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ANWAR VS MAHATHIR



COVER STORY

**FACTIONALISM,
 MONEY POLITICS AND
 BONUS VOTES**



Mahathir

**ANWAR
 VS
 MAHATHIR
 ????????**

Will Anwar challenge Mahathir for the UMNO Baru presidency? Or will his supporters be thwarted if the bonus votes are removed? TERENCE GOMEZ explores the manoeuvring within the party and the prevalence of money politics in the run-up to the 1996 party polls.

**FRACTIONALISM,
 MONEY POLITICS AND
 BONUS VOTES**



Anwar

In November 1993, Anwar Ibrahim ousted Ghafar Baba as UMNO Baru's Deputy President and Deputy Prime Minister after securing the apparent backing of most of Prime Minister Mahathir Mohamad's cabinet and an overwhelming majority of the nominations from the party's divisions. Since then, many have speculated that Mahathir's own position has also come under threat.

Despite Anwar's protest to the contrary, and Mahathir insisting that he and his deputy are

"pals," such speculations have persisted. As UMNO Baru completes its divisional elections in preparation for the party's triennial elections next year, factionalism between the pro- and anti-Anwar factions within UMNO Baru has obviously intensified — highlighting also the extent of the party's patronage system which perpetuates money politics.

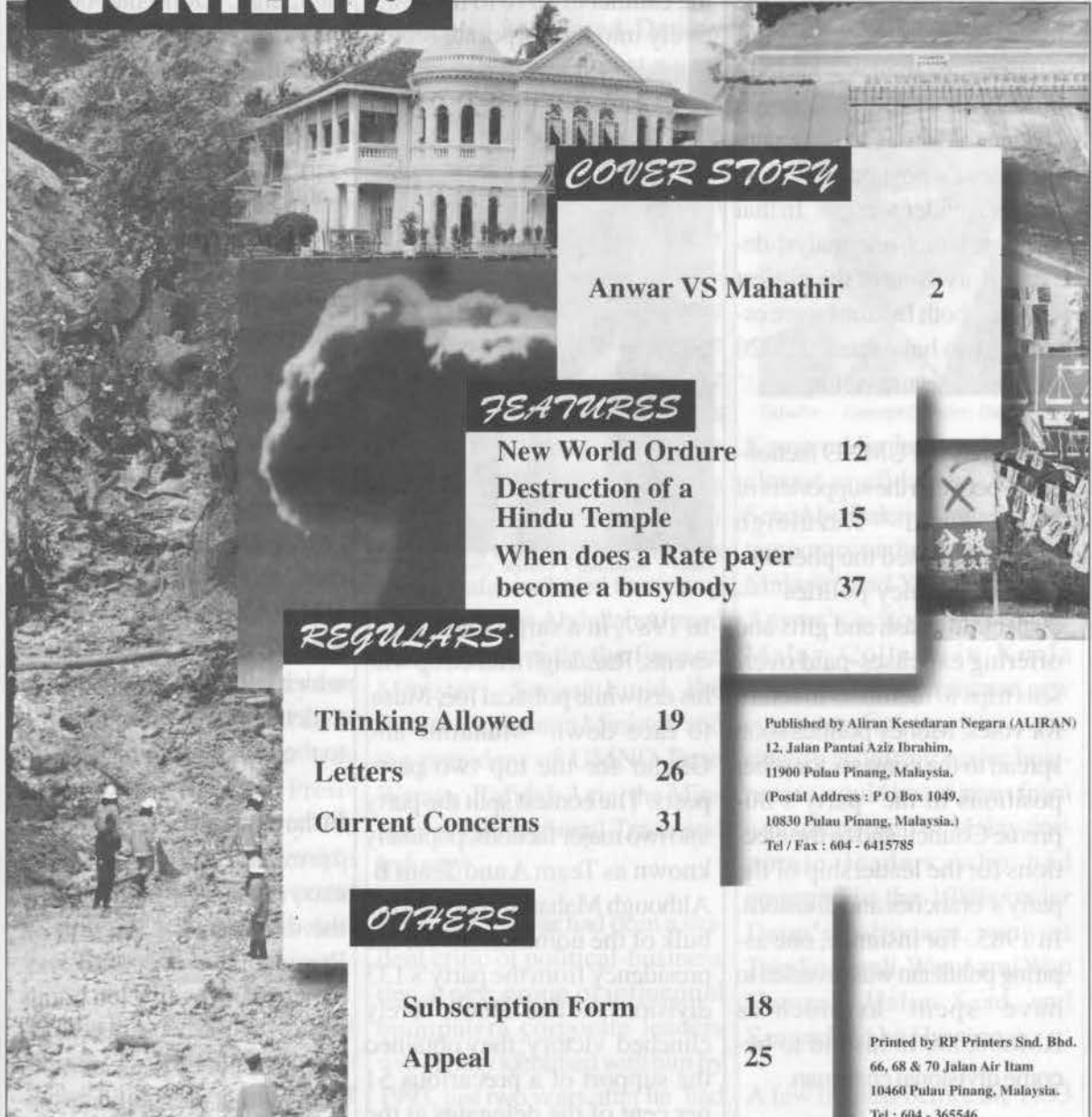
Factionalism and Money Politics

The importance of money in UMNO politics first emerged as

an issue during the party's 1981 elections. Then, the Deputy President's post had fallen vacant when Mahathir was elevated to the party's helm following Hussein Onn's resignation. Vying for the number two post were then Finance Minister Razaleigh Hamzah (now president of the opposition party, Semangat 46) and then Education Minister Musa Hitam. Despite being the underdog, Musa, with Mahathir's

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tacit support, won in a battle which apparently had seen the use of much money to solicit support. At the next UMNO election in 1984, Razaleigh challenged Musa for the Deputy President's post but this time lost by a wider margin. In that election, which one analyst described as "one of the dirtiest to date", both factions were estimated to have spent RM20 million to secure victory.

The persistent UMNO factionalism between the supporters of Musa and Razaleigh institutionalised the phenomenon of "money politics" — distributing cash and gifts and offering expenses-paid overseas trips to members in return for votes. Money politics soon spread to the contests for other positions in the party's Supreme Council and to the elections for the leadership of the party's branches and divisions. In 1985, for instance, one aspiring politician was revealed to have spent as much as RM600,000 in his bid to become divisional chairman.

UMNO factionalism intensified when Musa resigned as Deputy Prime Minister in 1986. Mahathir, in a bid to prevent Razaleigh's ascendance, wooed back Ghafar Baba, then a long-serving vice-president with strong grassroots support to replace Musa as Deputy

Prime Minister. Ghafar had left the cabinet in 1976 to move actively into the corporate sector.



Daim : Mahathir's closest confidante

In 1987, in a surprising turn of events, Razaleigh teamed up with his erstwhile political foe, Musa, to face down Mahathir and Ghafar for the top two party posts. The contest split the party into two major factions, popularly known as Team A and Team B. Although Mahathir received the bulk of the nominations for the presidency from the party's 133 divisions, he and Ghafar barely clinched victory; they obtained the support of a precarious 51 per cent of the delegates at the General Assembly.

Both factions had resorted to extensive use of money to secure support with Mahathir depending heavily on UMNO Treasurer and then Finance Minister Daim Zainuddin, apparently his

closest confidante, to fund his campaign. Daim had been a major corporate figure before Mahathir appointed him Finance Minister in 1984 to succeed Razaleigh.

Later eleven party members filed a legal suit against UMNO seeking to nullify the election results in view of the presence of delegates at the assembly from unregistered UMNO branches. In February 1988, the High Court ruled that the presence of these unregistered branches deemed UMNO was an illegal society. Mahathir immediately formed a new party, *UMNO Baru* (New UMNO), a politically expedient move which left him with a free hand to deny his rivals membership to the new party.

In the new party's constitution, a provision was made allowing every nomination received from the divisions for the post of President and Deputy President to carry with it ten bonus votes. These bonus votes would be added to the number of votes that the candidates received during the election at the General Assembly.

The new provision meant that aspiring candidates for these two posts would have to ensure that they had either sufficient grassroots support before mounting a challenge or enor-

mous funds to buy such support. For the next few years, with Mahathir and Ghafar well consolidated in their party positions, with Mahathir's staunchest critics out of the party, and with the Prime Minister's main allies in key cabinet positions, relative calm prevailed in UMNO Baru.

Rise of Anwar

Meanwhile, Anwar Ibrahim had rapidly climbed the party ranks with the support of Mahathir and Daim. An outspoken critic of the Barisan Nasional government in the 1970s, Anwar had been courted by Mahathir to join UMNO in 1982. Soon after winning a parliamentary seat in Penang in the general elections that year, Anwar was elected UMNO Youth President by a narrow majority. He retained the Youth leadership until 1987 when he was voted in as one of three UMNO vice-presidents.

During this period, Anwar was rapidly promoted in government, holding key ministerial positions, including that of Education Minister. At UMNO Baru's 1990 party election, Anwar secured the most number of votes among the three vice-presidents. In November 1993, two years after taking over the influential Finance Ministry from Daim, Anwar man-

aged to displace Ghafar as party Deputy President and was subsequently appointed Deputy Prime Minister. Almost a year before Anwar dislodged Ghafar, rumours were already rife that the party had been factionalised in view of the impending contest between the two. While Anwar had managed to rein in the support of younger and up-coming politicians, Ghafar's more loosely-based faction enjoyed the support of more senior politicians who were concerned about their positions in the party following Anwar's meteoric rise. Senior politicians who allied themselves with Ghafar included then party vice-presidents Abdullah Ahmad Badawi, currently the Foreign Minister; Sanusi Junid, the former Agriculture Minister; and the president of UMNO Baru Wanita, Rafidah Aziz, the Minister of International Trade and Industry.

Although Anwar had been a strident critic of political-business ties, a new group of influential bumiputera corporate leaders was closely identified with him by 1993, just two years after he had been appointed Finance Minister. Among those businessmen linked with Anwar were Ishak Ismail, the secretary of Anwar's Permatang Pauh UMNO Baru division in Penang; Mohamad Sarit Yusoh and Nasaruddin Jalil, both former political secretaries of the Finance Minister;



Tajudin : Emerged under Daim

Kamaruddin Jaafar, Anwar's closest confidante; Ahmad Sebi Abu Bakar, Anwar's contemporary at the University of Malaya; and Yahya Ahmad, Anwar's schoolmate at the Malay College in Kuala Kangsar. These prominent new corporate figures, who were rapidly acquiring major businesses, could be set apart from a smaller group of Malay corporate leaders who had emerged in the 1980s under Daim's patronage, such as Tajudin Ramli, Wan Azmi Wan Hamzah, Halim Saad, and Samsudin Abu Hassan.

A few months before the 1993 UMNO Baru elections four newspaper editors and executives close to Anwar also gained control of The New Straits Times Press Bhd, which owned TV3, then Malaysia's only private television network, and two major English and Malay newspapers, *The New*

Straits Times Press and *Berita Harian*. Anwar was also reported to have gained editorial control of *Utusan Malaysia*, the country's leading Malay newspaper. With this, it appeared that the Finance Minister had managed to develop control over a vast patronage machinery, seen as being crucial for him to maintain the support of his faction members and to undermine the influence of opposing factions.

In the run-up to the 1993 party election, the ties Anwar had cultivated with corporate figures, his control over the mainstream media and Daim's support proved vital to Anwar as he overwhelmingly displaced Ghafar as the party's Deputy President. His success indicated the importance of effective patronage and close ties between political leaders and influential businessmen in climbing the political hierarchy.

While the party's grassroots leadership had been dominated by rural teachers since its inception in the mid-1940s, the proportion of teachers who attended UMNO General Assemblies and who served as divisional chairmen even only a decade after implementation of the New Economic Policy (NEP) (1970-1990) was declining rapidly. In the 1980s, teachers were increasingly giv-

ing way to businessmen.

Curbing Money Politics

In the 1993 UMNO Baru elections, Anwar's coterie of supporters, collectively known as the *Wawasan* (Vision) *Team*, won most of the key party positions, thus consolidating his position in the party. Anwar's team clinched the three vice-president posts — displacing even the popular Abdullah Ahmad Badawi and Mahathir's close ally, Sanusi Junid. His team also won the UMNO Youth presidency, and secured many seats in the party's Supreme Council.

In fact, although Mahathir was not challenged for the presidency, many believed Anwar had emerged as the most powerful politician in the country, laying subtle siege on the Prime Minister. Analysts suggested that Mahathir, unlike Anwar, had not spent much time cultivating his grassroots base, leaving a vacuum that had been filled by the energetic Anwar and his ambitious younger men.

During the General Assembly which followed the election, however, almost every delegate who took to the rostrum denounced the extensive use of money and gifts to win support. Many delegates even predicted that money politics, unless curbed, would have disruptive consequences for

the party. One delegate claimed he was given RM1,000 for his vote.

Contended an analyst, "(n)ever had money been spent on such a scale before in an UMNO election". One faction reportedly raised between RM200 and RM300 million, mostly through the stock exchange, to fund the campaign — a phenomenal ten-fold increase compared to the amount spent in the contest for the Deputy President's post in 1984.

Previously, money had been used to buy the support of delegates to the party's assemblies. It was now also being widely used to buy support at the divisional level to ensure that leaders received sufficient nominations to reflect their supposed popularity and to bag the bonus votes. Some delegates even alleged that strong-arm tactics were used to deal with recalcitrants. So intense was the call to curtail money politics that Mahathir received unanimous support from the delegates when he suggested that amendments be made to the party constitution to curb the abuse of money. A code of ethics was eventually drawn up to curtail money politics.

Since the pro-Anwar faction had demonstrated how money

could be used to usurp positions once thought unassailable due to the bonus votes, the code of ethics, in fact, helped to preserve Mahathir's position and protect him from future challenges. But the amendments also protected Anwar's position from potential challenges by other senior party leaders. Despite these amendments to eliminate money politics, the question of patronage networks — especially through the award of government and state contracts — and their dismantling was not addressed. This issue was outside the party's definition of what constituted money politics.

1995 Post-Election Cabinet

By 1995, before the April general election, the political scenario within UMNO Baru appeared unpredictable, with the possibility of another contentious party election looming in 1996. Anwar's *Vision Team* had disintegrated rapidly in 1994 and several non-mutually exclusive factions appeared to have emerged in UMNO Baru.

It was uncertain if Anwar would succeed in placing some close confidantes — including contemporaries during his stewardship of the *Angkatan Belia Islam Malaysia* (ABIM, or the Malaysian Islamic Youth Movement) — in senior party

and government positions. Such a move would pressure the current batch of younger UMNO Baru leaders who had supported him for the Deputy President's post.

Already, it was believed that the pro-Anwar faction was responsible for manoeuvring UMNO Baru Youth President Rahim Tamby Chik out of office over an alleged sex scandal involving a 15-year old schoolgirl. Meanwhile, Najib Razak, another of Anwar's running mates in the *Vision Team* who had been elected Vice President in the 1993 UMNO Baru election, appeared to have fallen out with the Deputy President. The Anwar-controlled Malay press had embarrassed Najib by implicating him in a *khalwat* (proximity) case, a report which Najib strongly denied yet refused to take legal action against. The allocation of quoted shares to Rafidah Aziz's son-in-law by her ministry was also given prominent coverage by most of the mainstream Malay and English press. Rafidah is a well-known Anwar critic. Mahathir voiced his disapproval by criticizing "press sensationalism."

Another indication of the rifts within UMNO Baru was when Ghafar Baba re-emerged in national politics in early 1995. Many saw Mahathir's open courting of the former Deputy

Prime Minister as an attempt to check Anwar's influence. Mahathir's decision to retain Daim as a Member of Parliament despite the latter's open desire to leave mainstream politics reinforced this perception. Since early 1994, the increasingly public dispute that had emerged between Anwar and Daim was turning into a major problem within the party.

The dispute between Anwar and Daim, who had served as Finance Minister from 1984 to 1991 appeared to stem from the way privatised contracts were being distributed by the government. The scale in which a small number of businessmen close to Daim, some of whom were non-Malays, were benefiting most from privatisation, precipitated the dispute and upset those businessmen aligned with Anwar. For example, at the end of 1993, the government sold 32 per cent of its stake in Malaysia Airlines Bhd (MAS) to Tajudin Ramli, a longstanding business associate of Daim. Around that time, another Daim associate, Robert Tan Hua Choon, who controls listed *Jasa Kita Bhd* and *UCM Corporation Bhd*, obtained a lucrative privatised contract through his company, *Spanco Sdn Bhd*, to service government-owned vehicles.

In January 1994, Malaysia's largest privatised contract, the RM15 billion Bakun Dam project in Sarawak, was privatised in toto and without tender to Ting Pek Khiing, allegedly at Daim's insistence. In the same year, United Engineers (M) Bhd (UEM), controlled by Halim Saad, a Daim protege, through Renong Bhd, obtained the privatised contract to construct the second link causeway between Malaysia and Singapore.

Interestingly, before the divisive 1987 UMNO elections, one major factor contributing to the factionalism was the allegation that a small circle of businessmen close to Daim and Mahathir were benefiting most from state patronage through the NEP.

Before the 1995 General Election, the Barisan Nasional's list of candidates indicated that a number of Anwar's close associates—including some from ABIM, who had hoped to be fielded over more influential UMNO Baru members—found themselves sidelined. Later, the minimal changes, ostensibly to emphasize continuity, made to the post-election cabinet and the lineup of Mentris Besar tended to favour Mahathir.

Muyhiddin Yassin, the former Mentri Besar of

Johore and an Anwar ally—who obtained the highest number of votes among the three vice-presidents during the 1993 party election—was appointed Minister to the relatively minor portfolio of Culture and Sports. Youth Acting President, Nazri Aziz, and the former Deputy Chief Minister of Penang, Ibrahim Saad, both strong Anwar supporters, were appointed Deputy Ministers in the Prime Minister's Department where Mahathir could presumably monitor their activities. These appointments were reminiscent of the appointments to the post-1986 General Election cabinet, after the rift between Mahathir and his deputy, Musa Hitam. The latter's close ally, Ajib Ahmad, then Mentri Besar of Johore, was appointed Deputy Minister in the Prime Minister's department before political oblivion descending, while Pahang Mentri Besar, Najib Razak, then also seen as a Musa ally, was named Minister of Culture, Youth and Sports.

Saloman Selamat, Anwar's former political secretary, then tipped to be the next Selangor Mentri Besar, was given the Shah Alam parliamentary seat and remains a backbencher. Sidek Baba, another Anwar ally from ABIM and a candidate for the Chief Ministership of Malacca, remains a state executive committee member.

Former National Unity and Social Development Minister Napsiah Omar, the UMNO Baru Wanita Deputy leader who was vocal in her support of Anwar, was sent southwards to contest a state seat in Negeri Sembilan and subsequently appointed to the state executive committee. It was an embarrassing demotion for Napsiah.

Ahmad Zahid Hamidi, a former ABIM member and the UMNO Baru Youth Information Chief, was made a parliamentarian but sent to the backbenches.

Meanwhile, several Anwar rivals were appointed to influential posts. Najib Razak was given a considerable promotion with his appointment as Education Minister. Syed Hamid Albar who is not closely associated with Anwar was given the important Defence portfolio. Mustapa Mohamad, who is associated with Daim Zainuddin, was given ministerial status through his appointment at the newly-created Ministry of Entrepreneurial Development.

Abdullah Ahmad Badawi was retained as Foreign Minister and Daim as Government Economic Advisor. Rafidah Aziz, despite the then still-ongoing

investigations into the share controversy, was re-appointed Minister of International Trade & Industry.

The most important manoeuvrings, however, took place at state level. In Kedah, Anwar's principal adversary, Sanusi Junid, the Agriculture Minister was sent to contest a state seat. Sanusi was tipped to eventually take over as Menteri Besar although the incumbent state government leader, Osman Aroff, had been re-appointed to the post. In Penang, Shariff Omar, a close associate of another one of Anwar's adversaries, Abdullah Ahmad Badawi, was appointed Deputy Chief Minister.

Further south, in Selangor and Perak, the incumbents, both no longer considered particularly close to Anwar, were retained as Mentris Besar. In Negeri Sembilan, another Anwar political foe, Isa Samad, was retained as Menteri Besar, while in Johor, Abdul Ghani Othman, the former Youth & Sports Minister who is not particularly identified with Anwar, was appointed Menteri Besar.

Over on the east coast, in Terengganu, another Anwar rival, former Public Enterprises Minister Yusof Noor, is soon tipped to take over as Menteri Besar. Meanwhile, in Pahang, Khalil Yaacob, a party veteran not

particularly aligned with Anwar, retained his post. It was only in Perlis, the smallest state right up north, that Anwar's ally, Shahidan Kassim, was appointed Menteri Besar.



Abdul Ghani Othman : MB Johor

Although more changes are likely to be instituted in the future, the minimal number of changes among Menteri Besar appointees suggests that Mahathir had cleverly secured greater loyalty by keeping everyone's future uncertain. Even though Anwar was retained as Minister of Finance, the rather minor portfolio secured by his main ally in the cabinet, Muiyiddin, limits his ability to extend significant patronage in the government to even secure his own future. With Mahathir loyalists leading the state governments and stronger in the cabinet, it appears that Anwar would face great difficulty in retaining the overwhelming party divisional support which he obtained in 1993: it is unlikely, however

that Anwar will be challenged in 1996.

Bonus Votes and Divisional Elections

It was important for Mahathir to retain the loyalty of the Mentris Besar and Chief Ministers. This allegiance would ensure the use of their influence at state level to maintain divisional support for him. Such control over divisional support was imperative to thwart potential challenges — because each division's nominations for the party's top two posts carried with it ten bonus votes.

During the recent divisional elections, however, the extent of the abuse of funds and political wranglings to secure the posts of divisional chairmen was blatant. Clearly, some of Mahathir's allies, including cabinet members, Mentris Besar, and senior UMNO Baru Supreme Council members, were facing difficulties in retaining their chairmen's posts. By mid-October 1995, of the elections held in 157 of UMNO Baru's 165 divisions, 34 had new leaders.

Many of those believed to have had problems with Anwar failed to retain their posts as divisional chairmen. Ghafar Baba was surprisingly defeated in Malacca while Rahim Tamby Chik also failed to retain control of

his division.

In Mahathir's home state of Kedah, Daim Zainuddin declined re-nomination after being challenged as Merbok divisional chairman. In the Langkawi division, Sanusi Junid was challenged and narrowly beaten despite Mahathir calling for Sanusi to be retained as chairman. Many speculated that a significant amount of money was spent to unseat Sanusi, with Mentri Besar Osman Aroff apparently playing a crucial role in facilitating Sanusi's fall. In fact, six of the party's 15 state divisions in Kedah saw new leaders.

In a number of other states, the election was equally contentious, particularly in Perak, Sabah, and Kelantan. In Sabah, among the senior UMNO Baru leaders unseated as divisional leaders were Deputy Works Minister Railey Jeffrey and Deputy Speaker of Parliament Juhar Mahiruddin.

In Perak, of the state's 23 divisions, six found themselves with new leaders. Elections are pending in another two divisions where the meetings had to be re-convened. One meeting had been reduced to a brawling session. Even Mentri Besar Ramli Ngah Talib had difficulty retaining his post. One member was al-

leged to have spent at least RM6 million to secure victory as divisional chairman. Although the party took disciplinary action against him, it was obvious problems in curbing money politics confronted UMNO Baru.

These recent events reflect the problems the party leadership faces in checking divisive party activities at the grassroots level and in maintaining support. In October, while Anwar was overseas, the Supreme Council decided to form an ad-hoc committee to review the provision for ten bonus votes with each nomination for the top two posts. Since money politics cannot be controlled effectively and since Mahathir may be uncertain of maintaining grassroots support due to the factionalism within the party, the bonus votes appeared to be detrimental to his long-term interests.

Interestingly, those most in favour of dispensing with the bonus votes are UMNO Baru leaders not particularly close to Anwar. Rafidah, Badawi, Sanusi and Syed Hamid Albar have all questioned the need for the bonus votes. Badawi and Sanusi also maintained the bonus votes had actually intensified money politics.

Those more aligned with Anwar, however, want the bonus votes provision retained.



Rafidah : Against the bonus votes

Supporters of the provision include Kedah Mentri Besar Osman Aroff. UMNO Baru Youth, led by Nazri Aziz, has also objected to any amendment to this provision. Anwar himself is reported to have "adopt(ed) an open attitude" on the bonus votes until he "find(s) out what the members want."

Another proposed amendment calls for the current three-year period in between party elections to be increased to five years. While some party leaders, like Daim, think that a longer term of office for elected officials would help reduce "politicking" and concentrate attention on development, other party leaders have objected. Perlis Mentri Besar Shahidan Kassim, for instance, feels a longer period

would mean that "members will have little choice." These disparate views among the party's top leadership have only confirmed speculation about the divisions within the party.

Change of Guard?

Although Anwar has been forced to publicly affirm his loyalty to Mahathir and repudiate any speculation that he would challenge Mahathir for the presidency next year, most Malaysians remain unconvinced. Anwar, after all, had repeatedly said no in 1993 before eventually taking on Deputy President Ghafar Baba. But having seen how Mahathir has been moving to consolidate his position in UMNO Baru, Anwar is unlikely to succumb to pressure from his supporters to contest the post next year.

Since Mahathir loyalists dominate the 11-member ad-hoc committee to review the constitution the provision for bonus votes is likely to be deleted. Although Anwar is part of this committee headed by Mahathir, the other members include Daim, Abdul Ghani Othman, and Minister in the Prime Minister's Department, Abdul Hamid Othman, a Kedahan. UMNO veterans, who would probably be more partial to the party's old con-

stitution, were also included in the committee, among them former UMNO Wanita head Aishah Ghani and former minister Abdul Samad Idris. No representative from the Youth wing was appointed to the committee.

The party's code of ethics on money politics will also probably be used against those acting in a manner detrimental to the interests of UMNO Baru's top leadership. Apart from this, Anwar's rather contentious relationship with Daim, who still wields more influence in the corporate sector than the Finance Minister, may prove a crucial factor in Anwar's decision on whether to mount a challenge for the presidency at party's 1996 General Assembly — particularly if the bonus votes are deleted from the constitution.

Such a deletion will hinder the attempt by Anwar's supporters to mobilise their grassroots base to ensure that the battle is won before a vote is taken at the General Assembly. Thus, the struggles for party posts will most probably remain at the second echelon, at the level of the vice-presidents UMNO Baru Youth Presidency and the Supreme Council, as the pro- and anti-Anwar factions try to consolidate their position.

Thus, although the top two posts may not be contested,

factionalism at the grassroots level could well persist. Malay politicians are aware that given UMNO Baru's political dominance in government, patronage through state resources or privatisation could be obtained if effective political pressure is applied by building a strong base in the party.

At the higher echelons of the party, since it has not been difficult for certain leaders to promote the interests of a single or even several major business organisations, and since current business links with the power elite are no longer forged through institutional but on individual bases, these patronage links will remain crucial and continue to be important in securing a strong political base in the event of a challenge.

Inevitably, this would lead to the continued use of funds during party contests to muster support despite the provisions to curb money politics. Thus, despite the recent calls by party leaders for greater accountability and transparency in the party, the political will to stamp out money politics and patronage will be a weak one because of the acute factionalism within UMNO Baru. □

NEW WORLD ORDURE

The real human rights villains are not jailers or executioners but rather western governments who preside over the new economic order. So says MARI MARCEL THEKAEKARA, who has to watch their victims die.

As a 16-year-old Calcutta schoolgirl I wept for the Jewish people when I read Leon Uris's *Exodus*. Millions of people also died on the streets of Calcutta in 1943-44. But while Hitler's Holocaust is still vividly remembered, the Bengal Famine was and is barely mentioned — it was just an historical fact I tucked away in my mind for exams, even though millions of my own people had died so horrendously scarcely ten years before my birth.

Millions died begging for food in Bengal because Churchill's British Government diverted grain, making it impossible for any but the wealthy to buy what rice was left. These people were killed by Churchill's policies as surely as those Jewish Europeans were killed by

Hitler's. What is it that makes the world agitate about one set of human rights and not another? Did the starving Bengalis not have as much right to live as the Nazis' hapless victims?

Who decides that a hue and cry must be made about one kind of atrocity while another gets away unpublicized? Who sets the agenda which sees imprisonment and torture as human rights violations while torture and death by starvation are not? And what gives some countries the right to become 'international' arbiters, ignoring the blood on their own hands?

The poor have never been a priority. Not now, not ever. History is in the process of repeating itself as the New World Order takes over. A new insidious form

of colonialism is engulfing the world. It is more dangerous in its new manifestation. Earlier, the enemy was visible. Now the global takeover by powerful Western nations has the consent and active participation of legitimate, elected governments in Third World countries.

The World Bank and the IMF dictate the terms through the process of *structural adjustment*, the newest obscenity in the development dictionary. Open your markets, they decree. Cut public spending. Remove subsidies on health and food. (If people die in the process, population growth will be tamed; an added bonus, that.) Produce more goods for export. Do all these things without fail or we will order sanctions against you.

India has just started down this road. We have opted for economic liberalization, privatization and free markets after four and a half decades of Nehruvian socialism — in spite of the disastrous results evident in Asian, African and Latin American countries. So last month we had, for the first time in our history, a Budget which openly and unashamedly pandered to the rich. Refrigerators, cars and colour TV sets became cheaper. But ration rice, the

absolute basic necessity in India, became more expensive. The mainstream press hailed the Budget. It was lauded as bold, imaginative, innovative. Yet it pandered to just 3 per cent of the population while offering the remaining 97 per cent just desolation and despair.

A top-of-the-line colour TV had its price slashed by 2,500 rupees (\$80) and advertisements now urge the rich to buy their second TV for the kids' bedroom. Meanwhile the price of a kilo of rice went up by 0.75 rupees, forcing the poorest to buy less rice for the family. An unskilled casual labourer in a tea estate here in the Nilgiris, for example, gets about 800 rupees (\$25) a month and spends over 700 of this on food alone. The person who can afford a colour TV is likely to earn over 10,000 rupees (\$320) a month and spend less than one-third of that on food.

So, proudly, even exultantly, the Indian Government has announced that in its new economic dispensation the poor will have to subsidize the rich. But the poor are already feeling the effects of economic liberalization and structural adjustment. Here in the Nilgiris, Doctors Roopa and Deva, who have been running a community-health programme since

1987, are in despair because their growth-monitoring charts are showing children under five who had just made it out of malnutrition slipping back because their parents are buying less food. After five years of health education, of trying to get people to eat *dal* (pulses, the only protein available to the poor), the price of *dal* has become prohibitive. 'We used to go to the shop and ask for a rupee worth of *dal*,' reports Kali, a tribal health worker. 'But now the shopkeeper gets angry and tells us to get lost.'

'Never mind *dal*,' she continues. 'Before we used to fill our stomachs with rice. Now you go to bed every night feeling hungry, wishing you had just that little bit more which would give you the satisfaction of a full stomach.' The indigenous people face a chronic protein deficiency anyway because their diet consists of bulk rice and little else. Now that they will have less rice as well, it will take its toll on their health, especially that of women and children.

We are already seeing children die because of poverty and malnutrition (see box). Measles, diarrhoea, chest infection — minor ailments which a healthy child easily wards off can wipe out the malnourished child. But will our government accept moral responsibility for the deaths of

these children as it slashes the price of TV sets and boosts that of rice? Or will the World Bank and the IMF who dictate the terms of structural adjustment own up to the blood on their hands?

Why are these starvation deaths not on the human rights agenda? Why is there no pressure on the institutions which caused their deaths?

Instead the West decides which are the 'fundamental' human rights — and decides, for example, that individual freedom is what matters most, even if that means the freedom to exploit others.

By the same logic, so long as there is a free world, children in the Third World will continue to starve to death so that their counterparts in the West can consume up to 20 times more resources 'freely'. And in the New World Order coercion is permissible when it becomes necessary for the West to expand markets if it is to maintain its lifestyle.

There are signs of revolt, thank God. Amazingly, unexpectedly, farmers in India have been alerted to what the new GATT agreement threatens to do to them. Under the agreement farmers would no longer have

the right to replant their own seeds if these had been patented by multinationals. The plan is diabolical and would cripple our entire agricultural sector.

Farmers unions throughout this vast country have managed to impress on their members the urgency of the situation. The *godown* (warehouse) and office of a major multinational was ransacked by demonstrators in Bangalore. Of course violence of this sort by mere farmers will not be tolerated and the Government has threatened to take action. Only institutionalized violence is permissible.

The people will prevail. They always have, in the face of tremendous odds. But a bit of international pressure helps. It's time for people who care about human rights to adopt a new cause: The Third World person's right to exist. Our people are under fire from global terrorism of a terminal new order. Many have already been wiped off the face of the earth. □

Mari Marcel Thekaekara has spent the last ten years working with indigenous people in the hills of the Indian state of Tamil Nadu.

Source: New Internationalist & Amnesty June 1993

An ordinary death

Manbi, a 15-year-old Kattunaicken tribal girl, died of anaemia. No, not leukaemia, anaemia. She was not ill. She suffered from no incurable disease. Her death was solely due to lack of decent food. She didn't need a fancy diet. Just *dal* (pulses) and *sag* (greens) could have saved her.

Doctors Roopa and Narayanan Devadasan received a phone call from their health worker in the Nilgiris Chembakolly forest village where Manbi lived. The girl seemed serious, said the call. Their jeep rushed to pick up the patient. It took a couple of hours to get her to our makeshift clinic. Roopa took one look at her and said 'Cross match. Find her blood group. She needs a donor immediately. They took a blood sample. The blood when it came was like water into which a drop of red ink had been mixed. Her haemoglobin was less than one gram per 100 millilitre (Indian women normally have ten grams).

As Roopa tried to find her blood group the girl's mother announced 'It's too late, *amma*, she's gone already'. The family took a glass of tea from the kitchen and poured a few drops into the dead girl's mouth. Ritual observed, they carried her back to the jeep. Hardly 15 minutes had elapsed between her arrival and her death.

In the outer office, a typewriter clattered. Everything happened so fast. The others had not yet registered that we'd had a death in the next room. The news filtered out and everyone came to help. Someone brought a mat. We arranged her body comfortably on the jeep. Stupidly, futilely. But it gave us something to do. Roopa was in shock; the rest of us scarcely better. The jeep moved off to return her to her forest home.

Roopa went to her office. We congregated around her wordlessly. She was sobbing uncontrollably. 'We've worked here for so many years,' she said, 'and now a death like this. Is there any point in continuing?' All of us had been through similar crises and we knew it would pass. The struggle has to go on. But after eight years in the Nilgiris I still cannot accept the utterly tragic, preventable deaths which the average tribal person accepts as her lot.

Do the Manbis of this world not have a right to live? Is it not time for this human rights violation to get as much publicity as that of the political prisoner who dies with a bullet in her back?

-MMT

Eighth Century Temple Destroyed

Telekom disregards devotees' sensitivities in Gunung Jerai

A Hindu temple built on the site of an ancient shrine in the historical Bujang Valley was suddenly destroyed in July. GANDIVA laments the ignorance that disregards the sanctity of ancient civilisations.

The recent destruction of a Hindu temple built on the site of an eighth century shrine on Gunung Jerai (Kedah Peak) has left many bewildered. The temple, located on land owned by Telekom Malaysia Bhd, was the highest in South-East Asia. The remains of a small shrine attached to the temple pre-dated Angkor Wat and Borobudur.

The General Manager of Telekom's northern division of-fice Idris Ismail admitted to signing the letter of intent for the demolition. No notices or warnings were issued to the temple committee or to Telekom personnel who frequented the temple.

The ancient shrine was one of the endless archaeological treasures that have been found in the Bujang Valley area around

Gunung Jerai. Hundreds of artifacts and temples have also been discovered.

The area around the mountain was one of the most important South-East Asian settlements after the third century. According to historians, much of the land north and south of Gunung Jerai was under water then. The mountain was an imposing landmark that could be seen thirty miles out at sea. Foreign traders saw the mountain as the sacred abode of gods. Natives shared such a belief, inducing Indians to visit the area to trade and eventually settle there.

Gunung Jerai, along with Ba Phnom in Funan and Mount Seguntang in Palembang, was the earliest place to be affected by Indian influence. The port around Gunung Jerai is mentioned in a Tamil poem of the third century.

In the seventh century, the Chinese traveller I-Ching attested its importance and, two centuries later, Arab chroniclers described it as the most important entreport between India and China.

Historian F J Moorhead documented that, because the mountain was regarded as sacred, important shrines were built on the peak itself.

In the 1960s, a team of historians from the University of Singapore analysed the remnants of the shrine on the peak and confirmed that they were the remains of an eighth century structure. A plaque was planted at the site.

When the temple at the peak was demolished, the bricks of the ancient shrine disappeared. Sources fear that the bricks may have been thrown down the ravine beside the peak.

Events that led to the demolition hint of a conspiracy. Hindu Telekom workers in the area were gradually transferred to bases farther away from the peak. For about a week or so before 20 July, army personnel in uniform denied devotees access to the road leading to the peak. On 20 July, a driver found the road blocked by a wooden box. Although it is mandatory for all staff members and visitors to register before going up, the

army records revealed no evidence of a demolition group going to the peak.

The demolished structure was discovered by the president of the temple committee, V Sundram Murthi, in August. The demolition is believed to have occurred between 1 July and 20 July. A group of visiting devotees from an engineering division in Shah Alam snapped photographs of the wreckage. Jewellery and articles of worship (worth RM9,000) could not be traced in the debris. Murthi lodged a police report on 3 August.

Protests stormed across the peninsula. *The Sun* published large photographs of the destruction. The Malaysian Tamil Bell youth movement demanded that Telekom Malaysia rebuild the temple and take action against the staff responsible for the demolition. The Malaysian Hindu Sangam expressed anger and disappointment, its president M Subramaniam, describing the site as an important national "heritage." Penang Malay Language, Literary and Cultural Society Secretary, T Thant also asked Telekom to build another temple at the site.

The demands and pleas have, however, fallen on deaf ears. Telekom has been publicly mute about the affair. The company is understood to be against rebuilding the temple.

Samy Vellu, the Malaysian In-

dian Congress (MIC) president, scolded Kedah MIC Chairman V Saravanan for raising the issue at the MIC annual general meeting in September. He accused Saravanan of "distracting meetings." When Saravanan persisted, Samy shouted at him to explain what he had done about the problem (Samy has been in the habit lately of demanding that officials explain their achievements in public).

Samy sternly concluded: "We have 17,560 temples in the country and everyone wants a temple in front of their house." The remark not only insulted the sensitivities of Indians, but also superficially deflated the real issue at hand. According to Samy's logic, the problem arose because people built temples without permission and landowners had the right to demolish such structures.

But the Gunung Jerai temple was not built without permission. It was, in fact, licensed with the Malaysian Hindu Sangam (LMT 103/86) upon the request of the MIC. The structure had been built with the express approval of the then telecommunications minister, Tun V T Sambanthan, and was visited by a very pleased Tengku Abdul Rahman.

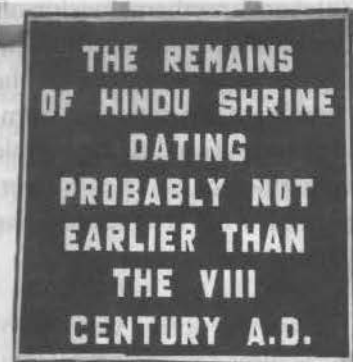
Upon visiting the ancient shrine in 1960, Sambanthan had ordered that no other building or tower be erected at the peak. An official committee for the shrine was formed in 1965, and the opening ceremony of the new temple

structure performed in December 1968. The sheds of the temple were built with the help of the engineering squadron of the army.

When the temple's religious idol, costing some RM10,000, arrived from Mahabalipuram in India, the temple committee obtained permission to hold prayers on 19 November 1981. The ceremonies and renovations were approved by the then northern divisions Telekom head, Syed Mustapha.

The question, then, of the temple's legitimacy cannot be entertained seriously. The historical significance of the area endows the site with an inherent right to be left undisturbed. The destruction reveals a blind and ignorant consciousness that disregards the sanctity of ancient civilisations.

We can only hope that the incident drives preservationists and historians to seek more relics in the area and save whatever links we have with our land's past. □



Plaque confirming the temple's historical significant



Before the destruction :The temple with its original shrine below the plaque



The remains after the demolition

DESTRUCTION OF A HINDU TEMPLE AT GUNUNG JERAI

Who is to blame?

The recent destruction of an ancient Hindu temple at Gunung Jerai, Kedah, in a rather mysterious manner has raised disturbing questions among the Hindu community. Questions like "Who is responsible for this wanton act?" and "Why?" The temple, believed to have been built in the 8th century, was situated in a restricted area of the hill, under the control of the Malaysian Army's Sixth battalion. Since the destruction was discovered on August 1st, both the Army and local authorities have denied any knowledge of the act. If left unanswered, the mystery will be buried in time, but it would be pertinent here to consider some consequences that may follow:

1. While Islam is the official religion of the country, the Federal Constitution guarantees protection for languages and religions of other communities. Destruction or humiliation of a place or object of worship is punishable under law. Therefore, such action as this seems to challenge the Constitution itself.

2. Malaysia's independence and continued success since then has been achieved by the peaceful coexistence as well as harmonious relationship among its various communities. Such peace and harmony will be certainly strained by such wanton acts of destruction.

3. Malaysia takes pride in its achievements as an international arbitrator of disputes in various parts of the world. This prestigious label has been sadly put to test by this incident occurring in our own country.

The site of the temple at Gunung Jerai is in an area which does not hinder development in any way. By this act the nation has lost a valuable example of our ancient heritage. It makes one think of whether other examples of our multi-ethnic, multi-religious heritage, especially those found in documents would in time suffer the same fate. Our hope is that such fears are unfounded.

What can be done in this case?

1. Preserve the temple in the same con-

dition, by including it in the National Heritage Act.

2. A new temple to be built close to the previous site, for purpose of worship.

If a temple stands on government land and in the way of development, we would not question its removal, to another site, by means of negotiation with its management. Even then, sudden and immediate destruction by local authority would bring forth cries of protest against such insensitive treatment. Hindus have rules and regulations for such ceremonies as removal and consecration of temples, and an enlightened government such as ours, and its agencies, should respect the culture and heritage of its communities. The Gunung Jerai temple affair, just like the ancient temple, should go down in history, and we expect a constructive solution to this problem from the government.

Aru Nagappan

Source: SHAKTHI : October 1995

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THINKING allowed

A TASTE OF REVENGE

The more observant and ambitious among us would have already taken note of this - the fact that the behaviour of politicians attending festive open houses can be quite instructive in ways on how to move quickly and surely to the upper tiers of the corporate or political ladder. For instance, Samy's open house is often turned into an unabashed demonstration of how he is "still very close" to the Prime Minister. First, he

makes an order for the biggest cake in town which he, his wife, and the First Couple will proceed to cut amid much fanfare and flashing camera lights.

And in case those pictures are still insufficient to convince the public of how "kam-ceng" he and the PM are, he usually insists on feeding Mahathir a piece of cake, and this perhaps, is the most disgusting part of the facade - this bare-faced act of boot-licking. It's almost as bad as announcing to all and sundry that his hotel room was fourth in line from the PM's. But then, all that is now

history for the poor man, despite all the bowing and scraping, he has not accompanied the PM on an overseas trip in a long while.

Incidentally, Samy's open house is not really an open house as such. For the second year running, the MIC president has held the yearly do in a school. Apparently, his house is too grand for the uncouth hordes whom, he had complained on the aside, flung half-consumed food into his swimming pool, trampled all over his garden and treated his toilets the way they do our public lavatories. But then again, those who make it a point to throng his Deepavali do every year may not be as uncivilised as he thinks. Perhaps they are merely out for revenge. Damaged plants and dirty swimming pools and toilets are a small price to pay for the string of blackouts that thousands of consumers have suffered.

Meanwhile, Samy's one-time rival, Datuk S. Subramaniam could afford to have his open house at home having never been the Minister of Energy, Telecommunications and Posts. Among those who came a-calling were MCA leaders whose behaviour showed that poor social manners are not necessarily associated only to angry



Samy feeding Dr. M

consumers. The MCA leaders who included Lim Ah Lek, Ling Liong Sik, Ong Ka Ting and Teng Gaik Kwan grabbed their food and hogged a table all to themselves instead of mingling with the rakyat. As we said earlier, festive open houses can be enlightening occasions.

BRIEF HONEYMOON

The honeymoon is over if the behaviour of some of our MPs during the latest sitting of Parliament is any indication. The mud-slinging has started and about the most deplorable incident was the way an MP resorted to sexist terms in attacking his opponent. Badrudin Amirudin, the Yan MP, in a rather hasty attempt to be one up on Lim Kit Siang, said that the Opposition Leader was behaving like a "wanita putus haid" (a women going through menopause).

Little did this male chauvinist (we shall, in the interest of national unity, omit the three-letter word that is usually used in this context) realise that instead of merely insulting Lim Kit Siang, he also insulted all Malaysian women. Or at least, most Malaysian women since some of the women MPs claimed they did not find the term insulting. A woman MP who is also a medical doctor

said it was a normal medical term. Yes, even an idiot knows that. The point is, it was used in a sexist context. Remarks such as this are always used unfairly and even when not directed at women, succeed in putting women down.

One wonders whether these particular women MPs were toeing the party line or whether, like their male counterparts in Parliament, they are simply second-rate material who thought that politics would give them the respect they could not otherwise get in society. If our women MPs are to take such a laid-back attitude towards sexist behaviour and remarks in Parliament, how can they be expected to stand up for the rights of other women?

On the other hand, an MP who had so blithely exploited his nickname of Dr Ayam during the general election, suddenly took exception to its use in Parliament. The Bukit Bintang MP, a veterinarian, had rather enjoyed the nickname, which made him easily recognisable during the election campaign. However, the rather stiff-shirt atmosphere of Parliament must have given him airs and he accused the opposition of insulting the entire profession of veterinarians (this was not a good month for women and vets!).

Perhaps this animal doctor ought

to realise that respect as a politician has to be earned. It does not come automatically with the title of MP. And given the way that Dr Ayam got into Parliament, it is doubtful that the respectability he yearns for will be that forthcoming. He was, after all, appointed by the court rather than democratically elected by the people of Bukit Bintang. And he should know that as an MP, his duties extend beyond posing alongside leaky septic tanks, overflowing drains and uncollected rubbish.

WHAT A BOMB!

The coming together of political parties - BN and otherwise - to protest the French nuclear tests captured the imagination of Malaysians more than the actual protest itself. Mahathir and Razaleigh shaking hands was quite a sight and it is likely that the event resulted in more political speculation than anti-nuclear awareness. Later on, Mohamad Rahmat handed over the protest resolutions to a French Embassy official who looked as grim as a mushroom cloud.

It is interesting how this initial protest was made by political parties, which included those forming the government, without actually involving the government. For a while it seemed



Mahathir and Razaleigh shaking hands

as though the Malaysian government itself did not feel so strongly about the bombs going off in the South Pacific. It seemed too that Mahathir, the Umno president, was appalled by the tests but that Mahathir, the PM, was less so. To make matters worse, just as peace loving people throughout the world were calling for a boycott of French goods our Proton entered into a contract to jointly produce a car with Citreon of France a few days after France exploded the first test. For some of us things look utterly confusing. But now after CHOGM Auckland things are somewhat clarified. It seems that the government's position has always been to get rid of nuclear weapons altogether. That is certainly deserving of the Malaysian people's support. Now, apart from passing protest resolutions how should we get the nuclear powers to stop their tests and do away with their weapons? Any ideas?

WARRIORS?

The Ex-Policemen Association of Malaysia wants its members to be classified as "warriors" alongside the ex-servicemen. Apparently, the association president was reported to be rather peeved that while there are all sorts of funds for ex-servicemen, there are none for ex-policemen although the police carry out more or less similar work. Ex-servicemen are quite a privileged lot. Many of them end up with much sought-after taxi permits, hawkerc licences, contracts and other goodies to help them adjust to civilian life.

One can understand the frustration of the ex-policemen. But before they start pushing hard to be classified as "warriors", they should perhaps ask themselves whether they truly deserve the classification. Just days after the report recording the frustration of the president of the Ex-Policemen

Association, there was a rather disturbing report that three more policemen had been arrested in connection to a robbery. The three were among five policemen who had robbed some Bangladeshi workers while conducting a "raid" at a workers' kongsi.

The above incident is but one of a string of other reports involving law enforcers who have used their position to commit crimes against those they are supposed to protect. Anyone who rides a motorcycle or drives a car will be able to tell you their own horror story about policemen. The police ought to clean up their act before they start asking us to regard them as the country's "warriors".

THE GOOD, THE BAD AND THE COSTLY

Once in a while, one gets some good news from the Ministry of Defence. According to the minister, the ministry saved taxpayers RM24 million this year as a result of "greater productivity and efficiency". We don't know what this means since defence is not exactly an area that we would describe as "productive" but we shall welcome the minister's word at face value. After all, give and take a few air crashes, there have been no

scandals along the scale of instant noodles costing more than RM2 a packet of late.

But any cost-saving achievements in the ministry looks short-lived for in the next breath, the minister announced a six-day fact-finding mission to South Africa "with a view to purchasing sophisticated equipment, including helicopters and tanks". Don't be surprised then if the defence budget next year shoots up by RM24 million or more. And if the hawks among us have to spend money this way, let's hope they get the good stuff and not helicopters that are partial to nosedives. Meanwhile, the doves among us are beginning to regret the South African connection. With the chapter closed on apartheid, the South Africans seem to have taken to exporting their expertise in war.

ENVELOPE JOURNALISM

The Filipinos call it envelope journalism but a veteran journalist has coined another term for the same practice as is found here - money politics journalism. It's not exactly original, but it's apt. The term describes quite well the relations between politics and journalism today and the link could not be clearer than during elections, particularly

general elections and Umno elections. It is a well-known fact that the better-endowed politicians openly hand over money to journalists on such occasions.

Some do it with tact ("take this, and have a nice lunch/dinner on me") while others can be quite uncouth ("take this, and you'd better write a nice story about me!"). The Filipinos, on the other hand, do it with some style; they put it in an envelop, hence, the term envelop journalism. However, some of its practitioners here are even more stylish. They carry the money in designer brand briefcases.

There is a popular story (probably exaggerated to a great extent by the time I heard it) that an editor (yes, even editors do it!) of a well-known newspaper walked around with a briefcase full of RM50 and RM100 notes during the 1993 Umno elections. Apparently, he was holding and handing out the money on behalf of his political boss. Sadly, not all journalists refused his overtures.

The same notorious editor was also rumoured to have received RM1 million in cash from a menteri besar as a gesture of gratitude for the way the newspaper had helped propel the MB and his men to a glorious victory in the April polls. However, he

was "generous" enough to dole out about RM200,000 to be shared among four or five of his subordinates who probably did all the work.

The more careful (and poorer) politicians prefer to entertain reporters to meals in hotels and restaurants, which by Malaysian standards, is not deemed to be corrupt. It's known as "goodwill" here. The veteran journalist attributed the practice to journalists' failure to recognise and understand professional ethics. We beg to differ. The line between right and wrong is not all that difficult to discern. The difficulty lies in trying to walk on the ethical side of the line. Like everyone else in this age of the free market, journalists are also pursuing the materialistic dream of easy wealth.

HOW LOW CAN YOU GO?

Low cost housing, like the poor, is an issue worst exploited by politicians. They paint the town with the issue every election. Surely it is still fresh on our minds the way Anwar Ibrahim harped on the issue, even to the extent of taking to task developers and several state authorities, for the poor progress on low cost housing (although he stopped short of blaming the Minister of Housing and Local

Government). But his tirade on behalf of the homeless poor faded off, as expected, after the general election.

The other politician who made a song and dance of low cost housing was the Selangor MB. He also mouthed a lot of promises which are unlikely to be kept given that there are, in Selangor, squatters who have been neglected for more than a decade, and who have been hearing the same promises of cheap housing for at least three general elections.

But given the latest fiasco in Perak, it would seem that lawyers have also jumped into the act. The Perak MB admitted that six law firms were holding on to about RM16 million belonging to the state government. The money was for low cost houses sold between 1990 and 1992. The issue smells fishy to say the least, particularly given the reluctance of the state government to name the law firms although the money had been due since 1993. There also seems a reluctance to institute legal action since what has happened clearly contravenes the Legal Profession Act. Why?

Action too ought to be considered against the government servant or servants who have allowed the situation to drag on

this way. In fact, the MB's attitude towards the whole affair is laid-back and unconcerned, to say the least. If he were working in the private sector, he would have been sacked or as they prefer it in the corporate circle, asked to resign.

But these days, it seems harder to get rid of democratically elected officials than it is to clear one's house of termites. The MB of Kedah, for instance, seems impervious to hints that he has outlived his usefulness and that Kedah needs someone more dynamic and technocratic. Yet another rather archaic state leader is the MB of Terengganu whose last few years in office have been marked by intense rivalry and in-fighting among those fed-up of the long wait to move up and those who have yet to tire of being up there.

HAZY POLICY

Parliament is one place where silliness is not hard to come by. And the ministry that takes the cake in this department is quite possibly the Information Ministry. It is famous for some of the most absurd explanations and arguments for a variety of decisions that seem to imply that this vague thing known as "information policy" is as hazy as the stuff that descends on the Klang Valley ever so often.

Take for instance, the rationale behind the government's decision not to allow TV stations to broadcast 24 hours. First, Parliament was told that it was a question of demand. There would not be enough viewers in the wee hours of the morning to justify broadcasting 24 hours. Then came another seemingly contradictory reason: round-the-clock broadcasting may affect productivity because people would stay up to watch TV until the wee hours.

The likely reason is probably the one not mentioned: RTM is afraid that the 24-hour telecast proposed by TV3 will siphon off advertising revenue. It is unlikely too that any other station will be allowed to broadcast through the night until RTM is ready to do so and when it is ready, it will not think twice of contradicting the reasons it is currently offering to stall others. The trouble with the ministry is that it is both a controller as well as a competitor in the telecommunications business and as such, has a grossly unfair edge over the others. Then, what's so new about that?

DAMMING THE PROTESTS

Leo Moggie, the unwitting de-

fender of the Bakun Dam recently refuted the analysis of a German expert on dams regarding the safety of the controversial project. According to the German expert, Bakun was designed to withstand earthquake tremors of only up to five on the Richter scale although the EIA requires it to withstand tremors of up to six on the Richter scale. Moggie, in not so many words, dismissed the observation on the grounds that the German analyst was not a dam expert, but a lecturer in regional planning.

Perhaps Moggie should reserve his contempt for independent experts until he has had

a look at the people who make up the NRES (National Resource and Environment Board) which was specially set up by the Sarawak Government to process the EIA so that it did not have to go through the more discerning eye of the DOE. It is likely that the NRES has more yes-men than experts to its name. The manner in which Bakun has been bulldozed through the corridors of power, and the vested interests that lead right up to the doorstep of the first family of Sarawak, have made a mockery of the government's claim of a democratic and transparent administration.

GREED

WHO IS AN INTELLECTUAL?

"The conditions to be an intellectual are the desire to tell the truth, the courage and readiness to carry on rational inquiry to the extent of undertaking criticism - a criticism that will not shrink from its own conclusion or from conflict with the powers that be. An intellectual is a social critic who identifies, analyses and helps to overcome the obstacles barring the way to attaining a better, more humane and more rational social order. The intellectual becomes the conscience of society and spokesman of such progressive forces in any given period of history. This person is inevitably considered a trouble-maker and a "nuisance" by the ruling class seeking to preserve the status quo as well as by the intellectual workers in its service who accuse the intellectual of being utopian or metaphysical at best, subversive or seditious at worse."

Paul Baran

Poor Dr Mahathir. It has finally dawned on him that Umno members have become too greedy for their own good. He lamented the fact that Umno supreme council posts were now fought for tooth and nail or rather with wads of ringgit and other material goodies. And why not? Political power is more or less equal to wealth in this country. It enables one's son-in-law, brother, sister, wife and a host of other relatives and proxies access to easy sources of wealth such as shares allocations and contracts.

Mahathir also talked about the good old days. No one, he said, challenged Tunku, Tun Razak, and Tun Dr Ismail for the party leadership. But then, Che Det, these people were not around long enough for those below them to grow impatient. Of late, his ideas brand are beginning to resemble some of those consumer products advertised on TV. His brand of democracy, for instance, would fit right in with the petrol jingle that goes, "what's good for my car must be good for yours too". As for his attempt to do away with the bonus votes, it is quite likely that he has been eating too much of those "now you see it, now you don't" cookies.

- by NNP

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We welcome letters from readers. These may be edited for purposes of space and clarity. The views may not be those of ALIRAN MONTHLY. Pseudonyms are accepted but all letters should include the writer's name and address. Letters should preferably be typewritten with double spacing; if handwritten they should be legible. Letters should be addressed to the Editor, ALIRAN MONTHLY.

Ban Nuclear Weapons

As commented by Dr Mahathir Mohamad, the All-Party Anti-Nuclear Meeting, organised by UMNO Baru on 26 October 1995, was historical. Twenty five political parties with differing views, within and outside Government, were able to take a common stand against the French nuclear tests.

It is understandable why there is now a global uproar against President Chirac's defiant and arrogant attitude. A large number of people genuinely feel threatened by the danger of nuclear weapons, which have the capability of destroying humanity and human civilisation. The world-wide campaign against the French nuclear tests is most welcome, because it creates greater awareness among more people all over the world of such danger.

While we are justified in taking

a strong stand against the French tests, let us not forget two important things.

Firstly, the other superpowers have carried out more tests in the past. Between 1945-1994, a total of 2036 atmospheric and underground tests were carried out by them. Out of these, 1030 tests (more than half) were carried out by the United States and 714 (more than a third) were undertaken by the former Soviet Union and Russia.

It is interesting to note the imperialistic aspect of most of these tests; they were carried out in areas or regions where minority ethnic groups were concentrated. The US and Britain carried out more than 200 tests near the homes of the islanders in the South Pacific, long before the French did. Where were we all during that time?

Secondly, the nuclear superpowers have almost complete monopoly over the ownership of the weapons of destruction. In fact,

some of them have caused untold suffering and deaths to a large number of innocent people, besides destroying the environment.

We have just commemorated the 50th Anniversary of Hiroshima and Nagasaki. Yet, according to the *Nuclear Notebook, January/February 1995*, US nuclear forces at the end of 1994, stood at massive totals of 7770 warheads, with 2160 megatons (compared to only 0.04 megatons in 1945).

The US (and Russia too) have carried out all their necessary tests, and can now simulate future tests by use of advanced computer technology. But countries like France and China still need to test their devices by actual explosions.

It is wrong to argue that it would be all right if France carried out her nuclear tests within her own country. This means that we would be willing to allow even those superpowers, which have monopoly over nuclear weapons, to continue carrying out atmospheric or underground tests, whenever necessary, just as they had done in the majority of cases in the past.

More important than just opposing the French and other nuclear tests is to call for a total ban of the bomb and total destruction of all nuclear weapons.

During the Gulf War, President Bush was pushing his concept of *A New World Order*. Fundamentally, it meant creating a one superpower world led by the US. With the defeat of Iraq and the collapse of the Soviet Union, the US felt that new challenges and threats could emerge from some Third World states and also from the Islamic Movement. This has been clearly pointed out in a secret Pentagon paper entitled "Defence Planning Guidance for the Fiscal Years 1994-99", that was exposed by the *New York Times* of 8 March 1992. There is no reason to believe that Clinton has given this up.

What the US (especially the Pentagon) would like to see is a world-wide opposition to any new nuclear test by any state, because such tests could alter the balance of power and constitute a challenge, however small, to US hegemony.

Certainly, the US imperialists are not too happy now, especially since France is offering her bomb to the whole of Europe. If France is stopped, then others can be stopped more easily, and this will help to ensure US supremacy over the whole world. On the other hand, the client Zionist state of Israel is allowed to increase its

number of bombs.

I must not be mistaken for arguing in favour of the French tests. I am arguing against the monopoly of nuclear weapons of any country, including the US. In fact, I am arguing further for a total ban on nuclear weapons.

We should not allow the US or any other superpower to have monopoly over nuclear weapons to dominate the world. We also do not want the existence of a nuclear club, with exclusive membership opened to only a select group of countries. In fact, we do not want any country to own any nuclear weapon, even if they can afford to have it.

Actually, it is easy to manufacture the nuclear bomb now. The technology has long been mastered and it can easily be transferred. We should demand that the manufacturing, testing, stockpiling and use of nuclear weapons be banned for all countries, big or small, East or West.

This is the only way to save humanity and human civilisation from being destroyed by human stupidity and arrogance.

This is the way to utilise the wealth of the world for establishing world peace, freedom and human welfare.

This is the way to overcome the

problems of starvation, poverty, ignorance, pollution, environmental destruction, imbalances in development and social injustice that still persist today.

Dr Syed Husin Ali
President
PRM

Crazy Commercials

I think it is time that someone protested about the deterioration of our TV programmes and in particular, the crazy commercials which are on the increase — such as those for Shell, Peter Styvvesant and Benson & Hedges.

I also deplore having to endure "Smart Shop" — and similar rubbish — urging us to buy all sorts of Didi cleaners and Miracle Mops — Gloves to Groom Pets — all extremely expensive and mostly unnecessary! I should think only a small percentage of viewers have any silver to clean!

All this whilst we are warned not to smoke and urged to cut down on INFLASI!

Disgusted
Tawau

Hanky-panky in Awarding Petronas Gas Warrants

I and a group of friends decided

to apply for the Petronas Gas warrants and so we submitted our tender forms a day before the closing time and date which was 12.00 noon on 29 July. Our tender was rejected and the form was returned to us together with our bank draft.

Alas, to our horror we discovered that there was something amiss in the process of awarding these tenders. Enclosed together with this letter is a photostat copy of our application tender form. You would notice that this form which was sent in a sealed envelope "B" was opened a day before the closing time. It was opened on 28 July at 3.15 pm.

Anyone who had opened it had every opportunity to submit his tender at a higher price or higher bid subsequently or to inform his friends and relatives to do so likewise. He would have ample time to go to the bank and get another draft for

his tender.

Whatever the excuse or the reasons may be, it cannot be accepted that the tender application can be opened before the announced time.

My other purpose for highlighting this is to let the public know that there is a lot of inside-job going on in awarding shares or warrants by way of tenders.

In future it would be wise to submit your tender forms only at the last hour personally. We feel it is only right that companies involved in the process of opening the tenders be open to public scrutiny. Let the public be present when the directors open up the tender forms.

Melvin Hai
Kuala Lumpur

Stopping the Rot

As a Briton recently returned from working in Malaysia I con-

tinue to take an interest in your political arena and to delight in the splendid and unremitting efforts of contributors to Aliran in promoting the cause of truth, basic rights, civil liberties and participatory democracy.

It must be obvious, however, to those within the country (though perhaps less so to outsiders), that Malaysian democratic values and institutions bestowed at Independence, are being gradually eroded and whittled away as a result of Machiavellian cunning and systematic and unremitting propaganda exercised by the present leadership.

The question is: how much longer can this situation be tolerated before Malaysia metamorphoses into a full-blown dictatorship?

In many ways, after making allowance for differences in economic organisation, the current situation in Malaysia bears certain similarities to those of hard-line Communist states.

Perhaps, by lacking the brutality of those regimes, by achieving substantial economic gains and by exploiting racial divisions and certain cultural 'weaknesses' such as the natural reverence and subservience of the populace to those in au-

**FORM OF APPLICATION FOR TENDER WARRANTS
AT A PRICE OF NOT LESS THAN RM1.60 PER WARRANT**


DGB ◆

BORANG APLIKASI BERSEKUTAN PERSEKUTAN
THIS FORM IS ISSUED IN MALAY

The Application List will open at 10.00 a.m. on 29 July 1995 and will remain open until 12.00 noon on the same day or for such longer period or periods as the Directors of the Company and/or the Officer in charge at their discretion may decide. Late applications will not be accepted.

PENSTAPLE
REMITTANCE
GUARANTEE

This Application Form together with the Notes and Instructions printed herein shall constitute an integral part of the Prospectus dated 14 July 1995 issued together with this Application Form.

PETRONAS GAS

PETRONAS GAS BERHAD
(Incorporated in Malaysia under the Companies Act, 1965)

**Offer for Sale of 45,000,000 Warrants by tender
at not less than RM1.60 per Warrant either payable in full on application
or payable in full within 5 business days upon notification of success**

To: PETROLIUM NASIONAL BERHAD
Menara Deykhumi
Kompleks Deykhumi
Jalan Sultan Ismail
50050 Kuala Lumpur

50701
JUL 28 15:03

thority, the present regime is perhaps even more effective at stifling opposition and legitimate dissent than were the more physically repressive Soviets or main-land Chinese.

At the same time, apart from the occasional hiccup, Malaysia presents to the outside world an aura of relative innocence and respectability — despite having, for example, continued for the past 20 years or more to pursue a policy, cloaked in the guise of economic reform, of overt racial discrimination, exceeded perhaps elsewhere only by the South African apartheid state. The effectiveness of the disguise can be judged by the fact that the Malaysian Government can be visited and approved by none other than the supreme fighter for racial equality himself, President Mandela!

The claim that the NEP represents only a form of affirmative action on behalf of a disadvantaged group is simply untenable as long as the political, cultural and religious domination by one ethnic community over other minority groups remains.

Under the present conditions, there is little hope in Malaysia for any fundamental improvement in civil liberties or the reversal of authoritarianism without external pressures being ex-

erted. This approach assisted in the South African situation and elsewhere, though of course there are many aspects which differ in the Malaysian case.

However, an indication that this could be effective is that the present Malaysian leadership always appears very sensitive and responsive to external criticism, whether justified or not, as, for example, in the cases of rebukes by the Australian and British media.

Mahathir and company get very nervous when they have to face foreign journalists and reporters as opposed to their own 'house-trained' and docile press. They also react rather aggressively when Malaysian opposition spokesmen or NGOs speak freely on foreign TV stations.

Perhaps if the 'unexpurgated' versions of local issues could be given wider exposure, rather than just being made known only to the select group of Aliran readers and those of Malaysian opposition party newspapers, this would help to alert a larger audience to the degenerating nature of democracy within the country, and promote growth of an external support base. Maybe there would be restriction on the import into Malaysia of any such printed material but this would not go unnoticed by the Malay-

sian public.

The increasing globalisation of news and issues due to accelerating technologies such as satellite TV and the Internet will surely make it increasingly difficult in the future for the '1984-style' brainwashing by the present regime to retain its effectiveness. Or am I being too naive? After all, the BBC World Service seems to have had little influence on Malaysian public opinion, and a sense of xenophobia and anti-colonialism can always be appealed to by the ruling elites!

IEH
Cambridge
United Kingdom

Mahathir's Dilemma

The present state of indiscipline, inefficiency, corruption, moral decadence, arrogance, indifference, money politics, and cronyism in the general population has its roots in the Chief Executive — the Prime Minister Dr Mahathir Mohamad.

His super ego status required his cronies to toe his line. So long as things went his way, he tolerated all the nonsense. When matters did not suit him, he changed the system instead of changing himself and his at-

titude? All his men are "Yes men".

The Lord President was booted out of office and the Judiciary is allegedly stacked with the PM's cronies. It is the same with all Government Departments. Most heads of Departments are too scared to act against problem workers because of their "godfathers" in the political arena.

If you belong to his team, you get all the goodies. Your wrongs are not seen but if you are in the wrong team then you get hell. Jeffrey Kitingan, Rahim Tamby Chik, D P. Vijandran, Samy Vellu, Tan Koon Swan, Abdullah Ang, Osman Aroff etc. are good team players. People of integrity who are not willing to sell their souls like Chandra Muzaffar, Tun Suffian etc are outcasts and trouble-makers who are scorned and belittled.

He and his sycophants have been gloating about 2020. How are we to achieve this without a good disciplined workforce. Indiscipline is the norm nowadays. Very few people have "The will to work and enjoy their work." Hard work is alien to them because it is not rewarded. It is better to sweet-talk your boss and cater to his whims and fancies. Graduates are being churned out of facto-

ries called Universities and Colleges where standards are lowered to meet the statistics.

The Look East policy and Japan Incorporated concepts have been ploys to enrich individuals and political parties. Except for Eric Chia at Perwaja Steel where the Japanese business culture of caring for the workers is practised so that they would care for the company, the privatisation exercises have been gimmicks.

Most states have sent investment missions overseas with all kinds of incentives etc. These factories should have been spread all along the North/South Expressway from Johor Baru to Kangar. Instead they are concentrated near the big towns. As a result the local workforce has been uprooted from their families to seek RM300-400 jobs in the big towns. The loss of a family environment and the lure of city life have disrupted their lifestyles leading to drug addiction, prostitution, absenteeism and unwillingness to work. The factories have pressured the Government for cheap labour and now we have a foreign labour workforce with new social problems.

Money politics has created unscrupulous politicians who have not only sold their souls but will soon sell their relatives to stay in power. They would lower themselves to any level to grease their

way up to be the *New Malaysian Millionaires*.

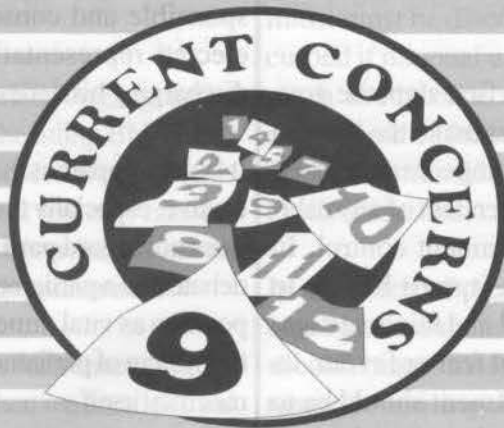
Cranky ideas like a 70 million population without providing for basic amenities and the quality of life have created slums, overcrowding etc. One-to-two room low cost flats have exposed children to the sexploits of their parents. The result is poverty, prostitution, drug abuse, a loafing mentality, etc. You name it, we have it.

The NEP is a very good policy but its implementation has been very discriminatory along ethnic, religious and political lines. (Don't let Nelson Mandela know.) Party supporters, cronies and other greasers get the maximum benefits and only the crumbs are thrown to the others. Instead of *Giving A Hand* it becomes *Handouts*. Bumiputras are classified according to religious and political affiliations.

The Immutable Law of Nature states that Man Reaps What He Sows. Mediocrity is Rewarded — so you will get Mediocre Performance.

Well, Dr Mahathir you helped create Your Dilemma.

Mat Salah
Kelang



The ACA Commits Grave Injustice

Aliran is shocked and dismayed that the ACA had not denied that it had committed a grave injustice in revealing the identities of the Penang Port Labour Board workers who had, in good faith, written to it over some alleged salary irregularities.

If indeed the ACA had revealed their identities, then it has shattered the faith and undermined the confidence that Malaysians have in the ACA and in its integrity.

It is a grave violation of trust and an unforgivable injustice. The ACA has miserably failed to live up to one of its own tenets which requires it to safeguard the identity of an informer.

This scandalous episode would, unfortunately, strengthen the perception that the ACA is not

serious in investigating cases involving people with connections. Worse still, people would now be put off from referring corruption cases to the ACA in the belief that the ACA can fix up people who complain about the shortcomings of their superiors.

The ACA Director-General, Datuk Shafee Yahya, is duty bound to clarify:

- * How did the Penang Port Labour Board get hold of documents certified by the Penang ACA?
- * Why is it that the ACA did not interview or record any statements from Francis A. Scully and Choi Kam Wah after they had referred the alleged irregularities to it? and
- * How is the ACA going to restore public confidence in it and get them to cooperate by disclosing information of corrupt practices of higher-ups?

P Ramakrishnan
President
27 July 1995

The ACA's Shattered Image

The recent disclosure by *The Sun* that the ACA had committed a grave sin by extending copies of reports, submitted in strict confidence, to people who are the subject of the complaint may not be an isolated case or the only one. There may well be other cases.

The fact that copies of the report were submitted to the Penang Port Labour Board by the Penang ACA, without being solicited, only lends credence to such suspicion.

It would appear that well-connected people with friends in the ACA must have been tipped off all this while, about reports of their alleged corruption.

Others, unlike the Penang Port Labour Board, may not have resorted to disciplinary action for disclosing to the ACA relevant material which may come under the purview of the OSA.

Victimisation could have taken other subtle forms which is very easy under the SSB. Promotions can be denied; meritorious rewards in the form of increments need not be recommended.

We are not making a general

statement that this is the case for reporting to the ACA but we are not dismissing the possibility either that it may be true in certain cases. There are thousands upon thousands of bewildered and frustrated civil servants, known for their diligence and commitment, who have been denied their just dues for no apparent reasons. Perhaps somebody should undertake an indepth study.

People with grievance and others with evidence of corruption will now find it extremely difficult to write to the ACA with any measure of confidence. That trust and faith which they had in the ACA has been completely shattered by the recent disclosure.

If we are serious about fighting corruption then it is imperative that we have people of integrity. No amount of laws however stringent can curb and eliminate corruption if officials associated with this battle lack integrity.

It is not known what the ACA proposes to do in order to refurbish its shattered image and restore public confidence in it. Speeches and sermons regarding its impartiality and assurances regarding the confidentiality of reports will not convince people nor help to win over

new friends.

Perhaps as a first step, the government must make the body in charge of fighting corruption completely independent of any cabinet or government control. In other words, it must be free to carry out full and fair investigations without fear or favour. Its only commitment should be to truth and justice. As a body it should report directly to Parliament and its Chief should have the status and security of tenure of a judge. Other important officials should also enjoy similar autonomy.

If this is done, people will get the message that the government is serious about fighting corruption. They may want to be part of that effort and cooperate fully.

*P Ramakrishnan
President
4 August 1995*

Death Blow For Parliamentary Democracy

Aliran is alarmed and dismayed to learn that anti-democratic amendments are to be tabled to the Parliamentary Standing Orders next week.

We are deeply disturbed that these proposed amendments will effectively restrict and curb a re-

sponsible and conscientious elected representative from discharging his duties.

It is very apparent that the Executive, especially the Cabinet, does not regard parliamentary debate and a parliamentary opposition as vital dimensions of the system of parliamentary democracy itself.

The unwillingness to allow debate on matters of great public importance, suggests that parliament is not playing its role as the nation's leading public forum.

Similarly, slashing the number of oral questions that an MP can raise from 20 to a paltry 5 shows that parliament will no longer be an effective channel for the articulation of public grievances.

Arming the Speaker with too much arbitrary powers either to reject a motion or eject an MP is demeaning to the system of parliamentary democracy. This function should rightly belong to parliament and not to any one individual.

Aliran hopes that Malaysians will realise that this is the price - the erosion of parliamentary democracy - that they will have to pay, and will continue to do so, for the massive mandate that they have given the Barisan

Nasional.

The overwhelming legislative power of the ruling BN will not make it conscious of its democratic duty. It will only enable it to trample upon the democratic norms with greater ease.

If this is the forerunner of things to come, then we dread to think what further erosions of democracy are in store for Malaysians.

*P. Ramakrishnan
President
19 August 1995*

The Case for Multiethnic Politics

Aliran welcomes the call made by former Deputy Prime Minister Tun Abdul Ghafar Baba to national political leaders to consider the setting up of political parties that transcend ethnic, religious and cultural divides.

This is because the time has come for concerned Malaysians to abandon political parties that thrive on narrow ethnic chauvinism and anachronistic political philosophy where ethnic champions become overnight heroes and powerful ethnic sentiments become guiding principles.

Such centrifugal forces in our

midst must be discouraged and curbed if national unity is to triumph. In this connection, the ugly experience of the rump former Yugoslavia should be instructive to all Malaysians.

In the place of present ethnic-based parties, multiethnic parties should come to the fore and work towards uniting Malaysians around the universal values of social justice, freedom, equality and compassion. To be sure, these universal values are not only found in our treasured spiritual traditions but are also emphasised and propagated by them.

Besides, given the 38 years of togetherness among Malaysians and the socio-economic progress that Malaysia has achieved, our national leaders in particular and Malaysians in general should have the maturity and political will to adopt this healthy approach to politics and national integration.

Indeed, this vital shift towards multiethnic politics would go a long way towards realising the national project of creating a *bangsa* Malaysia.

*Executive Committee
22 August 1995*

Reject Proposed Toll Hike

Aliran urges the government to reject PLUS' proposal to in-

crease the toll rates from 7.5 sen/km to 10 sen/km, an increase of 33 per cent.

This is a direct challenge to the government's avowed aim of achieving "zero-inflation." If anything, it will surely exert higher inflationary pressure on the economy by increasing transport costs, which will inevitably be passed on to the consumers.

PLUS is already earning RM531 million in toll revenue. Even if it does not raise toll rates, it is assured of ever-increasing revenue in the years to come as the volume of traffic on the North-South Highway rises dramatically. In fact, PLUS has until the year 2018 to recover the cost of construction of the highway. By that time, at current toll rates, it should have recovered its initial investment a few times over.

PLUS cannot, in any way, justify a hike of 33 per cent when the CPI has been increasing by only 3-4 per cent annually (since the last 50 per cent toll hike).

The government should therefore reject PLUS unjustified proposal to raise toll rates in the interests of the public.

*Anil Noel Netto
Exco Member
24 August 1995*

Shocking Alleged Police Brutality

Aliran is disturbed over the alleged police brutality against four foreigners, two of them journalists attending a seminar here.

The four were rudely awakened when their hotel doors were smashed down by armed policemen who then dragged them from their beds onto the floor and assaulted them.

According to P Kharel, editor-in-chief of a leading Nepal English daily, he was pinned down at gunpoint and had his hands tied behind his back with plastic ropes. He claimed he was also punched and kicked all over his body.

Another victim, a South Korean businessman Kim Jong Yueh, who was in another room on the same floor related a similar assault.

The pattern of assault appears to be standard fare. He was dragged out from bed, pushed onto the floor, told to lie spread-eagled and was beaten and kicked. He claimed that he had injuries on his right leg and neck. The four unfortunate victims later learnt that they were the "wrong" persons - not the suspects the armed men were

looking for.

Bernama quoted the Federal Police Headquarters public relations chief Supt. Ghazali Mohd Amin as saying that the police were only carrying out their duty.

Even if this is a case of mistaken identities, this is certainly not the way to treat suspects in a caring, democratic society. Aliran is appalled and perturbed that suspects are not regarded as innocent until proven guilty. Such brutality towards suspected criminals should be stopped immediately. The due process of law and justice should be meticulously observed.

The irony is that the two unfortunate journalists were attending a seminar on "Asian Values in Journalism."

Are these the type of "Asian Values" we can be proud of?

*Executive Committee
25 August 1995*

Joint Appeal to Save the Life of Sarah Balabagan

His Royal Highness Sheikh Zaid Bin Sultan al-Nahayan
President of the United Arab Emirates and Ruler of Abu Dhabi
Abu Dhabi
United Arab Emirates

Your Royal Highness

*Assalaamu Alaikum
W a r a h m a t u l l a h i
Wabarakatuh*

We, the undersigned Non-Governmental Organisations of various social, cultural and religious backgrounds, would like to most earnestly appeal to Your Royal Highness to show clemency by exercising your presidential prerogative in setting aside the death sentence meted out recently to Sarah Balabagan, a 16-year-old girl from the Philippines.

We strongly feel that Sara Balabagan's young life should be spared on humanitarian grounds.

Fundamentally, it is the duty of any girl or woman to defend herself from rape. Should it be argued that she killed subsequent to the rape, her outrage is more than justifiable; certainly there was due provocation.

As a Muslim Sovereign, we beg Your Royal Highness to show to an ever increasingly hostile world, the compassionate face of Islam: compassion being one of the "Names"/Attributes of Allah.

We thank Your Royal Highness

very much for your kind attention to our appeal. We fervently hope and pray that our appeal will be considered most sympathetically and favourably.

Endorsed by:

1. **ABIM** (Islamic Youth Movement of Malaysia)
2. **ALIRAN** (Social Reform Movement of Malaysia)
3. **APWLD** (Asia Pacific Forum on Women, Law and Development)
4. **AWAM** (All Women Action Society, Malaysia)
5. **CAP** (Consumers Association of Penang)
6. **CENPEACE** (Center for Peace Initiatives)
7. **ERA** (Education Research Association)
8. **IIFSO** (International Islamic Federation of Student Organisations), East Asia
9. **IPK** (Institute for Community Education, Sarawak)
10. **IWRAP - Asia Pacific** (International Women's Rights Action Watch-Asia Pacific)
11. **Jammu Kashmir Human Rights Forum**
12. **JUST** (Just World Trust)
13. **MBM** (Majlis Belia Malaysia/Malaysian Youth Council) with 34 affiliates and 1.5 million members
14. **Malaysian Gurdwara Council** (Sikhs)
15. **MMA** (Malaysian Medical Association)

16. **MPPNW** (Malaysian Physicians for the Prevention of Nuclear War)

17. **MSRI** (Malaysian Sociological Research Institute)

18. **MTUC** (Malaysian Trades Union Congress) - with 136 affiliates and about half a million members

19. **Pemuda UMNO** (UMNO Youth)

20. **PERMIM** (Federation of Indian-Malaysian Muslims, Malaysia)

21. **PKPIM** (National Union of Muslim Students of Malaysia)

22. **PRM** (People's Party of Malaysia)

23. **PSSM** (Malaysian Social Sciences Association)

24. **Persatuan Sahabat Wanita** (Friends of Women Organisation)

25. **SAM** (Friends of the Earth, Malaysia)

26. **SCR** (Society for Christian Reflection, Malaysia)

27. **SEAFDA Malaysia** (Southeast Asia Forum for Development Alternatives, Malaysia)

28. **Sisters in Islam**

29. **SUARAM** (Voice of the Malaysian People)

30. **Tenaganita** (Women's Force)

31. **Tholilaliyin Tholar** (Friends of Workers)

32. **World Youth Foundation**

Chilean Military Chief Should Not Have Been Invited Nor Given Award

We note with deep regret and sadness that Capt-Gen Augusto Pinochet Ugarte, the commander-in-chief of the Chilean armed forces, was not only invited to Malaysia but was also presented an honorary award, the Panglima Gagah Angkatan Tentera, by His Majesty the Yang di-Pertuan Agong last week.

We should not forget that Capt-Gen Augusto Pinochet Ugarte was the man principally responsible for staging a bloody coup against President Salvador Allende, the duly elected head of state and head of government of Chile, in September 1973. Following the killing of President Allende, a highly repressive military dictatorship under Pinochet was imposed on the people of Chile for many years.

During his reign of military terror, thousands of Chileans were killed, detained without trial, tortured or exiled. Hundreds, if not thousands, of other Chilean civilians simply and mysteriously "disappeared" - many of whom are still unaccounted for up to this very day.

Whilst we welcome the

strengthening of diplomatic and economic ties between Malaysia and Chile, we feel that Pinochet should not have been invited to our country, let alone given one of our highest military awards.

Those Chileans who encouraged and painstakingly helped to restore democracy and human rights in Chile should have been invited to Malaysia and honoured instead.

Last but not least, we feel that our Government should not send our military officers to Chile for training, for they might come back infected with subversive ideas to overthrow democratically elected governments.

Endorsed by:

1. **CENPEACE** (Center for Peace Initiatives)
2. **IIFSO** (International Islamic Federation of Student Organisation)
3. **Third World Network**
4. **SAM** (Sahabat Alam Sekitar/ Friends of the Earth, Malaysia)
5. **CAP** (Consumers Association of Penang)
6. **Persatuan Sahabat Wanita** (Friends of Women Organisation)
7. **ALIRAN**
8. **ABIM** (Muslim Youth Movement of Malaysia)

9. **Society for Christian Reflection**
10. **MSRI** (Malaysian Sociological Research Institute)
11. **JUST** (Just World Trust)
12. **PRM** (Parti Rakyat Malaysia/Malaysian People's Party)
13. **ASA Media Centre**
14. **SEAFDA** (South East Asia Forum for Development Alternatives), Malaysia

15. **SUARAM** (Suara Rakyat Malaysia)
16. **Penang Organic Farmers Club**
17. **Tholilaliyin Tholar** (Friends of Workers)
18. **Majlis Belia Malaysia** (MBM - Malaysian Youth Council)
19. **IPK** (Institute for Community Education, Sarawak)

Hunger

(In response to the article "Hopeless Lives" in AM 1995:15(6))

Hunger for food
 For bread on the table
 For the bare necessities of life
 a roof, clothing, education,
 water, clean water
 and much more
 which are not available
 at the Mak Mandin Industrial Estate*
 People buried in poverty
 crying out for help
 But no one to see their plight
 To care
 no authority to attend to their woes
 They have lived that way
 for many ages
 For want of sympathy and help
 From the authorities who are too busy
 with beautification projects
 elsewhere in town
 To care about the plight of the poor
 Hunger — the way of the poor — in our midst
 Is today's reality
 We have to face it, we have to solve it
 and we have to erase it so all can live
 in peace and brotherhood.

- M A Fernandez

* in Butterworth

JUDICIARY

When does a rate payer become a mere busybody?

The continuing retreat of *locus standi* in Malaysian Courts

Do concerned and responsible citizens who are rate payers have a right to take up issues in the interest of the public? In London they can, according to Lord Denning. But in a recent case, a Malaysian litigant's attempt to compel the City Council of Johor Baru to respond to his queries regarding the controversial Johor Baru Floating City was frustrated. MOHD SALLEH HJ AHMAD, asks what is the role of Malaysian judges in the Malaysian context?

The recent case in the High Court of Malaya at Johor Bahru Originating Summons No. 24-974 of 1994 between **Abdul Razak Ahmad v Majlis Bandaraya Johor Bahru**, raised once again the important issue of *locus standi* or the right of a litigant to bring proceedings to Court. (See [1995]2 MLJ 287).

In that case the Plaintiff sought a declaration, *inter alia*, that he was entitled to a reply from the Defendant in regard to his let-

ter dated 7 September 1994.

In his letter the Plaintiff made enquiries in respect of the controversial Johor Bahru Floating City. The Plaintiff learned that the Defendant had given planning permission on 12 January 1994 to the Johor Coastal Development (JCD), the developer of the project. He was seeking confirmation from the Defendant whether the Defendant had given notices to adjoining landowners of the project as required under S 21(6) of the Town and Coun-



Abdul Razak: Responsible citizen or a busybody?

try Planning Act 1976.

The Defendant did not respond to his letter and hence the Plaintiff brought the suit for a declaration that he was entitled to a reply from the Defendant.

In his judgement the Judge alluded to the fact that "when the Dato Bandar received a letter by hand dated 7 September 1994 from the Plaintiff, the Dato Bandar remained silent — too scared to reply". In his affidavit the Defendant justified his action for not replying because "the Plaintiff was a busybody".

Justice Dato Hj Abdul Malik bin Hj Ishak in his grounds of judgment on 18 March 1995 came to the conclusion that "as a mere busybody and without standing he was not entitled to receive a reply from the Dato Bandar in regard to his letter dated 7 September 1994".

The decision has important im-

plications in that public authorities in future can ignore with impunity and not respond to any letters concerning matters of public interest from members of the public, including rate-payers on the flimsy reason that they are “mere busybodies”.

The Judge seemed to agree with the Defendant for in his written judgement he stated that “the Dato Bandar aptly described him as a “busybody” even though it was clear that there was no basis for him to come to such a conclusion.

Does a concerned rate payer in th city become a busybody when and if he writes a letter to the Dato Bandar of Johor Bahru to enquire what steps the Dato Bandar has taken to clean up the infamous Sungai Segget?

The fiction of the mere busy body can be stretched to absurd and ridiculous lengths. This fiction may adversely affect concerned members of the public who wish to seek information or request for action to be taken by relevant government departments. They may be ignored or rebuffed for the simple reason that they are perceived as mere busybodies.

ABSURD ARGUMENTS

These arguments are infantile and absurd but it seems our judges are prepared to accept



An artist's impression of the JB waterfront city

them in order to deny litigants *locus standi* in the Courts. In the present case the Judge went one step further when he said, “I venture to describe him as a trouble-shooter, a maverick of a sort, out to stir trouble”. It is not clear what sort of trouble the Judge had in mind when he concluded that the Plaintiff was ‘out to stir trouble’. Was it because the Plaintiff questioned the legality of the Floating City?

It is disheartening to observe that Malaysian judges tend to be conservative and not courageous enough to chart new courses to widen the scope of the right of concerned citizens to bring proceedings to Court, especially in cases against misuse of power by public authorities.

Malaysian judges have been given many opportunities to be the guardians of justice in cases involving *locus standi* but they did not take up the challenge when such opportunities arose.

There are many English cases

which took different routes in their approach to the issue of *locus standi*. One such case is **R vs GLC, ex parte Blackburn** (1976) WLR 550. Mr

Raymond Blackburn M P brought legal action against the Greater London Council (GLC) because he found that pornographic films were being exhibited in London and GLC were doing nothing to stop them. He applied for a writ of prohibition and he succeeded.

In that landmark judgment Lord Denning M R said, “It was suggested that Mr Blackburn has no sufficient interest to bring these proceedings against GLC. Who then can bring proceedings when a public authority is guilty of misuse of power? Mr Blackburn is a citizen of London. His wife is a rate payer. If he has no sufficient interest, no other citizen has”.

Lord Denning further stated that “any responsible” citizen has a sufficient interest — such as to entitle him to be heard — if he complains that the law is not being enforced as it should be.

It was precisely because Razak had sufficient interest in the issue that he wrote the letter of 7 September 1994 to the Dato Bandar Majlis Bandaraya Johor Bahru. And for writing that innocuous letter he was considered by the Judge to be a trouble maker!

It appears that it is a crime in this country for citizens — or rate payers — to make enquiries from public authorities on matters of public interest. They would be damned as trouble makers.

In Malaysian Courts, judges take a narrow view by imposing unreasonable impediments against litigants who bring proceedings against the government or public authorities to Court.

CHANGE OF JUDICIAL ATTITUDES?

The exception is the **Lim Cho Hock** case (1980) MLJ 148 where Abdoolcader J held that there was no reason to deny standing to the Plaintiff as a rate payer to institute and seek the declarations sought on an issue which involved a pure question of law.

In his judgment Abdoolcader J said, "There seems in recent times to have been signs of a change in judicial attitudes directed to a more liberal rather

than the restricted scope of individual standing hitherto adopted".

In the case of **Abdul Razak Ahmad v Majlis Bandaraya Johor Bahru**, the Judge referred to the **Lim Cho Hock** case and **Tan Sri Hj Othman Saat** case (1982) 2 MLJ 177 but subscribed to the view that these cases represent "the high water marks of the law of *locus standi* in Malaysia" and that the Plaintiffs in these cases "had a genuine private interest to be furthered and protected". The Judge concluded that "to found an action against the Defendant which is a public body he must show that he has suffered a peculiar damage by the alleged public wrong and that he has a genuine private interest to protect".

The Judge further stated "even assuming that there were breaches of the relevant laws by the Defendant when it approved to JCD to develop the Floating City, the Plaintiff must positively show to the Court that his legal right and interest would be affected by the development before he can be said to have *locus standi*. This, the Plaintiff has failed to prove and, consequently he has no *locus standi* in these proceedings".

The judge also took an incomprehensible stand by stating that "to give *locus standi* to a rate-

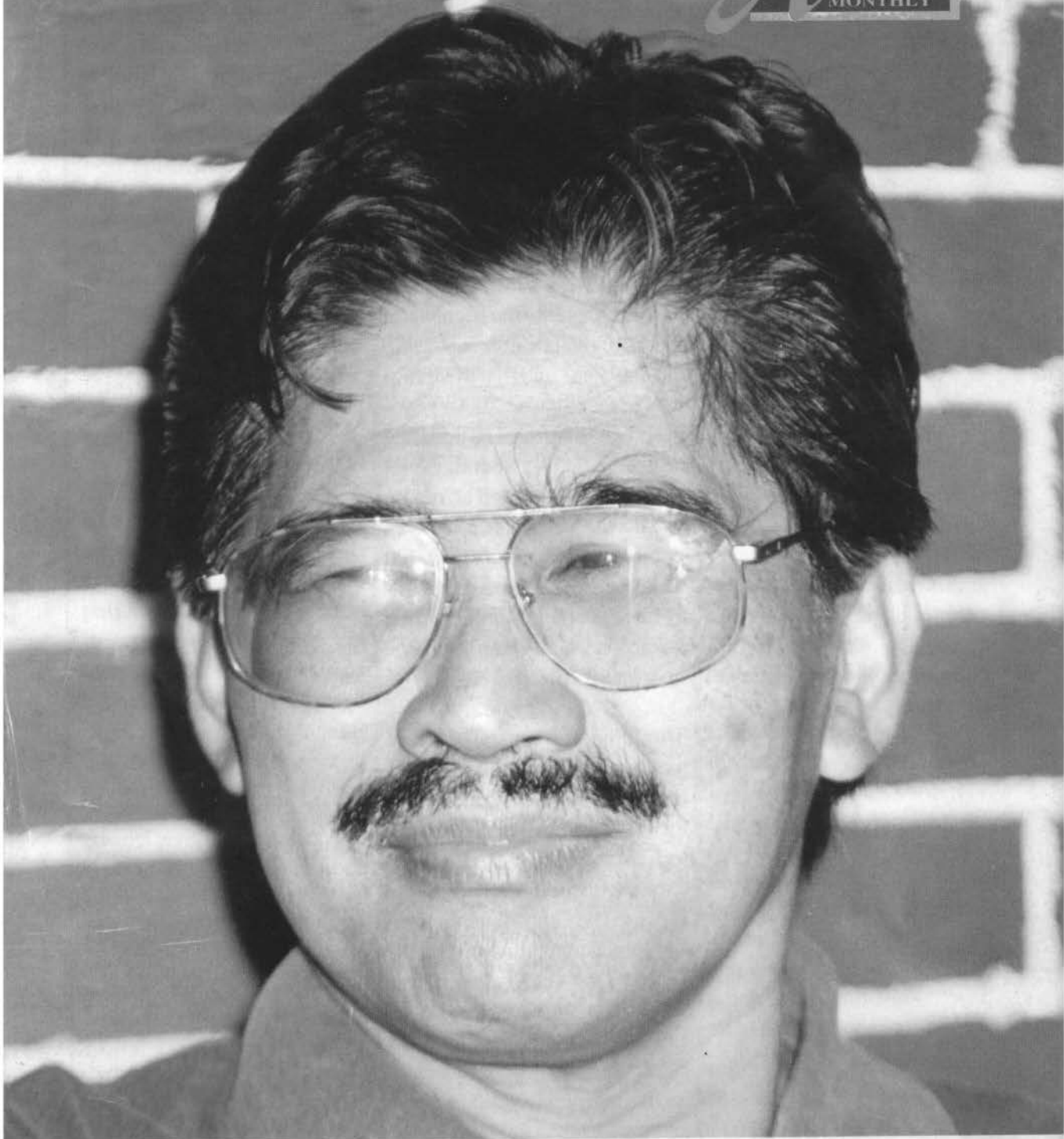
payer like the Plaintiff would open the flood gate and this in turn would stifle development in the country". It is difficult to believe that the Judge can come to such conclusion.

Is it the duty of Malaysian judges to be the guardian of the flood gate or the guardian of justice? What is the role of Malaysian judges in the Malaysian context — to protect development even if such development is against the law or to uphold justice?

James Pickles J a well known English Judge said that judges ought to be the supreme guardian of the people and that judges would be public guardians by reason of their independence. (See 'Straight from the Bench' by Judge James Pickles).

It is clear that Malaysian judges by and large go to great lengths and out of their way in their endeavour to prevent concerned citizens from enforcing their rights in the courts and the present case of **Abdul Razak Ahmad v Majlis Bandaraya Johor Bahru** is a good example of the unhealthy trend. q

For background information on the Floating City, see AM 1994 : 14 (4) p28 " Why we oppose "(NOTE: Mohd Salleh Hj Ahmad is the Secretary of Save Selat Tebrau Action Committee, Johor Bahru.)



**IS HE A RESPONSIBLE CITIZEN
OR A BUSYBODY ?**



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