

by Sivarajan

6 November 2003, Shah Alam

This morning, Judge Suriyadi, the judge known for his courageous judgements, called for a stand down and inquired about the large crowd present at the Shah Alam High Court.

Yes, the crowd was huge. More than 150 urban settlers from Kg. Rimba Jaya had gathered at about 8.30 am at the Shah Alam High Court entrance, holding banners to highlight their cause.

This morning the fate of their homes was to be decided by the courts. Among the large crowd were Parti Sosialis Malaysia's chairperson Nasir Hashim and treasurer A.Sivarajan. Also present were members of the PSM Subang Branch, who have worked hard to empower the Rimba Jaya settlers.

Today the court was to hear an interim injunction against the Shah Alam Town Council (MBSA) preventing it from demolishing 12 homes in Kg.Rimba Jaya. The settlers were represented by comrade Teng Chang Khim while Sharizal appeared for the MBSA. The case was stood down momentarily till 11.00 am to allow other cases to be heard. This was only the beginning of a very interesting morning. Court Room 1 was packed

with many more waiting outside.

Teng, in his opening presentation, went straight to the point in highlighting the discrepancies in the MBSA notice. The notice claimed to be using the Emergency Ordinance, Clearance of Squatters regulation 1969. The counsel pointed out that these sections of the regulation clearly point out that, "in the event the private land is in question, the landowner through proper legal procedures is to demolish buildings regarded as 'squatters' in his land. Failing which, he could request the assistance of the local council to do so."

Teng further pointed out that the 1969 regulation was meant to be executed under Emergency conditions and was thus not relevant under current conditions. Previously, the Emergency Ordinance had been used to evict many squatter settlements although the Emergency had long ended.

Justice Suriyadi then took center stage and put things in perspective. He agreed with Teng that the settlers (*peneroka*) - though they do not hold — legal title to the land — do have equity over the land as they have worked and developed the area. The judge further established that the developer too has accepted this right of equity, as

compensation of house rent for 18 months had been offered to the *peneroka*.

The validity of the MBSA notice was then torn apart by the Judge. Sharizal, MBSA's counsel, revealed innocently that the MBSA acted on a directive from the Setiausaha Kerajaan Negeri (SUK) Selangor. He said there was a directive from the State Exco dated 7 October 2003 directing the MBSA to go to the land and demolish the houses.

This revelation raised eyebrows, as it clearly contradicted the Clearance of Squatters Regulation 1969, which requires the MBSA to decide. Why was there an overriding directive from the SUK? It was a question Sharizal failed to answer.

The MBSA counsel was further lost for words when Justice Suriyadi asked him whether the local council had carried out any study or survey at the kampung to enable it to exercise its discretionary powers in coming to an informed 'opinion'.

The MBSA took a second beating when the court was made aware that the MBSA notice had no date on it. Why was there no date on an official letter? Sharizal tried hard to convince the judge that be-

low the notice was a column for the person who serves the notice to write the date upon service.

Unfortunately, the MBSA counsel's attempt only backfired on him, when Justice Suriyadi noted the words '*notis ditampal*' (notice pasted) on the letter. The judge hit out at the MBSA for behaving irresponsibly as the regulation clearly states that the notice must be "served" on the occupant of the house. A claim of "*notis di tampal*" cannot be accepted.

The judge further explained that people were very mobile these days and travelled far to make a living. "If someone has been away for two months for Haj and you break down his house in his absence claiming you *sudah tampal* the notice, is it acceptable?"

Frequent peals of laughter could be heard among the urban pioneers whenever the MBSA counsel was cornered and unable to answer the judge's questions. Looking pale and sweaty, he was seen rummaging through his documents several times.

Justice Suriyadi took time from the legal aspects of the case to examine the situation on the ground. "Why did the urban pioneers reject your offer for compensation and the offer to buy the low cost flat?" he asked.

The Kg.Rimba Jaya settlers were only offered RM400 per month as rental money for 18 months. They were also offered low cost houses at RM35,000. The developer also claimed to have arranged 100% loans from AM Finance for the housebuyers provided that they were eligible to receive the loan .

"RM 400 sebulan mana cukup...mahu cari rumah dekat Shah Alam atau Klang?" Justice Suriyadi continued. "*Sekarang sewa satu bilik pun sudah RM 250; satu keluarga sewa rumah macam mana?*"

"Lagipun, you kata loan untuk mereka yang layak - bagaimana orang yang sudah berumur 50 tahun lebih? Kebanyakan mereka kalau setinggan adalah orang berpendapatan rendah. Kalau gaji sebulan RM1000, mahu bayar ansuran bulanan rumah lebih kurang RM400 hingga RM 500, apa mahu makan? Adakah mereka layak mendapat loan?"

"So counsel," said the learned judge, as he looked at the MBSA counsel, "tell me why should the people accept the offer? Why do you think this is a good offer? Convince me!"

The way the MBSA rushed the notice was also questioned. The offer to the urban pioneers was made by the developer on 14 August 2003. Suddenly, the State Exco directs the MBSA on 7 October 2003 to demolish the houses. Which means that a space of less than two months after the offer was made, the landowner would have made an application to the local council or the SUK requesting it to demolish the houses.

"For the families who have been living there for more than 50 years, you only give them less than two months to accept the offer and vacate" the judge asked. "*Dua bulan mana cukup, kadangkala you peguam pun minta case postpone nak jumpa client pun mahu tiga bulan! Ini banyak keluarga dengan anak -anak pula, you ingat senang mahu cari tempat*

tinggal yang lain?"

The MBSA, grilled by the judge, finally claimed that they were only carrying out the directive of the State Government, SUK in line with its Squatter Free Policy 2005.

But "*walaupun nak menempatkan setinggan ini baik plan dia, tapi itu tidak bermaksud semua perundangan boleh diketepikan*" Thus based on the arguments mentioned, Justice Suriyadi granted an interim injunction to the Kg . Rimba Jaya urban pioneers.

The hearing for the case was fixed on 30 March 2004. Although it was expected that the MBSA would appeal to the KL Appeals Court, it was nevertheless a great victory for the *peneroka*. There were smiles and cheers all round as they stepped out of the court room.

The victory earned by the Rimba Jaya *peneroka* extends beyond their kampung as their case has laid a foundation to examine the government's discriminatory "Squatter Free Policy 2005". Many such cases in the Klang Valley are ongoing on as poor urban pioneers are evicted forcibly only to receive meagre compensation and pigeon-hole flats and homes.

Commenting on the decision, PSM Chairperson Nasir said, "Justice Suriyadi has once again made a landmark judgement which will give hope to the many poor settlers around the country." We will claim the victory today and continue to defend the homes tomorrow, he said.

Source: PSM.

Look Mom, It's Genetically Altered Fish!

by Anil Netto

As rising demand for fish puts pressure on global supply, more developing nations are turning to aquaculture or farmed fish. But like other farmed animals and crops, farmed fish has also become a target for controversial genetic tinkering - and ultimately, for ownership claims on genetically "improved" breeds.

Genetically modified (GM) rainbow trout, carp, tilapia and abalone are now being developed around the world. Cuba, for instance, is involved in GM tilapia.

But since GM food has been suffering setbacks in the market, scientists have also been stepping up efforts to produce genetically improved breeds of fish.

Saying that their work has nothing to do with GM, these scientists use biotechnology means such as sex manipulation, polyploidy, hybridisation and genetic changes.

These also make the fish more amenable to patenting than the more traditional selective breeding, say some researchers. "The trend towards the patenting of fish genetic resources, and even the patenting of new breeds of fish is accelerating," observed researcher Anna Rosa Martinez, in a study commissioned by the

Chennai- and Brussels-based International Collective in Support of Fishworkers (ICSF).

The Barcelona-based researcher noted that the expectations of long-term productivity increases from the use of fish genetic resources have led to the extension of property rights over them—in a process that parallels that of plant genetic resources for agriculture.

Some of the other implications of farmed fish also raise ethical concerns, activists say. These include the potential loss of biodiversity, the threat of contamination of wild fish by farmed fish, and the outbreak of disease.

Many also worry about whether genetic research would lead to the patenting of strains of genetically improved fish and the transfer of "ownership" or commercial rights of such fish from the public to the private domain.

Much attention has focused on a species of fish known as tilapia, which is widely regarded as ideal for breeding. They grow fast, waste little food, and require little attention. Tilapia are said to be similar to rats in their ability to adapt and can take advantage of whatever they find to feed on - and that is precisely why they can pose risks to the balance of natural eco-



systems.

The International Centre for Living Aquatic Resources Management (ICLARM), now known as WorldFish Centre, initiated a major international collaborative effort, the Genetically Improved Farmed Tilapia (GIFT) project, in 1988 in the Philippines. The project was aimed at providing increased income and improved nutrition for the poor as well as transferring scientific knowledge and technology.

Wild Nile tilapia was collected from rivers in Egypt, Ghana, Senegal and Kenya. Together with four Philippine commercial strains, these were crossed to establish a broad genetic platform for the later selection programme run by the GIFT-project.

In 1998, after six generations of selective breeding, the rights to the

fish, which had shown 85 percent improved growth compared to wild tilapia, were handed over to the non-profit GIFT Foundation International Inc (GFII). GFII was set up to “continue the research, market the fish, and use the revenues generated to further research work on tilapia”.

A Norwegian biotechnology company, Genomar ASA, started a collaborative research programme with the GFII in 1999. “GenoMar then resumed all commercial rights to the GIFT foundation fish and received a copy of all the latest families,” said Morten Hoyum, vice president and chief operating officer of GenoMar, responding to queries from IPS.

Since then, GenoMar has introduced state-of-the-art DNA “tagging” of the fish in its breeding scheme and is now developing the 14th generation, said Hoyum. GenoMar has maintained the full genetically diverse platform and has also done extensive research on saline tolerant fish that can be utilised in brackish water, he added.

“According to the agreements, ICLARM or now the Worldfish Centre has some fish from Generation 9 that was moved to Malaysia,” said Hoyum.

The Worldfish Centre’s assistant director-general (international relations), Modadugu V Gupta, clarified that the GIFT tilapia that is with the Worldfish Centre is being given to any government that requests it.

“Genomar can claim that what they are developing started with the GIFT fish; they are further improving it under their name,” Gupta told IPS, when asked why

the commercial rights had been transferred to a private firm. “Likewise, many other countries which received the germplasm or fish from us are continuing their own research, further improvement. The GIFT fish is still in the public domain,” he insisted.

Hoyum agrees that the Worldfish Centre, with headquarters here in Penang, has the rights to the fish recently transferred to Malaysia. This fish, however, “was just ordinary (Generation 9 GIFT tilapia) fish that has been available in the Philippine market as fingerlings as well. The same fish was also provided to the Bureau of Fisheries and Aquatic Resources in the Philippines.”

But Hoyum asserted that, according to the spirit of the agreement with GenoMar, Worldfish Centre “should not use the fish for commercial activities but would be free to use it for scientific and research purposes”.

Genomar has already entered into commercial ventures using the trademark name GenoMar Supreme Tilapia in the Philippines, Brazil and China, a major market.

Gupta, who is also on the board of GFII, declined to furnish a copy of the agreement between GFII and GenoMar, describing it as “confidential”.

As a member of the Consultative Group on International Agricultural Research (CGIAR), an association of public and private members supporting a system of 16 international food and environmental research centres, Worldfish Centre has endorsed the group’s intellectual property rights (IPRs) policy.

The CGIAR says it is promoting

the transfer of intensified production systems for the benefit of the poor, noted Martinez, but “its IPR policy is highly controversial”.

On one hand, she observed, it was designed to prevent others from obtaining intellectual property rights on genetic resources as collected and provided by gene banks. On the other, it allows for the “defensive patenting” of in-house developed technologies and products. “It legitimates the patenting of genetic resources,” she said.

The Convention on Biodiversity, adopted in 1992, upholds the conservation of biological biodiversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising from the utilization of genetic resources. But in practice, many signatory governments are driven by market principles and the rules of the World Trade Organisation (WTO).

“The CGIAR should not be involved in assisting the privatisation of common goods - such as fish stocks - removing them from continued free access by fisherfolk,” Patrick Mulvany, food security policy adviser of the Intermediate Technology Development Group, told IPS. ITDG is a British-based group promoting the use of sustainable use of technology to reduce poverty.

“As a public research body the CGIAR should insist that the products of its research remain in the public domain,” he added. - IPS

IPS-Inter Press Service is a global news agency that focuses on global events and processes relevant especially to the South.

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Freedom To Dissent

by *Tanjong Po*

Freedom is an innate human yearning, God-endowed and God-inspired you may add. In days bygone, such yearnings were exemplified by struggles against gross denial of freedom such as colonialism and imperialism, slavery and apartheid, and all forms of feudal subjugation. The struggle for freedom in such historical contexts was central to upholding the dignity of Man and Woman, and the rights of communities and nations.

Freedom is both the anti-thesis of subjugation by evil and unjust forces as well as the laurels of victory over them. Freedom should be explored in its numerous dimensions, and the discussion should not be detracted by oppressors of freedom who would very much wish to derail the concept of freedom from its central and universal core.

Freedom has more often than not been won at enormous costs to individuals, communities and nations: on suppressed mutinies on slave-ships bound for Europe and North America, then on the American Civil War battlefields, and in recent times on Robben Island of South Africa, Kamunting and Sungei Buloh Prison of Malaysia (the last two, not won!).

Freedom has inspired legions of great men and women, many for-



ever unknown to history. A few of the known: in the west, Abraham Lincoln, Martin Luther King, Malcom X, Vaclav Havel; in the Third World, Jose Rizal, Sun Yat Sen, Mahatma Gandhi, Sukarno, Steve Biko, Nelson Mandela, Che Guevara, Kim Dae Jung and Aung San Suu Kyi. It is a good enough spread of skin colours, nationalities, and violent and non-violent proponents, but also a reflection of a common universal human yearning for Freedom — common among pure-blooded Asians with pure Asian values (not the “Asian values” of the gutter kind, promoted to justify political persecution and oppression).

A Long Process

Freedom must be won for all peoples of a nation, not just for a few, or a section; it is not just a victory against external subjugation but against internal oppression in a nominally independent nation. The struggle for freedom is indeed a very long process: the glowing



frontiers of ever more freedoms yet to be won after initial signal victories. In the case of the United States, it was not just about gaining independence from the British Crown, but it was also a continuing struggle through the American civil war, through to the latter day civil rights movement and continues to this day.

It is sadly true in the case of Third World countries too: having beaten off overt colonialism and imperialism, authoritarianism and feudalism cloaked in shades of democracies — attempt to deprive their subjects of freedom and inalienable rights.

The denial and suppression of the freedom of expression in some Third World countries has sapped them of their vitality. Instead of the development of the democratic space and the full intellectual potential of their citizenry, many a Third World country has spun malignant webs of social and political corruption and economic feudalism, even surpassing those

of their former Western colonial masters. Gargantuan physical edifices are erected phallic-like in modern times which fail to conceal abject poverty (poverty equates lack of freedom). Here in the shanty towns and slums, the great intellectual potential of a nation is wasted forever. Thanks to Hollywood and the free western media, the world can marvel at the evil social dichotomy, which local eyes refuse to see, much less admit.

Freedom Of Expression

When there is no place for freedom of expression, there is no compelling necessity to think. There is only the right thing to do: to chant the correct political mantras of the day, self-applauding and to be applauded. When the intellectual space is so diminished and intellectuals are shackled, it is the height of naivety for those in power to pretend they can catapult their crimped societies into the global village and the information age and be in the race for high technologies and lucrative export markets.

Where in the modern world is there a “clever” society or nation — where there are people who are able to think but do not have the freedom to express — which has achieved the peaks of scholarship (read world class institutions of higher learning which will beckon knowledge hungry students to their shores)?

Has any genius created the conditions where you are only allowed to think and express in the physical sciences and technology, without concomitant intellectual engagement in the social sciences

and humanities? Yes, perhaps, in the brave new world of Orwell rediscovered and modern day Bolehland! The Soviets sent up the first cosmonauts only to see their version of Bolehland crumble in 30 short years.

Can other aspiring Bolehlands do better than the Soviets, and not crumble in a much shorter time? Even Bolehland people understand that in the information age a nation will not go anywhere without learning. But it needs world class learning, not fourth-rate thinking dictated by the Great Leader.

If democracy is about the peaceful contest of diverse or conflicting ideas, it can only operate properly with freedom of expression. Of course you have modified democracies, fifth generation, so advanced that no pre-requisites such as freedoms need be attached! The world applauds such Bolehland democracies!

Intellectual Dissent

Freedom of expression is that indispensable check against abuse of state and institutional power, prejudices, outright public lies, and extremisms of all forms. In the open contest of ideas, better public policy choices are more likely to be made, and unjust positions become untenable. A more cohesive social consensus is more likely from a fairer debate on a spectrum of ideas in any community.

The abusers of power naturally fear freedom of expression; no social input and no social consensus is deemed necessary when you have total legislative, executive and judicial powers, because

the powers-that-be are deemed to be the consensus! Better public policy is never top priority anyway. How then do you promote social purpose without some intellectual basis?

Denial of freedom of expression, a strong damper of thinking, is naturally meant to suppress dissent. Intellectual dissent is often the prelude to social and political activism. Here lies an effective way of stopping people from participating meaningfully in the political process. Bled anaemic of more diverse thoughts and ideas, social, artistic and technological developments are all held back. The same intellectual spirit is fortunately (or unfortunately for oppressors), also the essential ingredient of social and technological creativity and resourcefulness. Intellectual dissent is such a valuable asset to any progressive society that it should be channelled through free media, academic and other wholesome social mechanisms instead of being bottled up by overwhelmingly regressive legislation. How else do you then retain high calibre people in your country, much less dream of luring people back home?

Thus for the sake of communities and nations, shall we say not just “freedom”, but freedom to consent and dissent! ☐

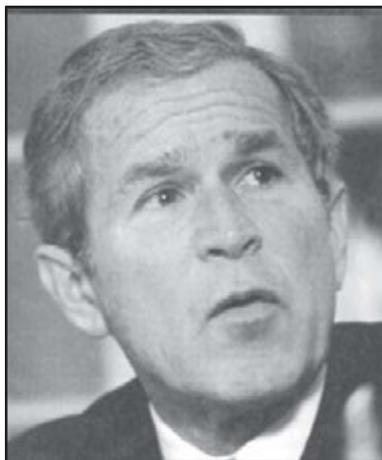
Tanjong Po is the pseudonym of a Kuching-based Aliran Monthly reader, who wrote this piece in response to “Why Freedom is Good for You” by Caro. L. (Aliran Monthly Vol. 23:5)

Dominance And Its Dilemmas

by Noam Chomsky

The past year has been a momentous one in world affairs. In the normal rhythm, the pattern was set in September, a month marked by several important and closely related events. The most powerful state in history announced a new National Security Strategy asserting that it will maintain global hegemony permanently: any challenge will be blocked by force, the dimension in which the US reigns supreme. At the same time, the war drums began to beat to mobilize the population for an invasion of Iraq, which would be “the first test [of the doctrine], not the last,” the New York Times observed after the invasion, “the petri dish in which this experiment in preemptive policy grew.” And the campaign opened for the midterm congressional elections, which would determine whether the administration would be able to carry forward its radical international and domestic agenda.

The new “imperial grand strategy,” as it was aptly termed at once by John Ikenberry, presents the US as “a revisionist state seeking to parlay its momentary advantages into a world order in which it runs the show,” a “unipolar world” in which “no state or coalition could ever challenge” it as “global leader, protector, and enforcer. These policies are fraught with danger even for the



US itself, he warned, joining many others in the foreign policy elite.

What is to be “protected” is US power and the interests it represents, not the world, which vigorously opposed the conception. Within a few months, polls revealed that fear of the United States had reached remarkable heights, along with distrust of the political leadership, or worse. As for the test case, an international Gallup poll in December, barely noted in the US, found virtually no support for Washington’s announced plans for a war carried out “unilaterally by America and its allies”: in effect, the US-UK “coalition.”

Imperial Strategy

The basic principles of the imperial grand strategy trace back to the early days of World War II, and have been reiterated fre-



quently since. Even before the US entered the war, planners and analysts concluded that in the postwar world the US would seek “to hold unquestioned power,” acting to ensure the “limitation of any exercise of sovereignty” by states that might interfere with its global designs. They outlined “an integrated policy to achieve military and economic supremacy for the United States” in a “Grand Area,” to include at a minimum the Western Hemisphere, the former British empire, and the Far East, later extended to as much of Eurasia as possible when it became clear that Germany would be defeated.

Twenty years later, elder statesman Dean Acheson instructed the American Society of International Law that no “legal issue” arises when the US responds to a challenge to its “power, position, and prestige.” He was referring spe-

cifically to Washington's post-Bay of Pigs economic warfare against Cuba, but was surely aware of Kennedy's terrorist campaign aimed at "regime change," a significant factor in bringing the world close to nuclear war only a few months earlier, and resumed immediately after the Cuban missile crisis was resolved.

A similar doctrine was invoked by the Reagan administration when it rejected World Court jurisdiction over its attack against Nicaragua. State Department Legal Adviser Abraham Sofaer explained that most of the world cannot "be counted on to share our view" and "often opposes the United States on important international questions." Accordingly, we must "reserve to ourselves the power to determine" which matters fall "essentially within the domestic jurisdiction of the United States" — in this case, the actions that the Court condemned as the "unlawful use of force" against Nicaragua; in lay terms, international terrorism.

Unilateralism

Their successors continued to make it clear that the US reserved the right to act "unilaterally when necessary," including "unilateral use of military power" to defend such vital interests as "ensuring uninhibited access to key markets, energy supplies and strategic resources."

Even this small sample illustrates the narrowness of the planning spectrum. Nevertheless, the alarm bells sounded in September 2002 were justified. Acheson and Sofaer were describing policy guidelines, and within elite circles. Other

cases may be regarded as worldly-wise reiterations of the maxim of Thucydides that "large nations do what they wish, while small nations accept what they must." In contrast, Cheney-Rumsfeld-Powell and their associates are officially declaring an even more extreme policy. They intend to be heard, and took action at once to put the world on notice that they mean what they say. That is a significant difference.

The imperial grand strategy is based on the assumption that the US can gain "full spectrum dominance" by military programs that dwarf those of any potential coalition, and have useful side effects. One is to socialize the costs and risks of the private economy of the future, a traditional contribution of military spending and the basis of much of the "new economy." Another is to contribute to a fiscal train wreck that will, it is presumed, "create powerful pressures to cut federal spending, and thus, perhaps, enable the Administration to accomplish its goal of rolling back the New Deal," a description of the Reagan program that is now being extended to far more ambitious plans.

Forward Deterrence

As the grand strategy was announced on September 17, the administration "abandoned an international effort to strengthen the Biological Weapons Convention against germ warfare," advising allies that further discussions would have to be delayed for four years. A month later, the UN Committee on Disarmament adopted a resolution that called for stronger measures to prevent militarization of space, recogniz-

ing this to be "a grave danger for international peace and security," and another that reaffirmed "the 1925 Geneva Protocol prohibiting the use of poisonous gases and bacteriological methods of warfare." Both passed unanimously, with two abstentions: the US and Israel. US abstention amounts to a veto: typically, a double veto, banning the events from reporting and history.

A few weeks later, the Space Command released plans to go beyond US "control" of space for military purposes to "ownership," which is to be permanent, in accord with the Security Strategy. Ownership of space is "key to our nation's military effectiveness," permitting "instant engagement anywhere in the world... A viable prompt global strike capability, whether nuclear or non-nuclear, will allow the US to rapidly strike high-payoff, difficult-to-defeat targets from stand-off ranges and produce the desired effect... [and] to provide warfighting commanders the ability to rapidly deny, delay, deceive, disrupt, destroy, exploit and neutralize targets in hours/minutes rather than weeks/days even when US and allied forces have a limited forward presence," thus reducing the need for overseas bases that regularly arouse local antagonism.

Similar plans had been outlined in a May 2002 Pentagon planning document, partially leaked, which called for a strategy of "forward deterrence" in which missiles launched from space platforms would be able to carry out almost instant "unwarned attacks." Military analyst William Arkin comments that "no target on the planet or in space would

be immune to American attack. The US could strike without warning whenever and wherever a threat was perceived, and it would be protected by missile defenses." Hypersonic drones would monitor and disrupt targets. Surveillance systems are to provide the ability "to track, record and analyze the movement of every vehicle in a foreign city." The world is to be left at mercy of US attack at will, without warning or credible pretext. The plans have no remote historical parallel. Even more fanciful ones are under development.

Contempt For International Law

These moves reflect the disdain of the administration for international law and institutions, or arms control measures, dismissed with barely a word in the National Security Strategy; and its commitment to an extremist version of long-standing doctrine.

In accord with these principles, Washington informed the UN that it can be "relevant" by endorsing Washington's plans for invading Iraq, or it can be a debating society. The US has the "sovereign right to take military action," Colin Powell informed the January 2003 Davos meeting of the World Economic Forum, which also strenuously opposed Washington's war plans. "When we feel strongly about something we will lead," Powell informed them, even if no one is following us.

Bush and Blair underscored their contempt for international law and institutions at their Azores Summit on the eve of the invasion. They issued an ultimatum - not to

Iraq, but to the Security Council: capitulate, or we will invade without your meaningless seal of approval. And we will do so whether or not Saddam Hussein and his family leave the country. The crucial principle is that the US must effectively rule Iraq.

Since the mid-1940s, Washington has regarded the Gulf as "a stupendous source of strategic power, and one of the greatest material prizes in world history" - in Eisenhower's words, the "most strategically important area of the world" because of its "strategic position and resources." Control over the region and its resources remains a policy imperative. After taking over a core oil producer, and presumably acquiring its first reliable military bases at the heart of the world's major energy-producing system, Washington will doubtless be happy to establish an "Arab façade," to borrow the term of the British during their day in the sun. Formal democracy will be fine, but only if it is of the submissive kind tolerated in Washington's "backyard," at least if history and current practice are any guide.

Preventive War

To fail in this endeavor would take real talent. Even under far less propitious circumstances, military occupations have commonly been successful. It would be hard not to improve on a decade of murderous sanctions that virtually destroyed a society that was, furthermore, in the hands of a vicious tyrant who ranked with others supported by the current incumbents in Washington: Romania's Ceausescu, to mention only one of an impressive rogues

gallery. Resistance in Iraq would have no meaningful outside support, unlike Nazi-occupied Europe or Eastern Europe under the Russian yoke, to take recent examples of unusually brutal states that nevertheless assembled an ample array of collaborators and achieved substantial success within their domains.

The grand strategy authorizes Washington to carry out "preventive war": Preventive, not preemptive. Whatever the justifications for pre-emptive war may sometimes be, they do not hold for preventive war, particularly as that concept is interpreted by its current enthusiasts: the use of military force to eliminate an invented or imagined threat, so that even the term "preventive" is too charitable. Preventive war is, very simply, the "supreme crime" condemned at Nuremberg.

That is widely understood. As the US invaded Iraq, Arthur Schlesinger wrote that Bush's grand strategy is "alarmingly similar to the policy that imperial Japan employed at Pearl Harbor, on a date which, as an earlier American president said it would, lives in infamy." FDR was right, he added, "but today it is we Americans who live in infamy." It is no surprise that "the global wave of sympathy that engulfed the United States after 9/11 has given way to a global wave of hatred of American arrogance and militarism," and the belief that Bush is "a greater threat to peace than Saddam Hussein." q

Source: ZNet
This is the first of a two-part commentary, the final part will be carried in our next issue.

“I Am Neither A Terrorist Nor A Sponsor”

I am Mohammad Iqbal B.A. Rahman, 46 years old, from Indonesia. I am an Islamic teacher cum preacher, married (two wives and have 12 children). I migrated to Malaysia legally with genuine documents, and have lived in Malaysia for the past eighteen years or so with my family.

On 30 June 2002, about 12 policemen from the Special Branch surrounded the building where I was conducting an afternoon prayer in Shah Alam, Selangor. Immediately, after my prayer, I was arrested by the policemen and was taken to the Police Remand Centre (PRC), Bukit Aman, Kuala Lumpur. I was unjustly remanded there, from the above mentioned date to 21 August 2001 under the Internal Security Act (ISA). To my greatest surprise, it was during one of the interrogation which I was subjected to when I protested to them just to know the rationale behind my arrest and unlawful detention, that I was told I had been arrested in connection to terrorism and sponsoring of Islamic militant groups.

After interrogations, on 21 August 2001 I was transferred from the PRC, Bukit Aman to the Detention Camp in Taiping. I was handcuffed and forced to put on a dark spectacles as if I was an armed robber by six dreadful policemen from the Special Branch and some

of them were armed to the teeth. This ugly scenario is better experienced than imagined.

I was dumped in the detention camp in Taiping from 21 August 2001 to 18 August 2003 under the deceitful cum obnoxious ISA. Without being taken to court for trial even though I was accused as a terrorist and sponsor of the Islamic militant groups. Instead, on 18 August 2003, I was transferred back to the Police Remand Centre in Bukit Aman, Kuala Lumpur.

A notice was brought to me — the wording was to that I had completed two years in detention — which I signed after perusal.

I was then taken to the Immigration Headquarters, Damansara, Kuala Lumpur and from there I was handed over to the Immigration by the Police and they swung to action immediately. A notice was brought to me by the Immigration, stating that my resident's permit had been cancelled. I protested and demanded justice, since the offences which they allegedly claimed that I committed had not been buttressed, neither had they provided any evidence to substantiate their claims. Above all, I had not been taken to court let alone indicted. Irrespective of all my protests and the above-mentioned reasons, they were bent on cancelling my resi-



Mohammad Iqbal's wife, Fatimah

dent's permit and they mounted pressure on me to sign to which I later succumbed.

I want to bring to the attention of human rights groups, religious groups and the general public the degree of injustice and the blatant violation and abuse of my human rights. I am denied access to my doctor, even when I was indisposed. No proper medication, inadequate food — what is served is very poor. I was denied freedom of movement, freedom of associations and freedom of religion. I am unjustly and unlawfully kept in detention without trial. And, above all, I was separated from my family and I am the bread winner of the family. Thus they are subject to an untold hardship. I was told several times that they want to deport me back to my country, Indonesia, but until now, I am still in detention. All those injustices have been meted out to me in the name of terrorism, by the Malaysian government. I am neither a terrorist nor a sponsor. Islamic doctrines totally and unequivocally condemn any act of terrorism. q



Abdullah ... who will be his deputy?



Najib ... subtle noises

A Smooth Transition?

I was bemused by a columnist in *The Star* whose musings clearly belied a glibness about how smooth the transition of leadership from Mahathir to Abdullah was. To be sure, Malaysia's record of leadership succession has been quite remarkable for a 'Third World' country; it has had four transitions of leadership. Now, into the middle of its fourth decade of independence, chances are that the affable Pak Lah will duly

ensconce himself as premier, albeit rather fortuitously after three deputy premiers had fallen by the wayside. Not quite so smooth, really.

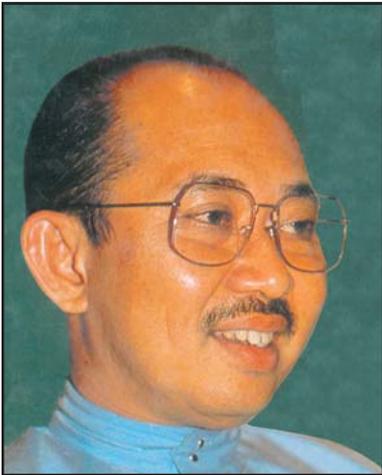
As is our wont, Malaysians have subjected themselves to bouts of rumour-mongering and extravagant speculation long before the event of Pak Lah's succession. One interesting early rumour was that some 20-odd divisions of UMNO were ready to call an EGM of the party to ask Che Det to re-

main in the job. Nothing of that sort happened of course and in the event we know that the Great Pumpkin Spirit did not hesitate to take the good doctor away on Halloween night... to Spain, I mean!

Then there was much talk that because Pak Lah had not (and still has not) named his deputy, political jockeying and factional infighting for the Number Two spot in the party would make for a chaotic transition. Again, nothing of that sort happened. All contenders and factions have remained remarkably supportive of the newly anointed PM and show no signs of being embroiled in internal struggles despite his reluctance to name a deputy.

Now, of course much speculation is rife as to whom Pak Lah is likely to anoint to be Number Two and much speculation too about when this will happen. Defence minister Najib Abdul Razak isn't coy about his 'frontrunner' position (ever since Mahathir suggested his name) and has made subtle noises to the press that he is indeed an eligible candidate. But Pak Lah so far has refused to fall for the Najib bait. To compound the issue, rampant rumours suggest that the two wives don't get along. Mahathir owes a huge due to Tun Abdul Razak, who resurrected him from the ashes of political oblivion, but Pak Lah has no such *utang budi*. To my mind, Najib's future remains somewhat iffy.

Or would Pak Lah prefer a woman deputy? If so, this would make him a most progressive PM. Hence, Rafidah Aziz, the senior woman minister, would seem



Razaleigh ... vast experience

most suitably poised for the job, baubles, bangles and all. Nah, say the pundits, she won't past muster with the UMNO rank and file. UMNO is so sexist that you'll never see the day when a woman will be an education minister, a finance minister, deputy PM and God forbid, *Numero Uno!*

So would Pak Lah then choose the most senior man in the pack? That would be Ku Li. With his vast experience, and past accolade of *Baba Ekonomi Bumiputera*, Razaleigh clearly qualifies except for that conspicuous *faux pas* and brief dalliance with the opposition during the S46 period. But does anyone still remember that S46 thingy? Seems like it never happened now that the spirit of 46 has all but evaporated and Ku Li seems comfortably reunited with the party. Very comfortable indeed, now that his nemesis has actually left the stage! When you have the stamina and stay the course, surely you're should be in for some reward. Come to think of it, Pak Lah was himself a "Team B" man for a while under Ku Li. Hmmmm....



Rafidah ... poised

Other potential contenders include the other two UMNO Veeps, Muhiyiddin and Mat Taib. But, I think not. The pundits have it that dubious dealings in the past (let's put it that way) disqualify these two. But could the scenario be something of a rank-and-file uprising to demand a candidate of their choice? This did happen in 1976 when Hussein Onn took the reins of power only to be told he had to choose from among Mahathir, Ghafar or Razaleigh for his deputy, while his own preferred candidate was the luckless Ghazali Shafie. This could happen again if the anointed PM is considered to be too 'weak' or does not have a clear heir apparent. Pak Lah - the fourth of Mahathir's deputies - does indeed have to live down quite hard the image of being a last choice and of lacking charisma, unlike a deputy such as Anwar Ibrahim.

Now this brings me to the next subject—the 11th General Election. And this will also answer the question of when the deputy will be chosen. Since Pak Lah faces the problem of being picked by an outgoing PM and never really

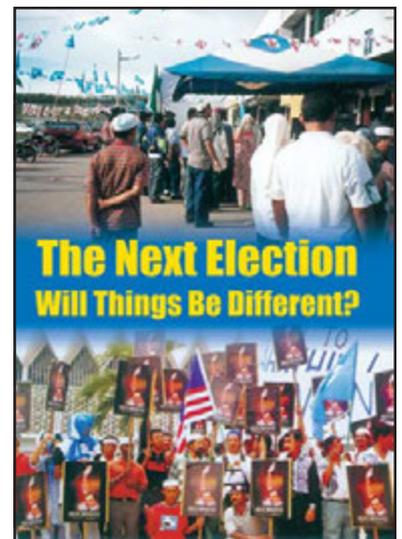
winning his spurs for the job, he has to establish a legitimacy and authority not just with his party but with the other BN partners as well.

What better way than to get his mandate through leading the BN parties to victory in the next general election. Indeed, he has little choice. Imagine appointing a whole new cabinet on the thin legitimacy of a hand-me-down authority of the previous PM. How would he justify removing ministers he dislikes and putting in ones he likes? Pak Lah needs a general election to give him that authority, only then can he truly claim to have made that transition as leader of the country.

Q Q Q Q Q

Musings On The Hustings

So, when is the general election? Again, this is the subject of much, much speculation. But Malaysians are truly expert on such predictions. They have honed it down to a fine art. They do it by a process of elimination



and most times can get it right. Let's see if I can do this here by stating the following obvious points:

1. Going by the five-year limit, a general election is due by November next year since the last was held in November 1999.
2. General elections are usually held during school breaks when both manpower and schools as polling stations are available.
3. The school holidays fall on December 2003, March 2004 and August 2004.

By eliminating August, which is too far away for Pak Lah who is anxious to establish his authority early, we can safely go for either December 2003 or March 2003. Even should he choose non-school breaks, certain dates are out – around Hari Raya on about 25 November, or around Chinese New Year on 22 January. This leaves December as a highly probable date if Pak Lah wants a quick mandate for his leadership.

Indeed parliament has already just adjourned *sine die*. All that remains is to dissolve parliament



Lim Keng Yaik ... worried

before a general election and this can be done by the stroke of a kingly pen, duly guided by his humble servant, the prime minister. But is the BN ready and can its component parties negotiate and allocate the seats within a month? If this is a tall order, then it would seem to me that March is the likely date for the 11th general election.

Q Q Q Q Q

Double Timing On Double Tracking

The controversy continues to brew at the time of writing. Abdullah inherits the sticky problem of the award of the RM14.5 billion project of the double tracking railway running from Padang Besar to Johor Baru. This will be Malaysia's largest infrastructure project to date. The 600-plus kilometre track will form part of a 5,000km trans-Asia link between Singapore and Kunmin. And the contract has been awarded to two Malaysian companies, Malaysian Mining Corp Bhd (MMC) and Gamuda Bhd. All seemingly laudable, except for one thing.

The government had already issued Letters of Intent to Indian Railway Construction (Ircon) and China Railway Engineering Corp (CREC) before the contract went to MMC-Gamuda. This was to be a G-to-G deal which was hammered out over three years of intensive negotiations. As primary industries minister, Lim Keng Yaik avers, "I fear China and India might retaliate." (*New Straits Times*, Nov. 12). Lim is understandably worried that palm oil exports to both these countries may suffer because of this episode.

My concern is more with a possible breach of trust by the previous regime and the *udang* behind the late awarding of a contract to a company tied to the rising luminary of the *bumiputera* business world, Syed Mokhtar Al-Bukhary. Why this late decision? What was the basis of the decision? The lower tender sum alone? Was the expertise of the contracting parties considered or what? To anyone with a cursory awareness of business norms, surely the deal smacks of favoritism, dare we say, cronyism.

The Indian government is understandably unhappy with the whole distasteful affair. Ircon set up office more than two years ago and brought in its own staff to prepare documents, presentations, soil tests, land surveys and the like. Indian premier Vajpayee had also signed the MOU with his counterpart Mahathir amidst much fanfare in May 2001 in Kuala Lumpur. (*NST*, Nov. 4). The episode promises to become a diplomatic incident if it is not one already.

Q Q Q Q Q

This Is No Ali Baba...

A little information about Syed Mokhtar Al-Bukhary, the new star of Malay business may be pertinent, so our readers can gauge for themselves how this tycoon qualifies for the double tracking job. This 52-year old hails from Kedah and the record shows a meteoric accumulation of a multi-billion ringgit business empire since his foray into the rice dealing business in Johor in 1990.

The tycoon was able to lay his



Syed Mokhtar Al-Bukhary ... new star

hands on a mega project when his company Seaport Terminal was awarded a 30-year concession to build and operate the Port of Tanjung Pelepas (PTP), which made him a substantial majority shareholder. PTP has cornered the business of the Maersk Sealand and Evergreen lines much to the chagrin of Singapore. Syed Mokhtar proceeded to acquire 19.9% share in Malaysian Mining Corporation via his wholly-owned company, Syarikat Impian Teladan Sdn. Bhd. He also owns SKS Ventures, which was awarded the task of building the site for a 2100MW gas-fired power station at Tanjung Bin, Johor. He has a 32% share in PERNAS through his own company, Syarikat Ratu Jernih and has an interest in Fiamma Holdings Berhad, where a 18.68% share is held by him through his two companies, Syarikat Perdana Padu Sdn. Bhd. and Corak Kukuh Sdn. Bhd.

Syed Mokhtar's latest business 'killing' came when Gulf International Investment Group Capital (GIIG), jointly owned by him and Dubai-based Mohamed Ali

Alabbar, won a contract to develop a RM7.6 billion aluminium smelter in Bintulu, Sarawak. The smelter will consume up to 50 percent of the power output from the RM9 billion Bakun hydroelectric dam in the east Malaysian state. According to reports quoting Sarawak's Deputy Chief Minister George Chan, GIIG acquired a 60 percent stake in the Bakun project for RM945.42 million from the Ministry of Finance Inc., which controls the remaining 40 percent.

On the positive side, the Albhukary Foundation completed the RM70 million Islamic Arts Museum in Kuala Lumpur at the height of Asian Crisis in 1998.

Well, well, now that all the Tajuddin's and Ramli's have faded, perhaps this new 'darling', from the state of the ex-premier, with a partner by the curious name of Ali Alabbar may be a sop yet for the ex-prime minister's unfulfilled dreams of *Melayu baru*.

Q Q Q Q Q

Super Stock SCOMI

While on the subject of business personalities, a figure that has made the news through the Second Board listed company

SCOMI is one Kamaluddin Abdullah. Nothing spectacular about the person as such, compared to a Syed Mokhtar, except that Kamaluddin is the only son of the present prime minister.

What has been spectacular is the manner in which SCOMI shares, in which Kamaluddin has a controlling interest, have over a short period of time seen an 11-fold increase in price. SCOMI was only listed on the Second Board in early May this year but its share has already risen from a lowly RM1.80 to a heavenly high of RM16.80 — that is a gain of about 833 per cent!

To be sure, the oil and gas company seems to be expanding and recently acquired the Singapore company Oiltools which is expected to boost its profit by 50%. But in truth, this is only a smallish company on the second board which had little business on its short track record.

But do the speculators and punters know a thing or two about this company which I don't? Could it be that they think "the PM's son's company" will be bestowed favours, concessions, contracts, whatever, well beyond the business norm, in the near future?

D.L. Daun



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Some Hope For Foreign Workers?

The writer of your reply to my letter has apparently missed the main point of my letter (AM 23:5) in which I urge that to raise the consciousness of your readers on the plight of the foreign workers and to help them, Aliran must arm itself with good and credible information and arguments.

The reply by the Aliran's contributor gives the reader the impression that the foreign workers were cheated to come to work in Malaysia because the promised minimum salary of RM700 cannot be enforced in Malaysia. He comes to this conclusion solely based on the fact that the local authorities claimed that they have no jurisdiction over the contract which binds the employer to promise a minimum income of RM700 per month, because it is signed in Burma. Following that Aliran's contributor went on to make a bold assumption (totally without basis) that all other partners in the recruitment exercise besides the workers know of this fact. Aliran's contributor maintains that since they knew the contract could not be implemented and still sent the workers over, the local and foreign agents have enticed them to come to



Malaysia to work.

Aliran's contributor could only have consulted a lawyer to find out whether the local authorities' claim is true or not. A contract can be signed in a foreign country and yet governed by Malaysian laws and can be enforced in Malaysian courts. In a recent High Court case in Penang, the High Court Judge had no hesitation in holding that the Malaysian employer is liable to pay the foreign Indian workers the guaranteed salary of RM750 per month with over-time to be calculated. Although the contract document was not signed by the workers and was only signed by the Malaysian employer, the court nevertheless

held that there is a binding contract between the foreign workers and the Malaysian employer. Thus if a contract document signed by only one party can be enforced in Malaysian courts, what more if it is signed by both parties!

The Aliran's contributor is aware of this recent High Court case since that case was quoted in his reply. With this court judgement in mind, one would feel something amiss reading the following quote: "It appears that the Malaysian authorities, Malaysian employers and the recruitment agents are all to be blamed because all of them probably know that there

is no way the RM700 wage can be enforced in Malaysia. How can the Myanmar Employment Agency give an assurance to the workers they will be paid RM700 in Malaysia when they jolly well know that there is nothing they can do to compel Malaysian employers to honour that assurance? In that sense, the workers were enticed with the so-called RM700 guarantee as all the other parties knew there was nothing to ensure compliance in Malaysia.” It is unfair for the Aliran’s contributor to arrive at such a conclusion and to embark on a finger pointing exercise.

In my opinion it would be more constructive to publicise the judgement of the High

Court case widely not only to the foreign workers but also to the Malaysian authorities, the foreign governments from which the workers came from and the recruitment agencies. If the practices and procedures of the foreign governments differ from that adopted by the Indian government as described in the recent High Court case, it would be useful to persuade these foreign governments to review their practices and procedures so that they will be consistent with the principles of law enunciated by the High Court Judge in the said case.

I believe that the existence of the flow of immigrant labour from poorer to richer coun-

tries, either done “legally” or “illegally”, is part of the distortion in our present world economic order of unequal distribution of wealth. The flow of immigrant labour happens not just in Malaysia but also in other Asian countries, Europe and elsewhere. This problem is rapidly getting out of control due to globalisation taking place. However it is not a simple question of telling the employers ‘don’t hire these foreign workers’ or telling the foreign workers ‘don’t come here’. It would be timely if Aliran can publish a comprehensive and objective article on this issue.

*CHIA Yong Tai
August 28 2003*

Aliran Replies: Practical Problems

The unexpected and welcome court judgment only came after our reply to your original response was written. We were pleasantly surprised and we did highlight and welcome this decision as a postscript in reply. You are right to say this court decision should be publicised to all quarters.

In practice, however, there are some major practical problems for workers who want to go to court to enforce their employment contract. Apart from the language barrier, the workers cannot afford lawyers to go to court. Even if they did find a lawyer, once their work permits are withdrawn or expire, it is very difficult to get extended permission to stay back and fight a prolonged case. For in-

stance, they cannot find other work while staying on a temporary permit. Also, it is hard for them to find volunteer lawyers to help prepare a case or to make a complaint to the relevant authorities due to lack of confidence, fear of repercussions, or simply plainignorance of their rights.

Also, your letter does not address the issue of some agents and middle-men making ludicrous amounts in commission, fees and profits from the trafficking of migrant labour. The “agents’ commission”, in the case of the Burmese workers in question, had to be borne by the workers themselves. Many migrant workers spend their first year in Malaysia just repaying

their debts on loans taken to finance their trip here. Why do migrant workers have to stump out so much cash just to come and work here when the cost of an airticket is relatively low?

We are not against migrant labour; in fact, we sympathise with them as they often come here to seek work out of sheer desperation. But as things stand now they have few rights under the law and have very little capacity to enforce such rights; hence they are easily exploited. If Malaysia is serious about human rights, we must immediately ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (MWC), which entered into force on 1 July 2003.

Illegal Immigrant

by *Richard Jones*

I came here from Sumatra where my family's quite poor,
Our house is ten square metres, two windows and a door.
The roof is thatched with lallang, the walls are split bamboo;
But its got a cement `dapor' and the floor is cement, too.



We live on rice and vegetables, or vegetables and rice,
But we sometimes have an egg or two, if we can find the price.
And sometimes there might be a fish, if it will take the bait,
But there's little time for fishing as I'm always working late.

I heard that in Malaysia, a worker such as me,
Could afford to buy a motor-bike, or even a T.V.,
That shoes are made of leather, and that employers pay,
Enough to buy real cigarettes and eat meat twice a day.

I thought I'd like to try it, and make money while I can,
So I went up to the city and I found a middle-man.
Who, for nearly all my savings, would arrange a boat that night,
Well, I didn't stop to argue as a fortune was in sight.

So I found myself next morning, with ten others, on the shore,
And a minibus was waiting there to take us to Johore.
The plantation was a big one, and the houses there were grand,
But the bus drove right on past them, which I couldn't understand.

It took us to the jungle edge, and stopped there by a shed,
And that is where we had to stay, with four planks for a bed.
Its roof was aluminium and it had two concrete drains,
It reminded me of home but was much dryer when it rains.

Ah Kow was the contractor. He fed us with meat,
And biscuits, bread and Maggi Mee, and soup with chickens' feet.
Three meals a day he gave us, with no limit to the rice,
And sugar in our coffee — it seemed like paradise!

Our work was cutting bunches down from off the oil palm trees,
And carry to the roadside, which was painful for the knees.
Then pick up all the fruitlets, and put them in a sack,
But squatting down to pick them up was hard upon the back.

Ah Kow paid us ten cents a bunch, though he got seventeen,
But he had lots of expenses, I think you know what I mean.
He could settle Immigration, and had friends in the Police,
And he must be influential, for they left us all in peace.



I worked there for a year or more and never went to town,
And only bought some 'Kretek' when Ah Kow's truck came round.
He kept my money for me, and gave old clothes to wear,
And bought my friend some clippers so that he could cut my hair.

When I'd got my second thousand I decided to go home.
(In Rupiahs that's a million, which I never thought I'd own!)
So Ah Kow arranged some transport, and with several other men,
We drove back to Malacca. It was three hours' drive again.

We met the boat at midnight at an isolated beach,
And they said they'd take us back for just two hundred ringgit each.
We left without our lights on, with a prayer upon our lips,
But no one could have heard it, for we met two bigger ships.

They stopped us and they boarded us and robbed us with no fuss,
Leaving us with just our clothing and some money for a bus.
I'd bought a small transistor and a kettle for my mum,
And for my little sister, some sweets and chewing gum.

They took it all onto their boats, and left us, then and there,
And I overheard our boatman say, "Please don't forget my share".
So one year's work was wasted, all that sweating in the sun,
But you can't do much about it when you're looking at a gun.

We only came to work here, and not to rob and steal,
But if this is how we're treated, just imagine how we feel.
My friends lost all their money, but for me that's not quite true,
For those robbers hadn't found the thousand ringgit in my shoe!

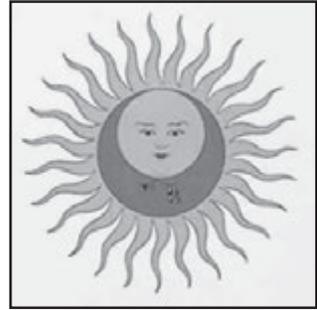
That story happened years ago and I'm much wiser now,
I came again, but legally, when someone showed me how.
With a ticket and a passport and a permit in my name,
I flew to Kuala Lumpur and I started work again.

This time I was a labourer on a construction site,
And I made a thousand monthly, by working day and night.
The foreman took me home one day, and there I met his daughter,
(She was nice, but not as beautiful as those across the water).

Still, beggars can't be choosers and I thought I saw a chance,
So I arranged to meet her later and I started a romance.
My plan was working perfectly and soon I did the trick,
That forced her parents both to say we must get married — quick!

With wife and child Malaysian I knew I could face,
The relevant officials and persuade them of my case.
It worked as I expected and, before a year was through,
I was a legal citizen with NRIC (Blue).

Now I'm a Federal Citizen and join them when they shout:-
"Save Malaysia for Malaysians, keep those Indonesians out.



*The sun
and
the moon
are not
mirrored
in cloudy water.*

*Thus
the almighty
cannot be
mirrored
in a heart
that is
obsessed by
the idea of
me and mine.*

— Ramakrishna



matter for many people. No doubt for a historian like him, the crux of the matter is very simple. Your analysis is hard to surpass.

Tahir

Important To Remember Errors

I am most impressed with Muzaffar Tate's summary of the Mahathir legacy. It is my opinion that it is indeed a fair piece of writing and you have given credit where it is due. Some may feel that your opinion is biased, but I beg to differ.

I expect the person who holds the most important position in the country to give his very best in all areas. He should not expect the public to wipe out and forget the unchecked errors and mistakes (if I may put it that way) just because of the good that he has done for the country. It is his job, duty and responsibility.

Politics as they often say is 'dirty', and it may be no different in another country. However, most of our politicians are still not at the level of professionalism one would expect. It is for this reason that the Leader should take extra caution in his actions and I relate this to what you have mentioned about accountability and transparency, politics and morality.

Another area which I feel that Mahathir has failed is the delicate and sensitive racial issue. After 22 years, every Malaysian knows that segregation is at its worse and he has often "allowed" UMNO politicians to abuse this issue for very obvious reasons.

Ordinary Malaysian

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No Need To Open Old Wounds

This is in response to your articles titled "The Mahathir Legacy", "De-Mahathirising Malaysia" and "Midwife, Nanny....".

To the writers who contributed such articles, a word of thanks because they are not only educa-

tional but also perhaps open the eyes of Malaysians in matters of dissatisfaction or injustice.

But don't you think that it is absolutely unnecessary to 'open old wounds' when you have already got yourselves a new PM? As in your PM's words: "work with me" - doesn't this mean that you look ahead and help develop your country further?

Come on, Malaysia, let bygones be bygones and live for the future. What is past is past and nothing can turn things around except further advancement towards "Vision 2020". Live for the future!

Salmonmaple

Hard To Surpass

Muzaffar Tate's piece was a brilliant exposition of a very complex

Treat Tun Mahathir With Respect

I am saddened by Andrew Aeria's comments about Tun Dr Mahathir Mohamad. Most of us will not deny the fact that Mahathir himself may not be perfect as he often admitted himself during his 22-year reign.

Having said that, I feel that the issues raised by Andrew may not be totally palatable to the majority of our people, who still love and loathe Dr Mahathir for whatever he is worth. However, I do believe that Andrew's critical comments on the failures of the Mahathir administration are relevant to the critics of Dr Mahathir's style of political leadership. I am sure there are many others out there who share similar perceptions of the kind that that has clouded the mind and heart of Andrew, who has openly and unreasonably condemned Dr Mahathir using the most subtle and sarcastic of overtones.

I do not blame Andrew for his critical approach to our national issues. He may have been politically and socially westernised by virtue of his education abroad. Andrew should have been entrusted with an opposing political power base in order that his critical voice may be heard as an elected representative in Parliament, rather than remaining behind the scenes in Aliran. How about standing for the coming general election, Andrew?

We have been trying to live peacefully though there are many issues confronting us. By and large, the government under the political sharing power

concept of the Alliance and the Barisan Nasional, which has been mandated by the people over the last 46 years, has been extremely successful in developing Malaysia into a stable and sovereign state, earning the respect of other friendly nations.

We do not deny that there are also others within the global political arena who are critical and agitated by Mahathir's style of leadership and his personal, charismatic approach to international issues of significance to Malaysia and other less fortunate third world countries.

We should appreciate the many monumental success stories of our nation and recognise our responsibility to uphold allegiance to the country of our choice. Where is our conscience, when we throw stones in the glass house that we live in? Why should we betray our own subconsciousness and collaborate with the political and economic agenda of the western powers in condemning our government and elected leaders?

Each and everyone of us is entitled to the freedom of our expression, though that does not merit us to condemn the righteousness of our beloved leader, Tun Dr Mahathir Mohamad, who had contributed immensely to this wonderful country. I urge all sensible and peace loving Malaysians to bid Tun Dr Mahathir and Tun Dr Siti Hasmah, a peaceful and wonderful retirement. To both of them - may Allah swt continue to bless both of you with good health and happiness.

Mustapha Ong

Thank God This Chapter Is Over

Your goodbye letter to Mahathir is well said but I think there is more about this so-called Malaysian hero - or shall I say Bolehman - who has wasted the people's money on mega projects. Anyway thank God this chapter is over and pray to God his successor will have some sense in providing Malaysians on the whole with better living standards and using the people's money for a good cause.

I think a follow-up of all the views should be published so that younger Malaysians will know and learn as I am teaching my 9-year-old child how to value a good leader.

Ravianan

Mahathir Will Probably Not Read It

That was a really good letter to your retiring prime minister. Sadly, I guess he will not read it as he perceives every unkind remark in websites not toeing government thinking as unworthy of his attention. Many of you who penned articles are true blue Malaysians and ought to be proactive in your endeavour to promote justice and equality to your fellow men and women irrespective of race, colour and religion.

Siew Wah

Foolish To Be Emotional

It is foolish to be emotional in your writing. I had expected a more ma-

ture and realistic piece from Aliran. Yes, Mahathir has his weaknesses but you have sadly missed the forest for the trees.

I am apolitical but realistic. If even his political enemies will miss his presence and the ever-ready-to-criticise Australian press cannot but admit that he has done impeccably well for the rakyat, Malaysia and the region, I wonder how you could be so blind as to trivialise him.

Lastly, I will get my friends to stop their subscription. It is not the comments that is a bother but their depth.

Azman Awalludin

N o b o d y L i s t e n s T o Y o u !

Please stop talking s*** in your articles; no wonder your circulation is so limited and the government doesn't remove your licence. Nobody listens to you!

Fong Sai Yuk

G i v e C r e d i t W h e r e I t I s D u e

I was a victim of the 1997/98 "economic terrorism" that virtually bankrupted the whole country. I foresaw this coming in October 1997 after reading the book "The Theory of Reflexivity" by George Soros where he proved his theory that it is "sentiments" that determine values in the money market and stock market. He took credit for devaluing the financial markets of Soviet Union causing the nation to go bankrupt.

Interestingly, George Soros could

only achieve his aims on Malaysia after the former Finance Minister legalised short selling in the stock market. Around the same time during her visit to Singapore, US State Secretary, Madeline Albright sang her song "Don't cry for me Aseania". Yes, by October 1997, I expected an attack on our financial system and it happened. My investment in Indonesia went bust. Nonetheless, I am fully convinced that the Asian crisis was an economic sabotage to bankrupt some countries with Malaysia included. As I see it, our PM acted decisively to save the nation and he steered the economy back on course to the chagrin of George Soros and the former US administration.

Don't get me wrong, I am not an ardent admirer of Dr Mahathir. But he deserves the credit for his accomplishments. A friend once told me that if people find mistakes in you, then you know you are working. He has evidently prospered the nation by creating opportunities and megaprojects and therefore it is fruitless to harp on some failed projects. I was impoverished by economic marauders but I know who I should blame and definitely not Dr Mahathir who has influenced me to be ambitious and visionary.

So my advice is: give credit where it is due.

*Bob Ong
New Zealand*

B r i l l i a n t E x p o s e

I applaud Francis Loh's brief expose (Mahathir and the BN's hegemony) - a brilliant example of clarity with brevity.

Despite the humiliating realisation that much of what is written, with insight, conviction and passion will have no discernible impact on this country, I hope that such writers will never lose hope and never stop thinking and writing, in the pursuit of truth.

In Singapore and Malaysia, we have seen subtle variations of the dictum "Power corrupts and absolute power corrupts absolutely" and authority has been heavily vested in the state as opposed to the individual. Both the strongmen, LKY and M, have become identified so closely with "their" governments that, at times, they may have confused challenges to their continued rule as threatening state stability. We shall not have long to observe how indispensable indeed they were and whether there is more to them than met the eye.

Alas, the ordinary man, it is said, has a casual acceptance of appearances. And whatever revelations are to come, life will go back to whatever it was. Or will it?

Peter Ramanathan

I n v a s i o n O f P r i v a c y ?

I have always been wary about government having unlimited access to my personal particulars via the much touted hi-tech MyKad. Any junior government clerk can peek into personal matters like your illness or bank account numbers as there is no local equivalent of a Data Protection Act. I harboured a nagging suspicion that my private life is not private from Big Brother. My private nightmare is confirmed when the powers-that-be have woken up to

table a Personal Data Protection Bill in Parliament next year.

What remedy does the data-compromised citizen have until then? Why was the Data Protection Act not passed before the MyKad was started?

RJ Noel
Kuching

Straight From The Horse's Mouth

I refer to *Aliran Monthly* Vol. 23(9) at page 39 where the heading of the article reads: Who Lied About UMNO?

In his book entitled *May Day For Justice* the former Lord President of the Supreme Court of Malaysia, Tun Salleh Abas expressed the following view:



“I have no doubt - and few would now disagree - that it was the UMNO saga that led to my destruction as a judge.”

Now, fifteen years later, I think we have concrete proof from the horse's mouth (through an irony of fate) that Tun Salleh Abas' deduction was right on target.

Following the death of the late Tan

Sri Harun Hashim, the Diarist of *The New Sunday Times* penned the undermentioned paragraph in his column on page 10 of 5 October 2003 which reads:

“After Harun declared UMNO illegal, he only sought the Diarist's opinion on what was next. The Diarist speculated and also told Tun Salleh Abas what could happen in the event they persisted in their plan to have a full court hearing of the UMNO case. Tun Daim Zainuddin had intimated to the Diarist the Government's plan. They were simultaneously alarmed, sceptical and rather naïve. The rest is history.”

I would like to point out the word “they” deliberately used by the Diarist in his conversation with Tun Salleh Abas. It is now clear that “they” referred to the two senior judges of the Supreme Court who were subsequently removed from high office.

Former Prime Minister, Dr. Mahathir seems to prefer the legal interpretations of Section 9 of the Courts of Judicature Act 1964 and Article 131A of the Federal Constitution of the AG Lord President to the unanimous view of the five members of the Supreme Court on the same Section and Article. In short, the vote was 1 to 5 and 1 prevailed!

Dato Sri George Seah
Petaling Jaya

No Socso Coverage?

The following is a translated news report from Metro regarding a Socso claim I made:

A safety officer from a housing

development firm was disappointed when his claims towards the state Socso here was rejected.

Ahmad Bazer Mohamaed Yusoff 45, claimed that Socso rejected his claims with the reason that the accident which he met with three years ago does not come under the society's enactment.

Ahmad reiterated that on 23 May 2002 he was knocked down by a car while walking towards his car after conducting his prayers at a Surau at the Block D1, Bandar Baru Prai. “I was unconscious due to the accident and was sent by the passers-by to the Seberang Jaya hospital. There I received treatment for my cracked right wrist and also received 10 stiches under my right eyebrows. I was also forced to take medical leave from 23 May 2001 till 26 June 2001 due to my condition”.

“On 11 June 2001 I submitted my claims to Socso.” I then received a letter dated 26 July 2001 from Socso stating that my claims were rejected as the accident which had happened to me was not a working hazard.

Ahmad said that he wrote an appeal letter to Socso on 28 August 2001 which again was turned down. According to him he was asked to attend a trial by Socso at 27 September 2003 but this was then postponed to another date which is on 17 November 2003.

Ahmad said “This is not because of money but it is based on human rights”. He said “Just imagine that as a Muslim, I did my prayers and did not even know that I will be knocked down by a car. Even the factory workers are

provided buses to go to mosque for the Friday prayers. Say if one of the buses met with an accident then all the workers will not be entitled to Socso claims. If that is so, it would be ridiculous”.

Meanwhile according to a state Socso spokesman, Socso does not cover a worker in any way for going to conduct prayers which is deemed a personal commitment. The spokesman said, “Under Section 24(i) of the Act, coverage is given for travel to and from work, during working hours and travel in the course of carrying out work instructions”.

The spokesman also said, “Prayers is not covered because it is a personal business which is distinct from the working hours and this covers all races in the country”.

*Ahmad Bazir
Sg. Petani*

Is It Possible To Determine Voters' Race?

Thanks for Francis Loh's scholarly analysis of current Malaysian politics and the last general election. Through your scientific approach, you have contributed to the understanding of the unfolding mosaic of Malaysian politics, which is a complicated blend of race, religion and other elements. But I have a query on your separation of Malay voters and Chinese voters in the section under the sub-title “BN's Narrow Win in 1999”, where you stated:

”Careful studies by the contributors to *New Politics* in Malaysia reveal that the Malay voters in the

59 large Malay-majority seats split their votes between the BN/UMNO (49%) and the BA/PAS (51%).the Chinese in the 24 Chinese majority seats similarly split their votes between the BN (51%) and the BA (45%).”

My question is: Is it possible to ascertain the racial identity of the votes cast in the ballot boxes? If so, has such an exercise been carried out whereby votes in each ballot box have been separated into different racial groups and tallied up for each group? If not, how did you get your percentage figures? What do you mean by “contributors to *New Politics*”? Who are these people?

Kim Quek

F Loh replies to Kim Quek:

Voting ballots in Malaysia, I'm confident, are not marked by the ethnic background of voters. Tallying of votes cast according to ethnic background, therefore, is not technically possible.

If the electoral constituencies in Malaysia were mono-ethnic in composition, then we could use electoral constituencies as proxies for ethnic group. However, all parliamentary constituencies in Malaysia are multi-ethnic in composition, to a greater or lesser extent.

Given these two conditions and personnel constraints, the researcher who wishes to understand the extent to which ethnic background determined voting behaviour has to resort to approximations.

In the Peninsula, which was the

focus of our study, we discovered that the 144 parliamentary seats were made up of 98 seats with Malay majorities; 24 with Chinese majorities; and 22 seats where no ethnic group constituted a majority. For analytical purposes, the Malay majority seats were further divided into two types: 59 seats with large (more than 67 percent) Malay majorities and another 39 with small (from 50-66 per cent) Malay majorities. We used this group of 59 seats with large Malay majorities as a proxy for Malay voters and concluded that “the Malay voters...split their votes between the BN/UMNO (49%) and the BA/PAS (51%)”.

In the case of the Chinese, we discovered that there were only 12 seats with large Chinese majorities (more than 67%) and another 12 seats with small Chinese majorities (50-66%). We considered the sample of 12 seats too small and so added the large-majority and small-majority seats together. Our proxy for Chinese voters, therefore, are these 24 Chinese-majority seats. It was on this basis that we concluded that the Chinese “split their votes between the BN (51%) and the BA (45%)”. No doubt, this estimation for the Chinese is less accurate than the one used to determine Malay voting behaviour.

In addition to this observation of trends at the macro-level, several of the contributors to our volume *New Politics in Malaysia* further conducted studies in particular constituencies. As we're aware, each constituency is made up of several polling districts where the votes are counted. The ethnic breakdown of each polling district is available to the researcher. Since

the voters in a particular polling district usually come from the same kampong, new village, estate or housing estate, and very often are of the same ethnic group, analysis of voting behaviour at this level – the polling district – can be used as yet another approximation of how the ethnic group, albeit at a specific locale, voted. Our research of several Chinese-majority and mixed seats indicate that the Chinese split their votes right down the middle.

Based on the totality of the studies we conducted, we are confident of our argument that there has emerged New Politics in Malaysia, a politics wherein there now exists an opposition politics especially in the non-formal realm of politics, but which was also made evident in the realm of formal electoral politics in the 1999 elections. There has occurred ferment and fragmentation.



Finally, the contributors to the volume *New Politics in Malaysia* (Singapore: Institute of Southeast Asian Studies, 2003) comprised 12 Malaysian academics most of whom are attached to Universiti Sains Malaysia. Several of them wrote accompanying pieces in the

Aliran Monthly vol 23 no 6 which carried the cover story which I wrote and which prompted you to write. Thank you for your letter and the opportunity to clarify.

Francis Loh

Withhold Recognition

Malaysia must not recognize the United States-backed Iraqi Governing Council despite an appeal from the Iraqi Charge d' Affairs here, Dr Mahmoud Khalid Almsafir.

Giving it recognition will mean endorsing an illegal occupation and legitimising Bush's doctrine of preemptive doctrine. It would be an act of betrayal to Iraqis as a whole who have been the victims of genocidal US terror for over 22 long years. It will definitely not in anyway result in gaining their independence, but losing it altogether.

The Interim Government does not represent the Iraqi people. Only a Government elected by the Iraqi people can be considered as representing the country. This is a matter of principle. We do not want to be a party to American hegemonic war that looks set to consume the United States itself, the aggressor. Malaysia must remain committed to upholding the principles of the United Nations charter. Malaysia must steadfastly oppose US hostile foreign policy towards any country.

The situation in Iraq today calls for the United Nations to immediately convene an Iraqi National Conference to select a provisional

Government that will have sovereign rights to draw up a new constitution, gain public confidence and give it legitimacy.

After 22 years of war, including the War with Iran that they fought for the US and suffered roughly 7 million casualties, Iraqis were still able to rebuild their country despite being punished with harsh sanctions that claimed many hundreds of thousands of lives as a direct result.

When will the US learn that democracy cannot be ushered in at gunpoint? America dropped millions of tons of bombs over a period of 14 years. Yet today, Bush's combative foreign policy is collapsing and the US administration is deep in quagmire. Today, all the sophisticated weaponry the Occupying forces boasted about is unable to save them as a guerilla war unfolds with mortars, rockets and 'improvised explosive devices'.

Malaysians sympathise with Iraqis who have continued to suffer through so many wars. But as long as the United States calls the shots for the Iraqi Governing Council, no country will recognize the Council – not until a free and fair election is held under UN supervision.

Meanwhile, Malaysia's dealing with the Interim Government cannot be official – thus the decision not to hold bilateral talks with them during the OIC was a correct decision.

Sarajun Hoda Abdul Hassan
Ex President -
Malaysia-Iraqi Friendship
Bukit Mertajam



ISA Used To Detain Students, Including Children

Aliran is deeply concerned with the continued use of the ISA to detain individuals under suspicion of involvement in Jemaah Islamiah (JI), the alleged regional militant Islamic group.

The most recent detainees are students aged between 16 and 21 years of age. They include Ahmad Muaz bin Al Bakry, 20; Muhammad Radzi bin Abdul Razak, 19; Nurul Mohd Fakri bin Mohd Safar, 17; Mohd Akil bin Abdul Raof, 21; Eddy Erman bin Shahime, 19; Muhammad Ariffin bin Zulkarnain, 18; Abi Dzar bin Jaafar, 18; Faiz Hassan bin Kamarulzaman, 17; Mohd Ikhwan Abdullah, 19; Ahmad Firdaus Kamaruddin, 18; Amin Ahmad, 20; Shahrul Nizam Amir Hamzah, 21; and Muhammad Tarmizi Nordin, 16.

These detainees were students of the Abu Bakar Islamic University and University of Islamic Studies

in Karachi, Pakistan. Having been previously arrested by Pakistani security forces on suspicion of Islamic militancy, these students were subsequently released in Pakistan and sent home to Malaysia where they were promptly detained under the ISA upon arrival on 10 November 2003 for suspected involvement in militant activities.

Aliran is concerned about the mental and physical well being of these students currently in police custody. Three of these students are below the age of 18 and hence are 'children' according to the Malaysian Child Act 2001. Subjecting a child to arbitrary detention is not in the best interests of the child. It contravenes the Convention on the Rights of the Child to which Malaysia is a signatory (albeit with reservations).

While understanding the concern of the government regarding militant groups and their activities, there are sufficient laws in the country to deal with such individuals without resorting to the

use of arbitrary detention.

Aliran calls upon the Prime Minister Abdullah Badawi to either have the students charged in open court or have them released immediately. It really does not bode well for our government when teenagers/children are detained under the ISA. Aliran reiterates its call to abolish the ISA.

*Aliran Executive Committee
18 November 2003*

Highway Takeover Sends Wrong Message

Aliran is appalled by the Federal Government's recent decision to take over the Seremban-Port Dickson highway simply 'because the concessionaire, SPDH Sdn Bhd, is losing money due to poor toll collection'. The 30km-long highway had failed to attract a high volume of motorists as the toll rate was considered high.

The government's takeover of the highway goes against the very philosophy of normal business - that one has to take risks and losses. This controversial takeover gives the wrong message that it's all right to fail in a venture because the government will be there to back you up. Surely, this is not what the much-touted Malaysia Inc. of the previous prime minister is all about - or is it?

Why should taxpayers, particularly road users who have paid their road tax, be compelled to foot the bill in the form of a government takeover of failed privatised highway projects?

*Aliran Executive Committee
13 Nov 2003*

Keep Irene Free, Defend The Defenders



Dr. Irene Fernandez, the Director of Tenaganita, a women's non-governmental organization (NGO), was found guilty of 'maliciously publishing false news', and sentenced to 12 months imprisonment on October 16 2003. She is out on bail, pending the outcome of her appeal at the High Court

The jail sentence on Irene Fernandez, a defender of human rights, for highlighting the deplorable conditions and treatment of migrant workers in detention camps through a memorandum, has shocked, outraged and disappointed us. A jail sentence for a memorandum is unprecedented.

In 1996, Irene Fernandez was charged under Section 8A(2) of the Printing Presses and Publications Act (1984). The charges against Irene Fernandez were brought following Tenaganita's release of a Memorandum entitled, "Abuse, Torture and Dehumanized Treatment of Migrant Workers at Detention Camps". The memorandum was submitted to various Ministries and relevant agencies, including the Chief of the Police Force. A press conference was held to highlight the findings.

The memorandum was compiled
1) from over 300 interviews of migrant workers, after their release from detention camps in Malaysia in 1994 & 1995.
2) The Sun journalists' investigations into conditions at the Semenyih Camp.

The interviews were carried out

to gather primary data for Tenaganita's research on HIV/AIDS and Mobility.

A memorandum is a tool of advocacy, universally used by organizations to highlight to government findings of research and to make recommendations for policy changes. The Tenaganita Memorandum called on the government to set up a Royal Commission of Inquiry to investigate the issues and concerns raised in the memorandum.

The trial conviction demonstrates that there is no protection for human rights defenders to articulate concerns over human rights violations. Such a trend not only curtails constructive criticism but has serious implications for all organizations involved in promotion and protection of rights of people and for research.

We appreciate the Prime Minister's recent call on the need for truth and the direction the Prime Minister has set for the nation. However, this call will be meaningless when activists are prosecuted and criminalized and when freedom of expression is curtailed.

This trend taken by the state is being further strengthened where now, Irene as a human rights defender is stopped from traveling overseas. The passport application to attend crucial meetings overseas was rejected by the Magistrate's court with vehement objection from the Attorney General's office. This rejection has now denied Irene the opportunity to

enhance human rights promotion internationally. The continued curtailment of travel will only further erode confidence of people nationally and globally on the government and institutions that should ensure justice and rights are upheld.

In order to ensure the commitment made by the Prime Minister, we the endorsed NGO's call on the government to respect freedom of expression and hear out organizations working with communities when they raise issues of concern and violations of rights. It is only when an enabling environment is created that organizations and activists can bring the truth to light.

We urge the government:

1. To investigate the allegations of abuse and torture in detention camps, rather than use laws to silence criticism.
2. Ensure Irene is free from imprisonment.
3. Release her passport so that she can travel to continue to fulfill her role and responsibilities as an internationally recognized human rights defender.
4. Protect human rights defenders so that good governance and transparency can be achieved within a democracy that respects freedom of expression
5. Invite the UN Special Representative on Human Rights Defenders to Malaysia for further dialogue as an important gesture to her request and to ensure protection for defenders of human rights.

The above joint statement was endorsed by 91 Malaysian civil society groups

18 Nov 2003

Anomaly

There is a serious anomaly in the way assets are declared by Cabinet ministers at present, for instance. Members of the Cabinet are required to declare their assets to the prime minister. If, for one reason or another, a prime minister does not want to question the ill-gotten wealth of a minister or that a particular minister is living way beyond his means, the people are kept in the dark about it. Who benefits and who loses then?

Equally serious is the fact that at present the prime minister declares his assets to nobody. Why? Is Caesar above suspicion? The prime minister's assets should be declared annually to the ACA, just like everybody else's.

Such a serious anomaly involving the prime minister should be rectified immediately. I challenge him to do this before he talks again about money politics and corruption.

Second, the ACA should be made a fully and truly independent investigative and prosecuting body, and should not be a department under the Prime Minister's Office. As long as the ACA is not fully and truly independent but a mere department under the jurisdiction of the prime minister, so long will the public perception of the fight against corruption in Malaysia be one that it is not as serious as it is officially claimed.

And it is not merely a matter of the people's perception, although it is most important. It is also a perception by politicians them-

selves, including of course UMNO politicians.

And, if politicians — especially UMNO politicians — continue to perceive that the campaign against corruption and money politics is not as serious as it ought to be or officially claimed, and that in fact the campaign itself is full of anomalies and flaws, then they can only be fortified by the 'don't worry, be happy' attitude. They would feel free to de-

vised ways and means to circumvent existing weak rules and regulations.

Thus, the ACA must be made fully and truly independent, responsible to Parliament, not the prime minister. □

Fan Yew Teng, a former member of parliament, is a political commentator and writer.

Q & A With Anwar Ibrahim

Q: What do you think of Dr M's legacy now that he is about to retire?

A: He came into the scene two decades ago in a breeze - with promises of reforms. But instead he put all promises asunder by destroying the very things he promised to save amongst others the institutions of governance; press freedom and freedom of expression. (He released political prisoners in an immediate move then).



His selfish penchant for mega projects and glorifying monuments has now ballooned to a staggering public debt, which he now nonchalantly, leaves to Pak Lah, the unenviable task to deal with.

Q: What about his outburst on the Jews?

A: It is nothing but pure and utter sensationalism - primarily to deflect attention to his misdeeds and the stench from the rot in his own backyard arising from among others cronyism, corruption, nepotism and repression of his critics and the opposition.

Q: What of press freedom in Malaysia?

A: Foreigners do not understand the exact extent of press control in Malaysia under him. My view is that the control of the media here by Dr Mahathir rivals only that of North Korea.

Anwar Ibrahim

Exit Of A Self-Made Dictator

To him natural justice and social justice are strange notions.

by K George

“Thank God, the man has vacated his chair,” said a friend of mine, commenting on over two months of fanfare to bid farewell to Prime Minister, Seri Dr Mahathir. Never before has this nation witnessed such non-stop celebration, accolades, praises, and even shedding tears as a prelude to send off any of our other leaders. Mahathir’s controlled mainstream media managed to project him almost as a demi-God.

Was all this hullabloo spontaneous? I wonder! Many people do know that Mahathir is capable of changing his mind at the last minute. So, it cannot be ruled out that there was some hidden agenda to ensure he did keep his word this time round.

Although there were persistent attempts to portray him as ‘the’ absolute statesman, I wish to recall some of his antics.

Those who followed Mahathir’s style of premiership have no doubt that he is obsessed with for power, fame, prestige, luxury and wealth. He is also seen as ruthless. His interpretation of rule of law is Rule by Law. To him natural justice and social justice are strange notions. Human rights and democracy, in his opinion, impede progress and prosperity. If and when necessary, he could stretch the truth and



break promises.

Initial Actions As PM

Immediately after Mahathir was sworn in as the fourth Prime Minister, he ordered the release of 22 ISA detainees. He introduced the slogan — Bersih, Cekap dan Amanah — as a guideline for the civil service. The wearing of name

tags and punching in and out became compulsory even for the ministers. At a press conference, the new PM declared he would eradicate corruption. Should he fail, he would bring the fear of God. Many people became so excited that they thought the 4th PM was Godsent! When I discussed my impressions about the PM with the first Aliran president, his

reply was : Don't believe him (Mahathir). He is a hypocrite. Did not later events confirm this prediction? Since then, for over two decades we had been facing shock after shock.

The Musa Episode

The first shock was for his predecessor. When Tun Hussein Onn appointed Mahathir - the third Vice President of UMNO - as DPM there was reportedly an agreement between them: when Mahathir becomes the next PM, he would appoint Tengku Razaleigh as his DPM. However Mahathir appointed Tan Sri Musa Hitam instead. They both had a pleasant "honeymoon" for some time. Then differences started. But by 1986, Musa became so distressed that he could not carry on. His resignation was hand-written on a piece of paper. The reason he gave was "irreconcilable differences".

Mahathir And The Judiciary

Malaysian judiciary was well known in the developing world for its integrity and independence. But Mahathir had been an ardent critic of our judiciary. He went on repeating (just to mislead the people) that judges had no right to question the laws passed by the Parliament. But he never stopped his criticism of the judiciary.

Disgusted, the Lord President, Tun Salleh Abas addressed a letter to the Agung requesting him to intervene. That letter was drafted at a meeting of a number of judges at which Justice Hamid Omar was also present. Mahathir managed to persuade the Agung to set up a

tribunal. It is now history that Justice Hamid Omar (who was not only junior to Salleh Abas, but had earlier agreed to the letter to the Agung) chaired the tribunal which decided to dismiss Salleh Abas and two other senior judges as well. The principles of Rule of Law and Natural Justice were thrown to the wind in 1988.

UMNO Election In 1987

After Mahathir became the PM, UMNO started having two camps - Team A and Team B. In 1987, Tengku Razaleigh contested for the UMNO president's post against Mahathir, who won by 43 votes. That is known to all of us. But how did Mahathir won that election is not known to many people. The story goes as follows: The night before the election, a few of Mahathir's supporters made a survey. They even penetrated the Team B camp. By midnight, they were convinced Mahathir would lose by 10 per cent of the votes. They met Anwar Ibrahim who had already won the post of UMNO Youth Chairmanship. They suggested Anwar join Team B which he rejected outright. But Anwar was prepared to surrender his Youth Chairmanship to Najib, on condition he agreed to offer to Mahathir the 43 votes he was controlling. The deal was acceptable to Najib. Then Najib let down Razaleigh whose camp was already preparing for the victory procession the next day. Well, is such a person suitable to be the deputy of the new PM?

Formation Of UMNO Baru

When the High Court was satis-

fied that there was unauthorised participation in the 1987 UMNO General Assembly, the Judge observed according to the party's constitution it could be declared void. Lawyer Gopal Sri Ram representing the respondents (Team A) in a suit filed by Team B, immediately submitted that the court could do so. The Judge obliged. Thus, the nation witnessed the demise of the UMNO, the dominant governing party. Immediately Mahathir applied for a new party in the name of UMNO Baru. It was a Saturday. And on Monday the party was registered. He then ensured all his political enemies, including Bapa Merdeka, were kept out of the new party.

Malay unity was shattered. The unity a suffered further setback after Anwar was dismissed from the Cabinet and UMNO. He was subjected to ugly scandalisation, arrested, thrown into a cell, handcuffed and blindfolded, and then was dealt lethal blows by the then IGP. Anwar's eye was seriously hurt, he fell unconscious. Ten days later, Mahathir told us the eye injury was self-inflicted. What a lie!

Mass Arrests Under ISA

Mahathir ordered the arrest of 106 Malaysians on 27 October 1987 and the suspension of three newspapers. The victims were from all walks of life - politicians, trade unionists, NGO leaders, academics and social activists. Mainstream media became pliant. Fear loomed all over Malaysia. Nobody dared to question. Then he went on taking control of the police, the Attorney General's chambers, and the Anti-Corruption

Agency (ACA). The Election Commission was already under control. With the dismissal of Tun Salleh Abas and two other senior judges, Mahathir established himself as a *de facto* dictator. The judiciary had lost its independence and integrity.

Mahathir is on record as having directed the attorney general not to proceed with certain criminal charges, and stopped the ACA from investigating certain corruption charges.

Anwar, who bartered his UMNO Youth chairmanship for 43 votes, thinly ensuring Mahathir's victory in the 1987 UMNO elections, is now languishing in Sungai Buluh prison on cooked-up charges.

Mahathir's Economic Policy

Soon after he became Prime Minister, Mahathir ventured into the stockpiling of tin and rubber as a challenge to America. It was a colossal failure, costing the nation hundreds of millions of ringgit. With his knowledge and approval, Bank Negara indulged in forex trading. This too was a failure. Today our national debt stands at 182.1 billion ringgit. In spite of all of these failures, Mahathir has been portrayed as an 'economic wizard' by our pliant mass media.

Some eminent economists agree that the pegging of the Ringgit to the US Dollar in 1998 was a correct decision. At the same time hardly any of them think much of his other economic policies. Being a committed capitalist, social justice has always been beyond his



comprehension. He indulged in cronyism and nepotism, emphasizing the creation of Malay millionaires. In 1983, at a seminar on privatisation, he promised transparency and open tenders. But he never kept his promise. A well known economist, K.S. Jomo said, "Public assets were privatised at discount, but renationalised at premiums that were enjoyed by the non-performing beneficiaries". Let me quote just one example; The Government Medical Store (GMS) was privatised in 1994 and handed over to Southern Task Sdn. Bhd., a subsidiary of Renong (an UMNO-linked company) very quietly. The government hospitals were directed to continue to buy the medicines only through GMS. The first thing Southern Task did was to hike up the price of its medicines. The price of morphine (a medicine to relieve the severe pain of cancer patients) was pushed up some 10 times (*Speaking Truth to Power*, by Jeyakumar Devaraj, pg 114-115).

Petronas makes billions of ringgitin profit every year, but its accounts are kept in the dark.

Bank Bumi became almost bankrupt three times. There were other companies like Renong and several others that have lost heavily. Mahathir used the people's money to bail them out. He went on constructing white elephants such as the Twin Towers, Putrajaya, KLIA and the Formula One racetrack – squandering billions and billions of our money. While thousands of Malaysians do not have a basic minimum wage and others are living in slums and under tin-roof shelters, he built a palace costing over RM 200 million for the Prime Minister – and shamelessly put the blame on Anwar! Mahathir's Perwaja adventure is "a spectacular failure having lost more than RM 10 billion," says Jomo. Thank God he has vacated his position. Let us hope from now onwards the media will start reporting the truth. For our fifth Perdana Menteri wants to hear the truth.

In conclusion, I wish to quote from the FEER, October 9, 2003, "I must be the only dictator in history to have to win an election before I start dictating." ¶

Can UMNO Wipe Out Corruption?

by Fan Yew Teng



Two years ago, the then UMNO President Dr Mahathir Mohamad urged the party to support the punishment of corrupt members, saying that he had had enough.

Mahathir was reported to have told an UMNO gathering, “I have urged, pleaded, cried. This time there is no more urging, no more pleading, no more crying. I ask for your support and the support of all UMNO members for the action which we will take against those engaging in corruption.”

On the surface, Mahathir’s words on the subject of money politics and corruption in UMNO sounded earnest enough, although they were not as melodramatic as the occasions when he cried.

And yet one must humbly ask how serious UMNO and Mahathir’s successor really are now about the need to eradicate money politics from the party.

Surely the new UMNO leader, Abdullah Badawi, who is also the country’s prime minister, can se-

riously reduce money politics not only in UMNO but in the whole country, if he is serious and sincere about it. After all, he has all the powers, hasn’t he?

Bellyache

What the UMNO leader should do about money politics is not merely to bellyache about it at big UMNO meetings once every few years, or for the purpose of making an intra-party political point, or to attempt to score one against the Opposition. One can perhaps concede that as a politician he has to do one or all of those things once in a while. Unless, of course, he manages to transcend himself into a statesman in the truest sense of the word.

Merely telling UMNO members that the party is serious about curbing money politics to prevent the people from losing faith in UMNO is not enough.

There are at least three things that UMNO and its leader can and should do if they are really, really serious about curbing money politics in UMNO and the country. First, make it legally obligatory of all UMNO officials, from the party president down to the committee member at branch level, to declare their own financial assets as well as those held by their immediate family members — like wives, sons, daughters, grandchildren

and sons-in-law to the Anti Corruption Agency (ACA).

This legal requirement of office-bearers to declare assets should then be extended to all office-bearers in all other political parties both in the government as well as the Opposition, NGOs and statutory bodies, in order to be fair to everybody and to achieve the highest possible transparency in the land.

This means that all Cabinet ministers, deputy ministers, parliamentary and political and private secretaries, Members of Parliament, Chief Ministers and Menteri Besar, State Assemblymen/women, State Exco Members, appointed members to city, municipal, town and local councils will have to declare their assets to the ACA. This should include all civil servants and judges. Any Malaysian who wants to know the financial assets of any minister or any local councillor or a judge or the attorney-general should have the right to obtain such yearly updated information from the ACA.

Those officials who have nothing to hide should not and need not object to such a rigorous requirement. Only people who have something or lots to hide would get jittery about such a practice.

Continued on page 36