



Airan MONTHLY

For Justice, Freedom & Solidarity

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**What they
showed
you**



**What
they
didn't
show you**

No to PGCC! Yes to Penang State Park!

Instead of creating a concrete monstrosity with 40 towers, the government must convert the Turf Club land into a State Park as a legacy for future generations

by Aliran



*Sold to Abad Naluri
RM43 per square ft.*

*After re-zoning value
escalates to RM250-300 pst*

We are dismayed that the PM has launched the Penang Global City Centre (PGCC) project, because in doing so he has given legitimacy to a project that has not yet been approved by the MPPP and is clearly opposed by large sections of the community. With the enormous prestige and weight of his office behind it and with his

call for approvals to be fast-tracked, it will be difficult for the government and municipal council officials concerned to decide and act impartially and objectively. They will be under tremendous pressure to deliver notwithstanding the obvious shortcomings of the project.

Moreover it is also shrouded in

serious controversy, which he must surely be aware of. Serious questions have been raised about the manner in which the land was converted from 'Open Space' to 'Mixed Development', about likely traffic congestion, the lack of public consultation, the absence of provision for social housing on the site and the shortage of recreational space in the state.

Our cover storey zooms in on an iconic monument to folly known as the Penang Global City Centre Project with an eye-popping development value estimated at RM25 billion.

Critics, however, have dubbed it the Penang Graveyard and Crematorium Complex because of its proximity to a crematorium and a cemetery. Already the civil society campaign against the PGCC is gaining momentum as more and more Penangites become aware of its horrendous environmental implications. Concerned Penangite CLW wonders if the PGCC is all hype with little substance while Dr Gwynn Jenkins explains what “zero carbon” really means.

Aliran Monthly readers are encouraged to send petition letters to the Chief Minister of Penang to stop the project. (See sample letter inside.)

Rest assured the PGCC is going to be a major issue in the coming general election. Some are even saying it could be a repeat of the successful Save Penang Hill campaign of the 1980s, which led to an electoral setback for the ruling coalition in Penang during the 1990 general election.

In the light of a string of worrying developments, K Haridas, says the only option now seems to be to register a strong protest vote at the next general election.

One country with zero democracy is Burma. In the light of the bloody crackdown against peaceful protesters there, John Smith Thang recounts the rise of the brutal military regime and how it morphed into a brutal dictatorship.

We also get to hear two Penan headman, Matu Tugang and Along Joo, speaking for themselves in countering the claims of a logging firm that has encroached into their land.

ALIRAN is a Reform Movement dedicated to Justice, Freedom & Solidarity and listed on the roster of the Economic and Social Council of the United Nations. Founded in 1977, Aliran welcomes all Malaysians above 21 to be members. Contact the Hon. Secretary or visit our webpage.

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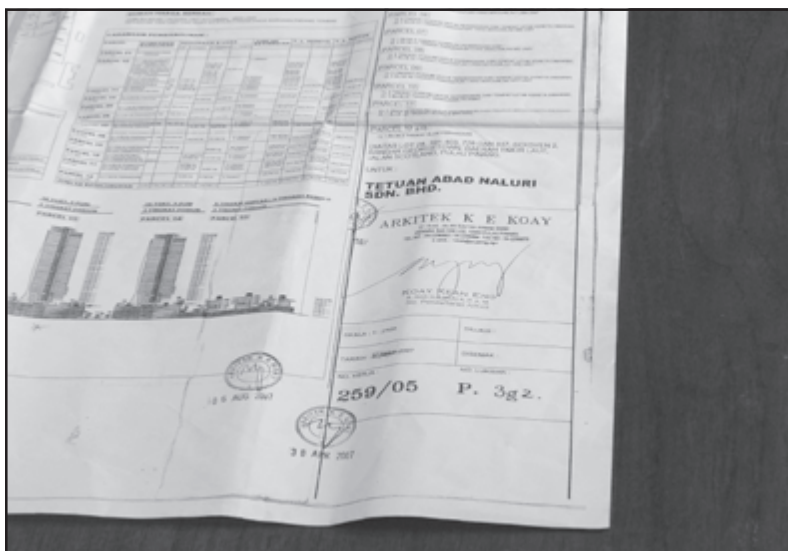
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If the developer is serious about zero carbon emissions or greening the earth, he would be better off turning the place into a park and planting trees. Since it is quite obvious from the project plans that the developer is more intent on making profits, we have to dismiss the zero-carbon emissions claim as a PR ploy aimed at winning over public support for the plans.

No public consultation

The project is so large that it will affect almost every person in Penang, but there has been very little public consultation or transparent information forthcoming. By our estimate it will generate about 60,000 traffic movements daily which will be channelled into Scotland Road and Jalan Utama (via Jalan Brook). Even now these roads are heavily congested and we worry what effect the huge additional traffic will have. For sure, we can expect more carbon emissions and noise pollution.

Private profits trump public park

The site of the project - the present Turf Club racecourse - was originally acquired for a nominal sum and was zoned as 'Open Space'. This was changed very recently to 'Mixed Development', even though public opinion was unanimously against it, judging from the submissions sent in by the public during the 2007 Structure Plan exercise.

concerned about the lack of green spaces for the public should have done was to acquire the property from the previous owner at a fair price (based on the recreational value of the land) and then turn it into a public park for the people of Penang and as a legacy for generations to come.

Raising carbon emissions - not cutting them

By going ahead with the rezoning, the State has acted arbitrarily and sacrificed the interests of the community to abet a group of land speculators who now stand to reap billions of ringgit in profit. Is the developer going to see through the project for the next 15 years or is he going to inflate the land price, make a quick profit and resell the land as was the case in the sale of the land for the Port Klang Free Zone? In the first place, how did the developer acquire the land at such a low price of RM488 million? And where did the money come from?

The developer claims dubiously that the project will have a zero carbon target. This is a misleading claim, because carbon emissions should be measured from the moment work on the project begins and not after it is up and running. The destruction of the turf club environment and the construction of 40 towers, most of them over 40 storeys, are going to generate carbon emissions - not reduce them. Most of the towers will come with five-storey car-parks. And what about the increased volume of traffic and the elevated and widened roads that are bound to add rather than diminish carbon emissions?

What any responsible government

The traffic dispersal plan for the project leaves much to be desired based on such failed feeble attempts previously undertaken by the state government. We are therefore asking that the space be preserved for recreational use as a public park.

Traffic nightmare

For such a large project, public consultation was minimal, perfunctory and the areas of concern entirely ignored.

The project was obviously approved in Putrajaya, the plans were finalised without any local

input, and it has now been publicly launched with much fanfare. That is not consultation. It smacks of an attempt to ride roughshod over all objections. It is top-down planning of the worst type and is against all principles of participatory democracy.

We call for greater genuine public consultation, as we believe many Penangites would rather see this space as a green lung, which is sadly lacking on the island.

No place for the poor and marginalised

Even though it is official policy that all development must include 30 per cent low-cost housing, inexplicably none will be built on the site. Instead the developer is proposing to build low and low-medium cost housing somewhere else, away from the site, on land he does not even own. We do not understand why he wants to deliberately keep away low income folks – including poor and marginalised Malays, Chinese, Indians and others – from this site.

We urge the Penang Municipal Council to act transparently and in the interest of Penangites by withholding approval for this luxury project, which caters only to the well-heeled. Instead, we call for this land to be turned into an iconic public park that will belong to everyone and be preserved as part of the authentic greening of the earth.

Where is the detailed EIA?

Given the size of the project, we are alarmed that it is being fast-tracked. A preliminary study

would only be an eyewash and would not honestly address all the issues that are of serious concern.

We are confident that an honest independent EIA would show up the negative aspects of the project with all its adverse consequences for the environment and traffic as well as the tragic loss of future recreational space.

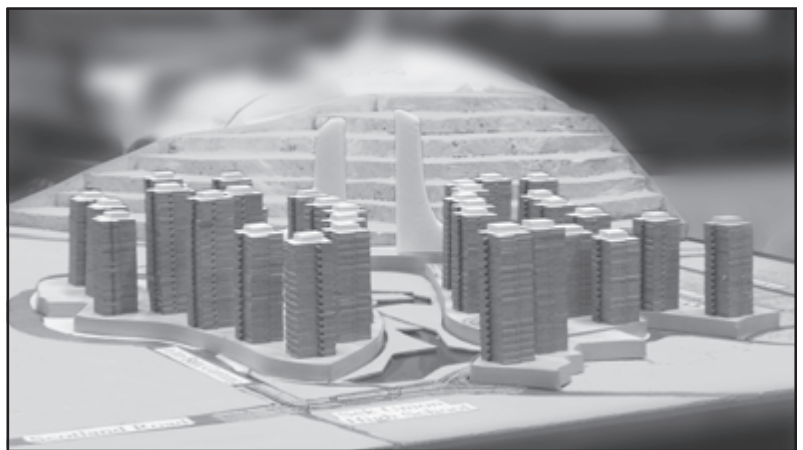
A major election issue

For all these reasons, we categorically reject the PGCC. We regret that the PM is giving this controversial and unapproved project legitimacy and urging the state authorities to expedite approval for a private firm's project that would result in huge profits for the developer at the expense of the people of Penang.

We call on the Federal Government, the Penang State Government, the

Penang Municipal Council, the Department of the Environment and other relevant approving bodies to reject the plans because it will result in tons of concrete being poured on the last remaining huge open green space on the island that could be turned into a public park.

We serve notice that we will be taking this campaign to the people of Penang through signature petitions, pamphleteering, independent media reports and the Internet to raise awareness of the need to protect and preserve the natural environment for future generations. We will make this a major issue in Penang for the coming general election. ☐



Turning the Turf Club into a barren desert: Was the PGCC inspired by the Pinnacles of Perth?

An iconic monument to folly

PGCC is being developed by Abad Naluri, a 25 per cent-owned associate firm of Taman Equine, which in turn is wholly owned by developer Equine Capital. Equine's executive chairman is Patrick Lim, widely seen as one of the most influential businessmen in Malaysia.

Former premier Dr. Mahathir Mohamad, himself often accused of cronyism during his 22-year tenure at the helm, has reportedly referred to Lim as "Patrick Badawi", alluding to the perceived close ties between Abdullah and Lim.

The project will be developed on the current 105ha Penang Turf Club land on Scotland Road at an estimated cost of about RM25 billion.

The PGCC, billed as the largest commercial development in Penang, will feature two five-star hotels, a performing arts centre, high-end retail outlets, two crooked towers, residential properties and a convention centre. It has a stupendous proposed built-up area of 2.5 million sq m (30,000,000 square feet) and will include 7,000 upmarket homes.

The site will be a dizzying maze of 40 towers ranging between 12 floors and 66 floors, including two "iconic" crooked towers. The blocks include two five-star hotels

– one which is 53 stories high and the other 22 stories. There will be 6,933 luxury residential homes, including 100 bungalows. It obviously caters only to the well-heeled.

According to Equine, the project will combine 34.4ha of parkland, including a 10.4ha one kilometre-long linear park, but about 24ha of that is a hill site that cannot be developed.

The PGCC developer has hired a new but well-connected local public relations firm, Fox Communication, whose key staff are former senior journalists from the English-language Malaysian mainstream press. The PGCC is being marketed as 'one of the world's first zero-carbon cities where pollution will be kept to a minimum' - which critics have dismissed as a PR gimmick.

Fox Communication and the mainstream media have tried to counter the major sources of concern by highlighting the PGCC's green credentials. These include a "zero carbon" target and 40 ha allocation for recreational parks, including a 10-ha narrow kilometre-long "Central Park". But they have not highlighted the 37 tower blocks

The project was launched on 12 September 2007 by Prime Minister Abdullah Ahmad Badawi on 12 Sept 2007, the same day that

an 8.4 earthquake struck off nearby Sumatra.

Six of the main Penang-based NGOs have expressed shock that the PGCC has been launched even before obtaining all major planning approvals. The government should not have granted fast-track status for the project, seeing that the scale of the development is going to have a drastic impact on the traffic and the environment on Penang Island.

The move to rezone the existing Penang Turf Club land from 'open space' to 'mixed development' was initiated in November 2002. Last year, residents of the quiet upper-class residential area in neighbouring Jesselton registered their objections to the rezoning.

In November 2002 as well, Penang Turf Club members were persuaded to vote in favour of a new racecourse on the mainland.

As part of the quid-pro-quo of the PGCC deal, Equine will build a 375 million ringgit euphemistically named "Penang International Equestrian Centre" on the mainland in Batu Kawan — even though the horse racing industry faces an uncertain future. A racecourse on the mainland would draw gamblers to a site that is just a few dozen km south of the Kepala Batas parliamentary constituency of Prime Minister Abdullah.

Earthworks on the new racecourse began in late 2005 after the government announced it was going ahead with plans to build Southeast Asia's longest bridge, a 3 billion ringgit (800 million dollar) 24-km link between Batu Kawan and Penang Island.

Equine has another major project, Crescentia Park, which would turn 180 ha of land in Batu Kawan into Penang's third satellite town at a gross development value of over 800 million ringgit (230 million dollars).

Both Crescentia and the new racecourse are located close to the site of the proposed bridge, turning Equine's land bank on the mainland into a gold mine.

It is not clear how the PGCC developer actually paid for the Turf Club land on the island. Reports say that Abad Naluri bought the land for 488 million ringgit in 2002. The Penang Turf Club, established in 1864, acquired the land in 1935. According to another report, the Turf Club land would only be transferred to the PGCC developers once the Batu Kawan racecourse is completed in 2009.

Whoever owns the Turf Club land on the island stands to profit handsomely from a leap in land valuation if the rezoning to "mixed development" is confirmed. In rezoning the land, the state has enabled some land speculators to make literally billions of ringgit of profit when it could have acquired the land and turned it into a Penang State Park for the benefit of future generations - *Aliran* ☞



STOP PGCC
www.penangwatch.net/pgcc
STOP THE PENANG GLOBAL CITY CENTRE

- Excessive density
- 38 42-storey blocks
- No low-medium cost provisions on site
- No environmental assessment
- No public hearing
- No media transparency
- More congestion!
- More jams!
- More pollution!

Call CAP (04 829 9511) or
PHT (04 264 2631) to find out
what you can do

MODEL OF ACTUAL PGCC

What the PGCC roadshow doesn't tell you

PGCC will build a city on the racecourse with 38 tower blocks and space for 27,000 cars



This is the reality based on the developer's own submission

The proposal to redevelop Penang Turf Club into a city housing an estimated 32,000 people is a major project which will affect all Penangites.

But models displayed by the developer at the PGCC roadshow show only the Icon Towers. They leave out the 38 tower blocks in the project plan. Why? Who are they trying to fool?

Look at the glossy photos in the developer's official brochure. Where are the 38 tower blocks? Why are they left out? What is PGCC trying to hide?

Where is the honesty?

PGCC will create a traffic nightmare

The PGCC development will create huge extra traffic flow. But nowhere in their display or brochure do they deal with this seriously.

How many extra car journeys does their traffic assessment plan calculate? From where on the island? What will be the effect on Penangites? On queues? On pollution? On disease rates? Why aren't they publishing their Traffic Assessment Plan so we can all see it? What are they scared of? Don't they owe that to Penangites?

And who will pay for the hugely expensive road schemes, including an under-



pass, road widening and flyovers on Jalan Scotland, Green Lane and Air Itam Road? The Penang taxpayer? How many million ringgit will it cost? How long will we have to put up with traffic chaos while they are built? Why not?

What about the traffic chaos while the project is built? Who will suffer? (Answer: us).



For more information, or to join us, contact Campaign against the PGCC
c/o CAP, 10 Jalan Masjid Negeri, 11600 Penang 04-8299511

www.penangwatch.net/pgcc

What does 'zero carbon' really mean?

The PGCC developer keeps telling us that this is a 'zero carbon' project. But what does that mean? Please ask them to explain in detail how they are measuring carbon emissions.

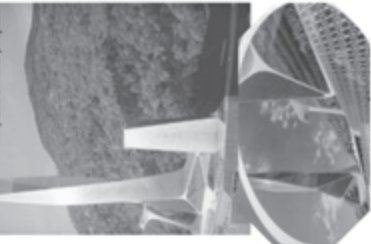
Ask them whether carbon emissions polluting Penang's air during the years of the building of the project are included?

Ask them whether the traffic chaos resulting from road schemes is included?

Ask them whether carbon emissions from the whole project site are included in total or is just done building by building? Are they just measuring the physical building, leaving out people and cars?

After all that, ask them what they mean by 'zero carbon'? Read their brochure carefully. Get beyond the jargon and the wild promises. Look at the 1st paragraph on page 19: even the developers admit that the project site will not be 'zero carbon'. So who are they trying to fool?

The glossy pictures that tell us little about the horrific impact of this project



What is the story of the planning process?



from their brochure

Lots of unanswered questions here:

- How can a project be officially launched when it has not yet been through the planning process? Or had a detailed EIA?
- Was it coincidence that the zoning of the racecourse land was changed from 'open space' to 'mixed development' after it had bought by Abad Nakuri? What justification was there for this decision? (It netted Abad Nakuri millions of ringgit for doing nothing.)
- Why are the developers spending so much money on glitzy roadshows before the project has been approved? Who are they trying to influence?
- Why is there such reluctance by the developers, MPPPP and the State Government to have full public disclosure of all relevant documents and open public hearings? It is a huge project.

What have they got to hide?

Why is the state government not looking at more sustainable, greener development alternatives to better safeguard the future of our beloved island?



Please don't let Penang be sold down the drain

Once again, a big project is being steamrolled through our local government with very little transparency, accountability or public debate.

Who exactly are the shareholders of Abad Nakuri Sdn Bhd, the overall developer of PGCC?

What will PGCC do for our traffic?



PGCC will have 27,000 carpark spaces

PGCC a traffic nightmare?

The Penang Global City Centre project (PGCC) will see a new city being built on the present racecourse. It is proposed to be home to some 32,000 people and have spaces for 27,000 cars. Not only will this destroy this precious open space area, but it will generate thousands upon thousands of extra car journeys a day in and to an area which we all know is already desperately vulnerable and jammed.

Why is PGCC even being considered? The implications for all of us will be major, and yet none from the developers, MPPP or our State Government will publish any details of the Traffic Impact Assessment or other detailed planning of the project. What have they got to hide? Their glossy brochures and models are highly misleading.

Concerned citizens of Penang have come together to ask that a stop be put to this madness. Penangites will bear the cost of this project - financially, socially and environmentally - for generations to come. Stop it before it is too late.

**For more information, contact
The PGCC Campaign**
c/o CAP, 10 Jalan Masjid Negeri, 116000 Penang 04-8299511
www.penangwatch.net/pgcc



What they don't tell us



There will be 38 tower blocks in the developers' own submission official models, the developers are just showing us the white lion Towers. Why? Who are they trying to fool?



This is the reality based on the developers' own submission



How many extra car journeys does their traffic assessment plan calculate? From where on the island? What will be the effect on Penangites? On queues? On pollution? On disease rates? Why aren't they publishing their assessment so we can all see it? What are they scared of? Don't they owe that to Penangites?



Who will pay for the hugely expensive underpasses, road widening and flyovers on Jalan Scotland, Green Lane and Air Itam Road - the Penang taxpayer? How many million ringgit will it cost? How long will we have to put up with traffic chaos while they are built? **Are they telling us? Why not?**



Please don't let Penang be sold down the drain



What you can do

* **Ring or write to the CM, the MPPP and/or your local councillor** and ask them to withhold any further approvals until there is full public participation, full information relating to the project is made available, and a proper evaluation of the destructive impact of the project on the future of Penang and its citizens is undertaken.

* **Use your vote** in the coming election to vote against secrecy, subversion of due process and the dumping of projects such as PGCC on Penangites without any warning or proper discussion.

...and of course **join us** and help us plan and deliver activities to safeguard Penang's future and uphold the principles of good governance and positive, not destructive, development.



Who exactly are the shareholders of Abad Naluri Sdn Bhd, the overall developer of PGCC?

Why is the state government not looking at more sustainable, greener development alternatives to better safeguard the future of our beloved island?

Please show us that you still care for Penang

To: **Tan Sri Dr Koh Tsu Koon**
Chief Minister of Penang

Dear Tan Sri

Re: The PGCC Turf Club Project

I would like to add my name to the increasingly large group of Penangites and Malaysians who have very grave concerns about the above project.

My/Our reasons for opposing this project are:

1. Environmental impacts

- * A *substantial green lung*, much needed by Penangites to enjoy, being lost to benefit private developers.
- * A *high density mini-city* (comprising 37 high rise towers of over 40 storeys) being introduced into George Town for which there is no need, either socially, economically, culturally or physically and which will certainly cause a deterioration of the urban environment of the city.
- * A *worsening traffic situation* in the vicinity of the site will be further complicated by the extra traffic generated (6,933 residential units and 27,732 car parks).

2. Improper approval procedures for project

- * *Assuming fast tract approval* before a detailed EIA has been prepared and approved.
- * *Conversion of a recreational open space* to mixed development in the Structure Plan against public opinion.
- * *Lack of public consultation* with regards to the project of this scale (in comparison to PORR project).
- * *Approved density of nearly 30 units to an acre* against that prevailing in the neighbouring lots of 6 units to an acre.
- * *Transfer of development rights from non-developable hill land* (over 250 ft above sea-level) to the flatter section of the site being granted.

- * *Exemption from provision* of the low cost housing component on the site.

3. Public deception and inappropriate political support

- * *Deceiving the public* during the launch by excluding the 37 high rise blocks integral to the plan in the publicity blitz in the models and illustrations displayed to the press and public.
- * *Inappropriate statements of support* made by high ranking state and national public figures during the launching of the project before approval by local authorities.
- * *Almost-total media blackout* of public concerns and queries raised suggesting the possibility of a media conspiracy.

You, Tan Sri, as the Chief Minister representing the people of Penang, have the final right over land matters in the State.

Please show us that you still care for Penang by making a stance in favour of the greater common good. In your heart you must know that this project will destroy the Penang we all love.

Yours truly in support of Penang

.....
Name: _____

I.C. Number: _____

Address: _____

PGCC Zero Emission Development (ZED): Reality or hype?

We must not buy into all the developer's claims so easily without first critically questioning all the details and the evidence

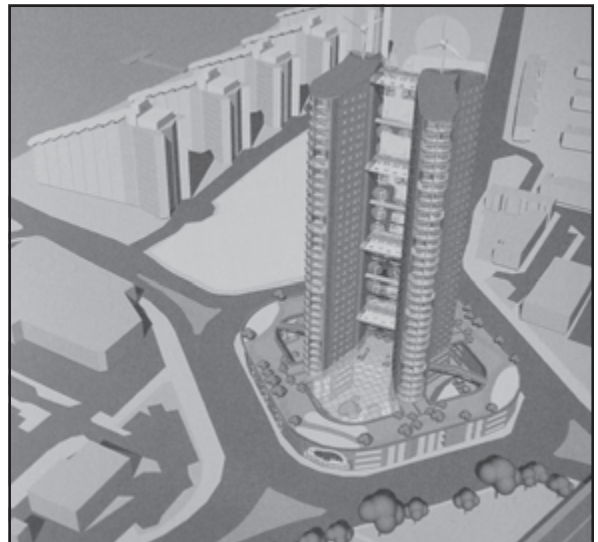
by Concerned Penangite CLW

The much-hyped-about Penang Global City Centre (PGCC) project is the crown jewel of the Northern Corridor Economic Region (NCER), which aims to boost economic growth of the northern states in Peninsular Malaysia. The project has been presented to the people with a string of ecologically friendly tags and 'green' promises. The latest "ecological selling point" to be imprinted on the PGCC proposal has been that of the Zero Emission Development (ZED).

To some degree, the supposed 'greenness' of PGCC (a.k.a. PENZED), appears to have outshone the primary economic orientation of the project as well as the 40 towers of concrete, steel, bricks and glass, and the asphalt that would replace most of the existing turf club green.

In the light of the multitude of environmental and social issues increasingly plaguing the State, we need to critically and constructively assess any proposed development of such significant economic and physical magnitudes for its potential environmental and social impacts. What we need in Penang are more sustainable forms of development that strive to balance all social, environmental and economic needs for extra long-term benefits to all Penangites - not the short-term economic gains of a small group with long-term environmental and social detriments for society at large.

Some feel that the various eco-technological jargons used by the developer in promoting the PGCC are more a decoy - to distract us from the fundamental ecological and social issues that the project potentially gives rise to and to fool us into accepting it for



Source of Image: Dunster 2006, p.31

all its supposed 'greenness'.

The purpose of this article is to remind us not to lose sight of several important facts about PGCC that are certain to become hard realities if the project goes ahead the way it has been proposed. It then briefly reviews the concept of ZED with reference to Bill Dunster Architects' BedZED project and SkyZED proposal in the UK (see references below), highlighting how the idea of 'ZED' used in PENZED is fundamentally opposed to that used in the original BedZED and the proposed SkyZED.

A more suitable location is then explored for PGCC (if the project must go on) that may potentially reduce its environmental and social impacts. The article concludes by pointing out that we need to be more critical about the 'carbon-neutral' and 'zero-

emission' claims in the PGCC proposal, particularly in the light of the still experimental nature of the ZED concept. We must not buy so easily into all the developer's claims without first critically questioning all the details and the evidence of the claimed effectiveness and, importantly, assessing all the likely side impacts. Some facts about PGCC (we must keep an eye on)

Before getting into more details about this so-called ZED (see below), let us first remind ourselves of the fundamental, undeniable, facts about PGCC:

The PGCC on the Penang Turf Club land entails the felling of mature trees along at least Scotland Road - an ecologically unsustainable act in the very first place.

High levels of traffic

The PGCC will generate high levels of traffic - we need to look at its traffic impact assessment (TIA) critically - mostly of private cars that run on carbon-based fossil fuel and emit CO and other environmentally unfriendly pollutants. The necessity to widen Scotland Road, build/upgrade three traffic interchanges and connect to the PORR irrefutably attests to this. On this alone (and we are not yet even considering the other socioeconomic impacts of increased traffic that are detrimental to society at large), the PGCC cannot possibly be carbon-neutral; we will notice that even in the original ZED development (see below) the architect has been careful to use only the term "near carbon-neutral" (see Dunster 2006, p.130; my emphasis).

Irreversible loss of a green site

The PGCC will result in the irreversible loss of a green site that connects well with the central hill ridge of Penang Island with pristine rain forests. The existing Turf Club land offers a very rare opportunity to create a heavily wooded, forested park extending from the central ridge that will have extra long-term environmental, social and economic benefits. Losing this green site to 40-odd concrete towers will necessarily mean extra long-term environmental and socioeconomic dis-benefits, which will be virtually irreversible.

Violates key principles of sustainable development

The ambitious scale and turf-club location of PGCC are in the first place already breaching most, if not all, established principles of good and sustainable urban planning and urban design. Key physical-spatial aspects of more sustainable urban development include:

- densification of existing urban areas (through appropriate infill or redevelopment), especially along existing public transport corridors;
- building on existing stocks of brown- or grey-field sites (thus avoiding encroachment on existing green sites and environmentally sensitive locations);
- encouraging fine-grain mixed use development that includes a significant proportion of affordable homes;
- promoting walkable, livable and high quality urban places

that are of the human scale; promoting local and regional architecture that minimises the level of embodied energy in construction materials and the construction process (thus discouraging widespread high-rise developments that are normally energy intensive in construction, operation and maintenance).

The proposed PGCC contradicts all these aspects in location, scale and physical form; it must take an unprecedented genius to transform the project so that it achieves its carbon-neutral sustainable development goal.

The proposed scale and location of the PGCC also contradict the general good principles of urban planning and design: the project does not respect the urban grain and character of surrounding developments and will be completely out of place and context with the background hills and surrounding neighbourhoods. There are much better, ecologically lower-impact, socio-economically more suitable locations in the island for the project, which make the turf club location unacceptable.

We must *not* lose sight of the above - they are all *facts*. We must press the developer and architects to address these *facts* first, before even getting into the planning and design details and all their technological jargon (wind tower, PENZED, carbon-neutral, etc.).

We must demand that they justify and convince us about the rationale behind locating the PGCC on the Turf Club land and the proposed urban form for PGCC,

which looks more like an out-of-date Corbusierian, Modernist utopian master plan of the 1920s-1930s.

They must explain why other much better, less environmentally sensitive locations in the island have not been considered and why the PGCC can't take other physical forms that reflect less visually monotonous but more sustainable building massing and better urban design.

They must demonstrate how they have considered other urban forms and why they take the proposed urban form as being more desirable than the others. If they can't do this or sidestep our demand, it can only mean that they have not been honest to us all this while. The public must be made aware of this. I dare not imagine the ugly solid wall that will emerge out of the juxtaposition of the 40 towers and the visual impact that will have on the island's natural hilly backdrop. The project, if implemented as proposed, is a gross disrespect to the island's natural setting and a disgrace to the government and the people who elected them.

PGCC/PENZED vs Zero Emission Development

About PENZED, I presume the developer and architects' use of the technological jargon is more for impressing, intimidating and/or silencing lay people. We must, however, show them that we are a knowledgeable people who know no less than they. We need to come together and when the majority of people begin doubting the whole idea intelligently, the developer and the politicians

would also have to start worrying.

The people must persistently ask for proof and technical evidence to whatever environmentally benign claims that the developer and architects put forward. This should make them think twice the next time they plan to use another jargon or new technology cover-up to deceive us.

So let's now talk about the technological aspects. ZED has been popularised by the British architect Bill Dunster through his BedZED (Beddington Zero Emission Development) project. It is a noble project aimed at achieving the British government's aims of providing sufficient, affordable housing in London and the rapidly developing south-east corner of England.

The project is noble and innovative in that it tries to achieve a number of conflicting economic, social and environmental objectives - providing good quality affordable housing (social) that strives to meet carbon reduction targets (environmental) amidst rising construction costs (economic), particularly involving green designs that are non-conventional. The whole idea is to build on existing stocks of *brownfield* sites without losing valuable green sites.

The general built forms are averagely three-storey, back-to-back Victorian style terrace houses, each with an individual garden and climatically oriented to be energy efficient in terms of heating and cooling. The building blocks are kept short (maximum six units in a row) to allow for

higher permeability of pedestrian and bicycle networks. Car parks are provided round the perimeter of the site and the artist impression of the project shows the use of compact, environmentally friendlier, SMART cars (which are expensive and rarely sighted in Malaysia). By now, we can see how diametrically different the original BedZED and PGCC's PENZED are!

Bill Dunster Architects are experimenting with the SkyZED idea now (Dunster 2006), which I presume is the source of the (wrong) inspiration for PENZED. SkyZED is a proposed mixed-use development in an *inner city* traffic island, near an underused Waterloo Line railway station, in Wandsworth, London. I emphasise: it is an inner-city traffic island near an existing public transport line, *not* on a peripheral *green* site with no public transport facilities whatsoever!

SkyZED comprises two 35-storey aerodynamic blade structures standing atop a four-storey car-free office plinth, capped with communal roof garden with social facilities such as crèches and cafes (see *Figure 1*). The complex houses 300 affordable one- and two-bedroom flats. The two vertical blades are connected every six floors with communal enlarged lift lobbies incorporating communal herb gardens and shared play space for residents.

The building has been designed to focus the prevailing wind on to building-integrated wind turbines that provide all the homes' annual electrical requirements from renewable energy generated within the site's boundaries. (Note that

Penang is definitely not as windy as London so the use of wind turbines in Penang may not be as successful?).

So SkyZED provides 300 affordable homes with *no loss of open space* and at the same time creates a landmark green gateway as the urban focus to one of the most important approaches to London (see Dunster 2006, p.131).

Again, SkyZED and PENZED are starkly different. Comparing SkyZED's two towers providing affordable homes in an inner city traffic island site with public transport connection at a location that provides a landmark for London with PGCC's 40 towers on a green site without public transport facilities at a location that would spoil Penang's natural hill backdrop is like comparing heaven with you-know-what.

Interlude: An alternative site for PGCC (if it must go on)

Considering the opportunity to create a green landmark for George Town (as for London above), if as political necessity the PGCC must go on, the project would be better located along the Jelutong Expressway, the most important approach to George Town (from the airport, the Penang Bridge and the proposed second

bridge). Locating PGCC on a premium waterfront location (e.g. around the existing JKR site at the Sungai Pinang estuary) with high accessibility and potential for public transport links will provide a strong gateway to George Town and certainly boost the image of George Town as a premier 21st century waterfront city.

Importantly, the reclaimed land also has lower environmental impact to build upon vis-a-vis the Turf Club land. In fact, as an environmentally and socially responsible developer, it serves the developer (as well as the government) best that they opt to **relocate the PGCC project to the waterfront and convert the Turf Club land into a forested State Park to offset the carbon footprint of the massive PGCC project.** (*Offsetting carbon footprints of "unavoidable" economic activities and development is becoming accepted worldwide as the least that can be done to be environmentally and socially responsible.*)

This generous and ethical act of best practice in sustainable development will be marked gloriously in history for endless generations, for as long as heaven and earth exist!

Show us the evidence

Many new technologies are only experimental and sound good

and workable in concept and logic. But there are many details and side effects which are not predictable that we need to consider. The '*precautionary principle*' of sustainable development necessitates that we only adopt technologies when we have enough evidence of their efficacy and minimal side impact. I am *not against* new technology and development, but since we already have examples to learn from, we need to be more critical of the technologies available to us before adopting them in our specific context, especially those experimental ones.

The developer and architects, under good and ethical design practice, are obliged to provide us with technical evidence of the efficacy of the proposed technologies, particularly its suitability to our geophysical context (e.g. reliable results from wind tunnel experiments, computer simulations, energy consumption modeling etc.).

The public should be knowledgeable about this and should come together to pressure the developer to show proof of their various claims of environmental and social benefits. Reluctance to provide evidence can only mean they either have no evidence or are just paying lip service to us. Otherwise, there is nothing for them to hide from us. q

For more details on ZED, please search the Internet for "BedZED". Some good sites include <http://www.peabody.org.uk/pages/GetPage.aspx?id=179> and http://www.sd-commission.org.uk/communitiessummit/show_case_study.php/00035.html, and Bill Dunster Architects' site: http://www.zedfactory.com/zedfactory_home.htm. For a review of problems besetting the BedZED project and how the developers are continuously learning to improve the development and futures ones, see: <http://www.24dash.com/environment/14517.htm>.

Please also see: Dunster, B. (2006) 'What is the 'New Ordinary'?', in Moor, M. and Rowland, J. (2006) (Eds.) Urban Design Futures. London: Routledge, pp.122-134. Figure 1: Impression of proposed SkyZED development.

Logging firm: We're doing our best to help Penans

A logging company central to the plight of the Penans in Ulu Belaga, Sarawak, claimed that it is doing its best to remedy the difficulties faced by the indigenous communities there.

Ting Khai Sik, a senior official with Shin Yang Forestry Sdn Bhd, said the company had tried its best to compensate those affected by the company's activities.

In a report released by the Human Rights Commission of Malaysia (Suhakam) yesterday, Ting was quoted as saying that the company had made payments on land claims and gave commissions to the heads of longhouses and members of the Village Security and Development Committee (JKKK).

Ting is the general manager of Shin Yang's oil palm plantation Mettanik Camp.

He said in the case of temuda, an indigenous term for native customary land, RM300 was paid for each hectare and for the pemali, the indigenous term describing the payment for ritual propitiation, RM1,880 was given.

The amount was agreed upon by the company, the Sarawak Planning Authority (SPA) and relevant village leaders as well as the



Orang Ulu Association.

Ting said all the payments were done at the Sungai Asap District Office, witnessed by a Sarawak administrative officer.

Relevant heads of longhouses and JKKK were also given monthly allowances and this is in accordance with the agreement signed between both parties, he added.

Suhakam had carried out an investigation after the Penan community in Ulu Belaga filed a complaint with the commission claiming that their right to native customary right or NCR land had been denied.

They also accused the Sarawak state government of turning a blind eye to their plight and claimed that the company had not paid adequate compensation.

Excessive demands

The Suhakam report also quoted Shin Yang's legal manager Loretta Lau as saying that the company recognised the Penans' claim to their ancestral land.

"The company is aware of the existence of the Penans and the temuda within the licensed land but only two settlements, Long Jaik and Long Liam, were identified as stated in the relevant EIA report," she said, referring to how the company was granted the green light to commence with their operations as long as compensations were agreed upon and made to the affected communities.

Anthony Ades, a public relations officer with Shing Yang, said talks were held on Oct 21 last year regarding housing plans for the affected Penans there and this effort

was taken solely by the company.

He further emphasised on how the government should be the one responsible in ensuring the well being of members of the Penan community as citizens of Malaysia.

Shin Yang also claimed that it faced many problems pertaining to claims of compensations, one of them being excessive demands.

Ting cited one example where Long Jaik village chief Matu Tugang had allegedly demanded for 1,000 hectares of land as reserve for his village and the matter was then brought to and resolved at the district office in the presence of Shin Yang's representatives and the chief himself.

Despite having agreed to the solution at the district office, Ting said, the chief changed his mind upon returning to his village

Representatives of the company stated that almost RM1 million was spent on compensation, allowances and commissions for the affected communities.

Employment opportunities

Besides compensation, Shin Yang claimed that it also undertook other efforts to aid the Penans by offering them employment opportunities.

According to Ting, "jungle felling, poly bag filling and pest extermination" were several of the opportunities provided to them by the company.

"Ninety percent of the employees



of the company's oil palm plantation are members of the Penan community," Lau added.

On wages, Ting clarified: "It is either paid on a daily basis or a contract basis. However, employment is usually on a contract basis which could amount up to RM 800 a month compared to a RM15 per day."

"Allowances scheme called the Travel and Traveling (TNT) was also provided for those working in Long Jaik and Long Urun, locations that are far from their settlements," he added.

Private clinic

To further help the Penans, Shin Yang claimed that it is on track to construct a private clinic which will be accessible to anyone living in that area, including the Penans.

"In addition, the company assisted the Penans, by setting up catchments and water pipelines as well as leveling soil for longhouse construction. These were all provided for free by the company," said Ting.

"Transportation was also ex-

tended to members of the Penan community when they need to travel to Sg Asap, Belaga. The company helped members of the Penan community by providing transportation to send sick family members to the clinic in Sungai Asap for treatment," he added.

Lau provided more details of the company's efforts in aiding the Penans.

"Apart from protecting these villages, the company also provided other assistance for the Penans including the construction of roads, providing water supply, materials for construction of houses as well as assistance for funeral arrangements including transportation, financial assistance for coffins and other cost associated with funerals," she said.

She added that the company had given the Penans honorarium (wang saguhati) during festive seasons and allowed them to take whatever basic necessities they needed from the company's canteen for free.

*Courtesy of Malaysiakini,
14 August 2007*

Kami Penan perlu tanah dan perlu hutan

Bagi kami Penan, kawasan kami bukan hanya perkara penghidup kami tetapi penuh dengan kenangan pahit-manis kami. Sekarang, tempat tanda kenangan itu semua sudah hancur-musnah.

oleh Matu Tugang dan Along Joo

The response below is in the Bahasa that the Penans normally use, which is different from standard Bahasa Malaysia. We are reproducing their response verbatim without any editorial changes as it is one of the rare occasions that we get to hear them speak in their own words. This very act of speaking for themselves is empowering.

Kami gembira mendengar Shin Yang kata dia sangat mengambil berat dengan keperluan hidup dan hak adat kami Penan (*Malaysiakini*, 14 August 2007).

Lalu kami tidak erti kenapa keadaan sebenar jauh lain daripada cakap Shin Yang. Terlebih dahulu, apa yang benar, kami memang mengaku benar. Jadi, memang Shin Yang ada bantu kami dengan belanja orang mati, tetapi tidak pernah sekali dengan transport membawa mayat pulang atau menghantar mayat ke kubur.

Begitu juga, Shin Yang ada bayar elaun kepada ketua kampung dan

ahli JKKK, tetapi Shin Yang sawit tidak berbuat demikian kepada semua ketua kampung dan JKKK di dalam kawasan lesennya.

Kami juga mengaku benar Shin Yang, seperti dengan kampeni lain, ada beri buah tangan untuk kami meraya Krismas. Tetapi, tidak seperti yang dikata wakilnya, tidak ada buah tangan bentuk wang dan juga buah tangan bentuk barang. Kami diberi RM300 untuk satu rumah panjang yang seramai 40 keluarga dan kami boleh terima dalam bentuk wang atau bentuk barang.

Se lain ini, kata-kata lain wakil Shin Yang jauh daripada benar, dan kami ingin membalas cakap mereka satu demi satu, dari perkara kecil hingga perkara besar.

Yang pertama, sebalik daripada membayar pemali wakil Shin Yang sudah kata kepada kami bahawa pemali itu sudah pun selesai pada waktu kampeni balak mula masuk kawasan kami Penan dulu, dan tidak perlu lagi

dia bayar pemali untuk kerja ladang sawit dan kayu kertas.

Yang benar, Shin Yang sawit ada beri pemali kepada kampung Penan Lg Jaik, tetapi tidak kepada yang lain.

Yang kedua, kami Penan di Seping, Plieran dan Danum berani kata Shin Yang yang paling tidak membantu kami dengan transport ke Sg Asap samada untuk hantar anak ke sekolah atau bawa orang sakit ke klinik. Sebaliknya, kami selalu di marah dan dihina apabila kami cuba memohon bantuan ini daripada Shin Yang, tidak kira Shin Yang Plantation atau Shin Yang Forestry.

Yang ketiga, kami Penan Seping, Plieran dan Danum juga berani kata Shin Yang yang paling tidak membantu kita dengan keperluan perumahan. Hanya tahun 2007 ini baru Shin Yang ada membuat satu rumah panjang untuk Penan Lg Pelutan, dan itu pun bukan sebagai menolong, tetapi sebagai ganti bagi pulau hutan Penan Lg Pelutan, iaitu mereka serah hutan itu untuk Shin Yang mengambil

kayu balak dan membuat ladang kayu kertas.

Begitu juga dengan air paip di mana Penan Lg Jaik ada air paip yang dibuat oleh medical. Kami Penan Lg Singu, Lg Luar dan Lg Tangau tidak ada air paip dan terpaksa pakai air hujan untuk masak dan minum dan air sungei yang kotor untuk mandi dan cuci kain.

Ke empat, kami berani cabar Shin Yang supaya tunjuk buku-bukunya sebagai bukti bahawa 90% daripada pekerja di ladang sawit adalah orang Penan. Kami Penan tidak bersekolah, tetapi kami ada mata dan kami sendiri dapat nampak majoriti pekerja sawit itu adalah orang Indon atau orang bangsa lain daripada Penan.

Kelima, dan paling penting, kami menolak sama sekali cakap wakil Shin Yang bahawa mereka hormat hak dan tanah adat kami. Sebaliknya, kampeni ini tinjak hak kami.

Bila Shin Yang Plantation mula masuk kawasan kami, wakilnya kata kepada kami mereka pegang lesen kepada semua kawasan ini dan kami Penan tiada hak kepada kawasan ini selain tanah temuda dan kubur. Mereka ada kata kami tidak boleh mahu simpan tanah atau simpan hutan untuk guna kami.

Tambah lagi, Shin Yang Plantation bukan datang runding dengan kami dulu. Dia buat sesuka hatinya, ambil tanah temuda kami, lalu mahu bayar RM300 untuk satu hektar tanah temuda yang sudah mereka habis tolak. Kami Penan tidak setuju dan tidak mahu, tetapi apa boleh

buat, tanah itu pun sudah mereka gundur dan tanam sawit atau kayu kertas. Jadi, terpaksa kami terima RM300 satu hektar itu.

Kami Penan Seping, Plieran dan Danum ini memang takut dengan mereka dan takut dengan perintah. Lalu, walau pun kami amat sakit hati dan susah hati, kami tidak tahu mahu buat apa. Seorang daripada ketua kampong kami, iaitu Matu Tugang dari Lg Jaik, ada pergi jumpa DO Belaga dengan GM Shin Yang. Sebelum itu, DO Belaga waktu itu ada beritahu TR Matu bahawa memang Penan perlu tanah dan hutan. Tetapi, berdepan dengan GM Shin Yang, DO Belaga kata apa yang boleh dia ator, dia akan ator. Lalu, diberitahu GM supaya jangan kacau pulau paip, tetapi pasal tanah dia beritahu TR Matu supaya tunggu GM ator bagi tanah sama Penan kerana kami Penan tidak ada kuasa.

Apabila TR Matu dengar kata DO, dia pun diam diri kerana takut dengan perintah dan takut salah cakap, bukan kerana dia terima kata-kata itu. Sudah beratus tahun kami Penan duduk di kawasan ini. Bagaimana pula kami Penan tidak ada kuasa dan tidak ada hak? Kami bukan pakai lesen, kami hanya pakai adat kami yang sudah ada sebelum kampeni dan sebelum lesen.

Jadi, TR Matu pun tanya dengan kawan kerana dia fikir cakap DO itu tidak patut. Kawan itu nasihat TR Matu supaya tanya orang yang lebih tahu tentang hak adat, tetapi dia juga fikir tidak patut rumah panjang tidak ada kuasa atas tanah mereka. Dia bagi alamat Suhakam kepada TR Matu dan secara itu TR Matu dapat

sampaikan reportnya kepada Suhakam.

Ikut cakap Suhakam, kami Penan tidak dapat tahan semua kawasan, mahu ada bagi kepada kampeni dan juga ada bagi untuk kami.

Kalau begitu, kami Penan Seping, Plieran dan Danum dapat terima. Tetapi, sekarang GM kata TR Matu mahu tahan terlalu banyak tanah. Sekian lama kami Penan ada jaga hutan di kawasan ini. Sekarang, dalam masa beberapa tahun sahaja Shin Yang sudah tebang habis hutan itu, tinggal hanya sedikit di atas bukit dan di dalam kawasan yang kami tahan.

Bagi kami Penan, kawasan kami bukan hanya perkara penghidup kami tetapi penuh dengan kenangan pahit-manis kami. Sekarang, tempat tanda kenangan itu semua sudah hancur-musnah. Tambah pula, penghidup kami pun kampeni mahu ambil.

Kami Penan perlu tanah dan perlu hutan. Kawasan yang kami sekarang cuba tahan tidak luas banding dengan berpuluh ribu hektar lesen Shin Yang. Yang kami cuba tahan hanya sedikit hutan, tidak cukup pun untuk babi lalu, dan sedikit tanah buat tinggal untuk kami dan keturunan kami. Kalau sedikit itu pun tidak dapat, baik bunuh kami Penan sekarang daripada bunuh kami perlahan-lahan. q

Matu Tugang is the Tuai Rumah (headman) of Lg Jaik and Along Joo is the Tuai Rumah of Lg Singu.

Cool architecture, cool cities – Karbon 0

No amount of wind turbines, green lungs and good intentions can offset the carbon foot print of constructing a “zero-carbon city”- unless you build a solar photovoltaic power plant as a central energy source first.

by Gwynn Jenkins



credit: fosterandpartners.com

With the current buzz words “zero carbon city” being touted in our daily papers, I thought it would be worth while to take a closer look at just exactly what it means.

According to the ‘irrefutable’ wikipedia – **carbon neutrality** is the practice of balancing the way we create electrical energy – burning carbon dioxide

emitting fossil fuels- with renewable energy sources for example, wind, wave or solar renewable power. It can also refer to 100% use of renewable power. However, in controversial contrast it also refers to the off-setting of carbon ‘guilt’, in simplistic terms this means even if you use the most polluting energy source all you need to do to neutralize is plant lots of trees.

Zero carbon or Karbon o developments are now critical to help our long-suffering planet allow its parasitic humans to live here a little longer and in reasonable comfort. The increasing practice of using fossil free energy sources, therefore, is to be highly commended.

It seems that Penang isn't the only place planning towards a zero carbon echo tech city. Foster + Partners, under the Masdar Initiative is planning a sustainable – zero carbon, waste free and more importantly car free urban environment. Designed in the context of Abu Dhabi's extreme climate the shaded walkways, narrow streets, and pedestrian friendly car free environment, is rooted in the planning principals of a traditional walled city.

The artists impressions of the two ideals couldn't be more different for in contrast to PGCC's rumoured 37 'Karbon o' towers and "living, breathing, organic masterpiece", Foster's city in Abu Dhabi, albeit almost six times the size, looks some what flatter to the point where it has been compared to a micro-chip.

Another buzz phrase – **carbon footprint**, throws all of these ideals and ideas under a different light. Carbon footprint is the total amount of CO₂ and other green house gasses emitted over the life span of a product, event, individual or organisation. Thus, we should take a-leaf-out-of-an-old-book and take reference from our own traditional environment of shaded five-foot-ways, narrow streets and at-one-time pedestrian friendly historic city. George Town's pre-war, pre-electric and pre-international-architects building stock, is a carbon neutral example where by the terracotta tiles dried in the sun, the timber cleared and used for building was cut by hand, the labour that arrived on the island came by sail, and has had a life span of almost 200 years and counting. Even with the carbon emissions caused by burning shells for lime and the fires used in the brick kilns – its carbon foot print is negligible in compari-

son to 37++ towers with a life-span of, lets say, 100 years and more importantly which involve such energy hungry industries such as required for the manufacture of steel used in their construction. No amount of wind turbines, green lungs and good intentions etc can offset the carbon foot print of constructing a Karbon o city, unless – like Foster + partners, you build your solar photovoltaic power plant, as a central energy source first. □



credit: fosterandpartners.com

This article continues the train of thought from the 'Cool architecture, cool cities' article in Architecture Malaysia (vol 19 issue 1), the PAM CPD lecture of conservation in December 2006, and the cittaslow – slow city movement.

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http://www.slowmovement.com/slow_cities.php

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Why fear greater democracy?

The only option now seems to be to register a strong protest vote at the next general elections

by *K Haridas*

Living in Malaysia where ethnicity, religion and culture continually interface, we are not devoid of issues that germinate tensions. The challenge, however, is to ensure that these issues are addressed. This could be done using several methods, some quietly off the media hype and others more publicly.

After 50 years of independence, the fact that we have not become a banana kingdom, the fact that we have thrived economically and have democratic institutions, ultimately says some things.

Nevertheless, what we could have become is still a far cry from where we are presently. It is therefore not appropriate to sit on our laurels and to say that all is well and that dialogue will foster goodwill. This seems inadequate to many Malaysians.

Rampant corruption

It is a measure of success to become an economically vibrant nation. But if this is not matched by a more transparent, accountable and resilient democracy, then it breeds corruption, injustice and inequality. Our problems are compounded by the fact that we have had the same political party basically in power all through these fifty years.



It has been the notion of 'stability' that has kept the social contract between the different ethnic groups viable. For want of peace and stability, we have given in to corruption and injustice. We have reached a tipping point where to do so continually for many is to betray their deepest convictions.

Most issues in this nation have an underlying eth-

Levels of corruption in all areas of life are evident and marked. The Judiciary is in a shambles; the Police, Customs and Immigration Departments are reeling from serious questions of credibility.

nic connotation. This is at times compounded further by a religious dimension. While the Government in power is made up of a coalition of multi-ethnic parties, the opposition presently seems more ethnically marked. Power nevertheless is vested in the dominant Umno, an equal partner in the ruling coalition, but one that behaves as though it is a step more equal than the rest. Opposition parties are perceived as representing particular ethnic interests. Issues are thus scuttled for want of stability and never addressed.

As we look ahead to the future, we have to acknowledge that before us lie several challenges. Levels of corruption in all areas of life are evident and marked. The Judiciary is in a shambles; the Police, Customs and Immigration Departments are reeling from serious questions of credibility. We have a confused political leadership who come out with statements saying that we are an 'Islamic State'. It seems to be all a matter of playing to the gallery and not dealing with the substantive issues that the nation faces.

Fear of scrutiny

The New Economic Policy was launched for a 20-year period with its positive discrimination policy aimed at balancing economic equity with political power. While much has been done, there has never been an open and transparent analysis of the targets achieved or otherwise. What



Why is a greater expression of democracy viewed as a threat?

should have ended in 1990 continues fanning inequality, injustice and corruption. What we need today is democratic equity in the context of power and justice. The sad reality is that we lack the political will and leadership to make the shift.

All exceptional companies are known for their systems and operational procedures. They have adequate checks and balances to ensure that all departments are working to the utmost efficiency. Despite all our economic achievements, we are today faced with a judiciary that is reeling from executive interference. Year after year, we have the Auditor's Report outlining scandalous issues. Today, we have a stunted democracy that is incapable of meeting the economic challenges facing the nation.

Our politicians fear scrutiny. They are high on rhetoric but low on

substance and action. The present prime minister led his party to victory on an anti-corruption ticket. Today, he has very little to show for this call. There seems to be a lack of moral authority because politics itself in the country reeks of corruption. The ruling party seems hesitant to form any royal commission to discuss issues or to initiate wide-ranging change.

Unless the ruling political leadership gives due attention to democratic institution building, we are not going to have the systems and processes to deal with the dialogue that is critical and the accountability that is essential if justice and fairness are to prevail. There are so many sensitive issues that call for mature handling. We have the capacity and the people who love this country to make a difference. Our politicians seem to be our biggest dinosaurs.

Perhaps they have been so condi-

They have been so conditioned by corruption that they perceive every call for a Royal Commission to be a threat.

tioned by corruption that they perceive every call for a Royal Commission to be a threat. If we look at what has happened to politicians in Thailand, Bangladesh, India, Indonesia and other nations such as South Korea, this is evident. Power and those engaged with power are faced with tremendous temptations. That is why systems and processes that call for good governance, openness and transparency are critical.

Some of our politicians preach religion but practise corruption and rationalise their ill-earned wealth. Others just enjoy in silence. The lifestyle of some of our politicians and others who have been caught with ill-gotten currency in their suitcases attest to this reality.

Why do our politicians fear the creation of an ombudsman, the formation of a judicial commission, and moves to make the Anti-Corruption Agency an independent body? All this and more will only make it easier for those in power to govern. What is it that makes politicians shirk from such meaningful opportunities? Why is a greater expression of democracy viewed as a threat?

One realisation perhaps is that such initiatives would challenge the existing political culture. They will call into question the nexus between politics, power and patronage, which is at the root of much of the inefficiency and cor-

ruption that one presently witnesses.

Strong protest vote needed

Nobel laureate Professor Amartya Sen in his book, 'Development as Freedom' argues that development should be seen as a process of expanding the real freedoms that people enjoy. Freedom is now widely accepted as a key prerequisite for successful development.

"Focusing on human freedoms contrasts with narrower views of development, such as identifying development with growth of gross national product, or with the rise of personal incomes, or with industrialisation or with technological advance or with social modernisation... If freedom is what development advances then there is a major argument for concentrating on that overarching objective rather than on some particular means or some specifically chosen list of instruments."

If what we are going to get is more of what we have, then what the future holds is cause for concern. Through more democratic institutions and greater expressions of freedom, the Malaysian economy could yet find the leap necessary to engage in the globalised world that is before us.

The only option now seems to be to register a strong protest vote at the next general elections. It is sad

to see that several component parties of the Barisan Nasional seem equally unconcerned with some of the critical issues facing the nation.

We have reached a point where change is needed. The question is whether our politicians have the capacity to respond to the economic opportunities that lie ahead through a more open and inclusive approach. In spite of the fact that the electoral landscape is so skewed that it would be difficult for the present ruling elite to be dislodged; nevertheless, the people's only option for change is by registering a strong protest vote.

But if they come back into power then these very politicians will claim that we the people have endorsed their style and corruption. A strong protest vote will dampen their glee. At the end of the day, we get the politicians we deserve - because for many Malaysians 'stability' seems more important than freedom, honesty and vision.

We have to strengthen our democratic institutions, the checks and balances that are going to be critical if we are serious about becoming a developed nation by 2020. Otherwise, it is mere wishful thinking. Our very diversity becomes a liability because the institutions are not there to represent the diversity and respond to the creation of a just and fair society. q

Our problems are compounded by the fact that we have had the same political party basically in power all through these fifty years.

Gandhi, religion and Indian nationalism

Can we look up to Gandhi to confront the misuse of religion for the political agenda of the mighty at the global as well as local level?

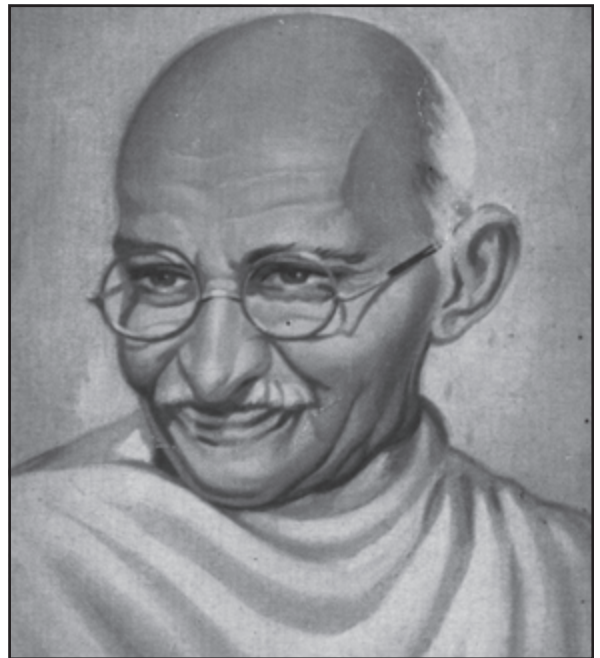
by Ram Puniyani

The Gandhi anniversary this year (2007) has been very special. With the United Nations declaring 2 October as the International Day for Non-Violence, with the renewed interest in Gandhi all over the globe, one needs to revisit the Father of the Indian Nation and his yeomen contribution to the articulation of the concepts of non-violence and nationalism in the Indian context. At another level, his own unique definitions and practice of religion and the definition of God as truth and non-violence have their own matchless place in the history of human thought.

Even before coming to India, the Mahatma had sharpened his philosophy and political methods. When he returned from South Africa, India was in the grip of religiosity and broad masses were part of the churning process due to the ongoing social changes. Broadly, they were not yet a major part of the freedom movement. Gandhi, on the one hand, had the exposure to the liberal British political system and, on the other, had experienced the repressive South African regime, which was practising apartheid. In India, the social changes were slow to come by.

Biggest mass movement

The elite, through different political formations, dominated the political process at that point of time. We had the Indian National Congress, mainly espousing Indian nationalism, where the elite were the main participants. In the Muslim League and the Hindu Mahasabha, the landlords and princes



Gandhi: Religion is a personal affair of each individual, it must not be mixed up with politics or national affairs

were the core participants; later, they were joined by those few who came from a background of modern education. They were not from the landed gentry but they did develop political ideologies suiting the interests of feudal classes.

Gandhi's decision to launch a non-cooperation movement and to involve broad layers of society alienated some of the elites from within Congress.

Those from communal organisations were not concerned about the freedom movement anyway. Some from the Congress left in due course to join the communal formations. Gandhi was firm on the involvement of the whole nation in the process of forming a national movement.

This ensured that our freedom movement would emerge as the biggest mass movement not only of India but at any time in the World. It had the participation of people of all the religions and castes and of both the genders. This movement was also to define the contours of the Indian constitution while laying the path to freedom from British colonialism.

His major opponents were in the Muslim League and the Hindu Mahasabha, which later were joined in by the RSS. These formations reflected the interests of the landed gentry and upheld the birth-based caste and gender hierarchies.

He faced the tough task of taking all the sections of society along to the path of Independence of the nation. In this, those on the side of secularism and democracy had some differences with him, but their common point of acceptance was the values of democracy and secularism.

Differences

His differences with Ambedkar and Bhagatsingh are highlighted by sections of society to the point of exaggeration. They deliberately overlook that the grounds of agreement on major fields of the political terrain did exist and were and are crucial in understanding the



Ambedkar

diverse paths towards modern India. The Poona Pact with Ambedkar did deprive the *dalits* a separate electorate, but it also kept them in the fold of emerging India. The separate electorate for Muslims did in a way lead to the foundation of Pakistan.

He did not make efforts to save the life of Bhagat Singh, who was given the death penalty by the colonial powers. Here he was sticking to his principle of non-violence, which for him was the central credo of his value system.

His differences with the Muslim League, the Hindu Mahasabha and the RSS were more on fundamental issues. These political formations were for religious-based nationalism, Muslim and Hindu. Subtly, they were also upholders of the birth-based caste system and gender hierarchy. These were the differences, which were used by the British to partition India. His central place in the freedom movement and his espousing the cause of all did get a hostile reaction from both Muslim communalism and Hindu communalism.

These formations projected him to be against their respective religions, while his opposition was not to religions but to politics in the name of religion.

Nothing could be more contradictory in the approach to religion than the approach of communalists and Gandhi. The communalists, both Muslim and Hindu, used the religious identity of their religions, by-passing the issues related to values and social reform. They used it to exclude the 'other', while Gandhi, on the other hand, saw religion mainly as a moral force, a set of values, which should guide the individual in her/his life. He hardly talked of identity and his religion was innovatively inclusive of the other.

While the Muslim League talked of an Islamic nation, Pakistan, and the Hindu Mahasabha/RSS talked of a Hindu nation, Gandhi talked of a secular India, articulating the aspirations of the majority of the country. He wanted religion to be a private matter for the individual: "In India, for whose fashioning I have worked all my life, every man enjoys equality of status, whatever his religion is. The state is bound to be wholly secular", and "religion is not the test of nationality but is a personal matter between man and God, and "religion is a personal affair of each individual, it must not be mixed up with politics or national affairs".

Morality in religion

It is clear that while communalists saw religion as the dividing institution, Gandhi in his unique way, more in continuation with

Bhakti and Sufi traditions, saw religion as the ground which united people: "I consider myself as good a Muslim as I am a Hindu and for that matter, I regard myself as equally a good Christian or a Parsi." This quote of his has to be seen along with his two other more often cited quotes: "For me, politics bereft of religion is absolute dirt, ever to be shunned" and "politics divorced from religion is like a corpse, fit only to be burnt" (all quotes from Gandhi and Communal Problems, CSSS, 1994 pg 6). This again is so exceptional in its innovation in understanding. Here, by religion, he meant its morality aspects not just the ones related to external identity.

While he had differences from Ambedkar, he took up the cause of untouchables in his own way. Ambedkar hammered his point in an uncompromising way and Gandhi did his all to take the eradication of untouchability far and wide. As the secularisation process had not gone far in the country, which was/is in the grip of religiosity, he realised that policies and values laced in the language of religion would reach the people in an effective way. His contribution in the eradication of the evil of untouchability cannot be underestimated. His use of the word Harijan for the untouchables was again in tune with his language, which he devised to communicate with the masses. It was not that he wanted to humiliate them by using a separate derogatory term for them. It was to lift them up in the popular perception.

At the same time Ambedkar correctly rebelled against the rigid chains of prevalent Brahminic

Hinduism, Gandhi wanted to take along the majority of social sections towards the process of reform. At this point the Hindu communalists were talking of values of Manusmriti; we are already having the best of social laws in this book, they claimed.

There were also incidents when people like Savarkar also worked for temple entry for untouchables, but such moves were mere exceptions. His impact on the process to improve the condition of women reached all over at a time when the communalists were putting all obstacles for women coming out for education and to participate in social life. It is no surprise that we do not see women's participation in the communal organisations while the national movement led by Gandhi had huge participation by women; there are also illustrious women who led by example in the fold of the national movement.

Social and human values

The divide between Gandhi and the communalists, both Hindu and Muslim, was not merely for political goals; it ran deeper, to the way of looking at society. It was about the approach to social and human values. A section of Hindu communalists perceived Gandhi as the "biggest enemy of Hindus". Nathuram Godse symbolised this section. He killed the father of the nation. He began his career as a trained pracharak of RSS and was later to become the secretary of the Pune Branch of the Hindu Mahasabha. The paper he edited had the title, *Agrani*, and was subtitled as Hindu Rashtra (a nationalist ideology that sees the state of



Nathuram Godse: He killed the father of the nation

India as a Hindu polity).

Even today, while the Hindu right pays lip service to the Mahtama, they do not regard him as the father of the nation, and look down upon his principles of non violence as emasculating Hindus and thus deserving to be forgotten. Their discomfort during the present revival of interest in Gandhi's values is palpable through their reaction as seen in the number of list-serves and websites run by them and through other expressions of theirs.

Today, 60 years down the line, the world has come far. The increase in violence all over the world, the politics of wearing the clothes of religion has intensified the 'hate the other' ideology. Can we look up to Gandhi to confront the misuse of religion for the political agenda of the mighty at the global as well as local level? Can we pick up some of the values from him rather than just bypass him or merely pay lip service to his ideals? q

Source: Issues in Secular Politics, October 2007 I

Rise of the military in Burma

How the Burmese military junta, which was supposed to guide the nation in early times, later turned into a dictatorship, killing its own people until today.

by John Smith Thang.

After World Wars I and II, the Burmese people realised that state security from sudden invasion by the then imperialist powers such as the Japanese and Germans was not guaranteed. At that time, the role of the military was to fight the invading enemy, to protect the people and the country. This did not mean that the military's primary objective was to rule the state. Military rule should be the exception - only during emergency situations.



According to Alagappa, “the military’s primary role is deemed to be in [the] international arena”. The people’s voice should be supreme for nation building in this day and age. The military’s role in the international arena only arises when world war or other global conflicts occur. This is when the country is faced with an external threat. The state’s police force is seen as sufficient for handling crime and maintaining internal security.

Moreover, the state should be accountable for any militarised action it takes. It should be with the consent of the people or there should be provisions in the Constitution to authorise such action.

Here ‘civilian rule’ refers to the state, political society, and civil society, especially the political, administration, and juridical institutions. In civilian rule, the military is not involved in ruling the country. This article looks at how the military developed in Burma and finally took over the country.

Achieving a shaky Independence

In Asia, many modern day sovereign nations are ex-colonies of former colonial powers. Even after gaining independence, many of them had not achieved sufficient political maturity to build the state themselves. This resulted in the potential collapse of the state as weaknesses were found in several sectors. Occasionally the military interfered in the civilian rule and politics of the state. Under military rule, however, different levels of state building and ruling systems were developed in the newly

independent nations in Asia.

Military domination in North Korea, Pakistan and Burma clearly shows how the political process, national goals and agenda have been determined by the military. The state is directly run by the military, although a different name such as council or committee may be used for the governing body. But the military are in full control of the State in those countries.

Formation of the Burmese army

The Union of Burma had a basic civil constitution in 1947 (reflecting the Penglone Agreement), as well as its agreement with the different ethnic nationalities for the first time as a step towards nation building. This was of common interest to all the people and an acceptable basic principle for the formation of a nation. The Penglone Agreement also paved the way to achieving Burmese independence from the British. It was a historic event as the different ethnic nationalities united to defend Burma from the threat of a colonising invasion. It was founded on state civil-military relations from the founding moment: independence from colonial rule in 1948.

In Burma the armed forces were originally organised as a federation of ethnically constituted regiments established during the colonial period such as the Chin and Kachin regiments. It also saw the involvement of different ethnic nationalities fighting for independence from colonisation. Apart from this, ethnic regiments significantly contributed to de-

fending the federal union of Burma during the civil war in the early years.

But the sincere comradeship of the multi-ethnic regiments was destroyed after Independence was achieved. The reason is that, immediately after Independence, the Burmese Independence Army (BIA) was formed by only the prominent Burman nationalist politicians who had participated in Japan's invasion of Burma in 1942.

Subsequently, within a few months of Independence in 1948 it was reorganised by force "with Burman (refers to 'proper Burma' as well as known 'lower Burma' mainly from the central part of the country, not Chin, Kachin, Shan, Karenni, Karen, Mon or Arakan ethnic group) officers and men dominating all units, regardless of their ethnic names" (Silverstein 1990). The ethnic regiments were excluded and placed in different units and so were fragmented.

Hence, it was a total assault on the federal army, national freedom and independence, unity and loyalty of the ethnic groups. The federal army was abolished. The army comprises Burman extremists who have betrayed the ethnic nationalities.

Moreover, the new army started claiming a hold on the nation toutting itself its guide. This was not at all fair as the new army only served the interests of Burman extremist leaders. This was the beginning of how the Burmese army became the federal broker and national ethnic unity broker in contravention of the 1947 constitution. It is clearly a military

insult to the nation after the secret arrest and disappearance of the Federal Union's constitutionally appointed former president and Chairman of the chamber of nationalities S. Shwe Thaik in 1962. (An ethnic Shan, he became the president of the Union of Burma on 4 January 1948 at its independence. He served as the head of state of Burma between 1948 and 1952. After this term as president, he was the chairman of the chamber of nationalities until 1962. In the military coup of March 1962 he was arrested by military head General Ne Win and died in prison in November 1962.) Similarly, the father of Independence, General Aung San, was assassinated in 1947 by Burman extremists.

Since then, the armed forces have been almost permanently at war with the Karen, Shan and other ethnic minorities. The government has failed to incorporate these minorities into the national community. Ethnic rebel groups increase in numbers on the periphery of Burma.

At the height of conflict in 1949-50 the military was elevated to partnership in the government. It was called in again by the politicians to form a caretaker government and hold the country together in 1958 and subsequently took power; the constitution was allegedly terminated in the 1962 coup (Luckham).

This coup arose in connection with civilian rule due to alleged intrigue by the Burman extremist patriotic group. It led to a misdriven economic budget utilisation, which failed to implement the policy reforms required that

might have transformed the economy. The military coup in 1962 occurred with the cooperation of the Burman dominated army. To date, this army remains Burma's national army, known as "Myanmar Thatmadaw".

Nation's guardian or oppressor?

Now the role of the army is more than guardian of the nation; it is a full participant in government. The army has paved the way to dictatorship instead of maintaining and rebuilding the nation. Its failure to maintain parallel economies and political institutions – have reinforced the stagnation of the economy and the repressiveness of the military regime (Luckham).

The Burmese military government attempted to outflank the left by establishing its own Burma Socialist Programme Party (BSPP); the new military order was an autarkic and non-aligned socialist state. The reason for becoming Socialist was to create a political ideological balance between the neighboring countries. Burma was treated as a strategic buffer between the democratic Indian and the communist Chinese regimes on its borders (Luckham).

For various reasons, the Burmese army took power not only to solve the crisis but also to form its own party, the BSPP. Army chief, General Ne Win, became Burma's Socialist Party president. The prolonged and continuing domination by the military clearly seems to be aimed at perpetuating military rule through the creation of a single-party structure. Since then, Burma's democracy has been to-

tally confiscated and the country has never returned to civilian rule.

The Burmese Army started the repression of the students' and workers' demonstrations in the 1960s and 1970s; these were brutally crushed. It even resorted to torture, and the economy steadily deteriorated. By mid-1988, rice shortages and popular discontent reached crisis proportions. The police slaying of a student sparked demonstrations.

Coinciding with the fall of the communist strong hold of Soviet Russia, which was also Burma's ally, General Ne Win, Burma's socialist dictator, in fear of mass demonstrations, resigned as head of the government in July 1988. **Sein Lwin**, his own armyman, replaced him **as the new president. But the strongman Sein Lwin was forced by public fury to quit on 12 Aug after only 18 days in power. There was a nation wide strike and thousands were killed by the army.**

The main thing that the people demanded was a change in political structure. The people did not demand a mere change of BSPP leadership. **But the military group didn't want to end the BSPP, and kept on changing the leadership of the party making General Maung Maung the next leader. Later, by the continuous demand of the people, and failed repressive measures to crush it, the BSPP's hold on power was finally ended.**

Then, in September 1988, through reassertion of their power in the country, the army formed the State Law and Order Restoration Council (SLORC);

senior general Saw Maung became chairman of SLORC. **On 18 September 1988, the military took power again with the new name (SLORC) after killing a sufficient number of people. At the same time, the military made a verbal promise for "democracy" just to pacify the people.**

However, the SLORC military government again abolished the second constitution of 1974; even though that 1974 constitution was not democratic, the new SLORC issued martial law decrees that forbade any public criticism of the military and prohibited public gatherings of more than five people. On the same date SLORC took power, the military regime announced that they would implement a multi-party democratic system in Burma.

It looked like the army had finally responded to calls for democracy by announcing a coup by SLORC. But this announcement turned out to be merely idealistic rhetoric, as people later realised, because SLORC did not transfer power to the elected party.

In June 1989, SLORC changed the name of the country to Myanmar; in 1992, senior general Saw Maung, who took control of the state by force in 1988, retired. Another general, Than Shwe, then became the chairperson of SLORC and has ruled till today. Than Shwe renamed the party the State Peace and Development Council in November 1997.

Recent massacre

The current Burmese public demonstration that began in September is not just an ethnic confron-

tation with the military government; but the majority of Burman people also participated in the demonstration. They realised it was not only about ethnic conflicts but also an issue for the whole nation, and that the military caused misunderstanding amongst ethnic communities of different religions. That is why a big internal revolution was raised recently in Burma mainly led by the monks.

The monks, particularly, feel a huge burden because of military misuse of Buddhism against other ethnic minority religions. On 24 September 2007 alone, over a million people took to the streets in 26 cities and towns, including all the ethnic states across Burma, marching for freedom and human rights (Asia Pacific People's Partnership on Burma (APPPB) *Maroon Revolution in Numbers*).

However, as was characteristic of the military junta, despite claiming to be Buddhists and Burman nationalists, they brutally killed the monks in the recent September massacre. The army didn't even respect the Buddhist 'god' by not taking off their shoes in the temple and pagoda, against their own Buddhist tradition, and went in to kill Buddhist monks.

According to the Assistance Association for Political Prisoners (AAPP), at least 4,000 people including more than 1,000 monks were arrested. At least two national United Nations staff have been arrested and detained. Around 300 people were killed including one Japanese journalist and possibly thousands of people as well. Not less than 1,000 people have disappeared in this

Revolution. Possibly ten thousand people were arrested. Even before 21 August 2007, there were 1,158 political prisoners already in prisons. Three thousand students were shot in 1988 and numbers of people massacred in 2003 at Depayin.

Moreover the public feared further prolonging of military power in Burma as the newly drafted constitution stipulates "25 per cent directly reserve seats for military in parliament". This is dangerous for all Burmese people. Public participation was very limited in drafting the constitution, and there were no fundamental rights of freedom of expression and the right to assembly. It can lead to wrong nation building that could have adverse implications for Burma's future.

Burma has a serious ruling structure problem. The military government is a cruel illegal ruler, which is still trying to hold on to power.

This is how the Burmese military junta, which was supposed to be the nation's guidance in early times, later turned into a dictatorship, killing its own people till today. Moreover, the Burmese military has a deep-rooted tradition of dictatorship; it cannot commit to genuinely building a democratic nation as long as power is in the hands of the army.

Democracy versus military rule

The possibility exists for the military to take temporary control when a civilian government strays from its 'national ideal' or obligation. In Burma's case, if the military was the genuine guardian it

should have solved the civilian conflict among the various ethnic nationalities. For example, there was a democracy dilemma in civilian rule in early 1950 to 1960: civilian rulers from the Burman extremists group tried to dominate the country by secret Buddhisitisation and Burmanisation over other ethnic nationalities (Horton, Guy 2005). The Prime Minister U Nu himself was presumably involved in these efforts. (U Nu also attempted to legalize Buddhism as the state religion in 1961.) This is the consequence of extremist Burmanisation and a weak democracy.

It certainly violates the nation's constitution as well as the fundamental Penglone Agreement, by discrimination and restriction of freedom. Society's support of this fundamentalist and pro-dominant trend is always a problem for nation building. It apparently led to the failure of civilian rule. In such an event, the intervention of the military is appropriate to prevent extremists taking power. But here the military also became the partner of extremist Burmans. We later realised they were linked with each other.

Slowly, we discovered that the military initially, immediately reorganised the army and later held a coup to form the Socialist party, with the purpose of monopolising military power and controlling the country. Looking back, the behaviour of the Burmese military was not about creating a resolution for democracy, but rather about having lasting political power and control of the country.

When conflicts between the

Burman dominant group and other ethnic groups arise, within the system of civilian rule, the army should protect and be responsible for their reunification instead of aiding the ethnic-cleansing of the other ethnic groups. The army should play an impartial role.

According to Enloe (1981), a second society-based explanation of military politicisation and intervention is that the military intervenes to protect and advance the interests of a specific class or ethnic/religious group (Alagappa 48). But in the case of Burma the military is systematically maintaining power itself to control the civilian population. This is one of the reasons the BIA (military name of early time) allegedly removed from the federal army ethnic regiments like the Chin and Kachin Regiments. The military was also hand-in-hand with the Burman extremists helping to exploit and collapse other ethnic societies. This is another regrettable mistake in the Burmese Army's history.

The military seemed to try to re-assume democracy in the 27 May 1990 election. But out of 485 parliamentary seats contested; the NLD won 392 (over 80%; 82%). Ethnic minority parties won 65 more seats. The army-front NUP won only 10 constituencies; it was clear that people did not approve of the army being in power. The result was not the one expected by the military.

However, the urgent question is whether the military will hand over power to a civilian government or whether the Burmese mili-

tary junta will retain power forever. The military has tasted power for a long period; so until there is serious or any damaging opposition armed attack, their attitude is unlikely to change.

In our latest experience, a non-violent method is totally opposed to the Burma military. The military has cheated the public. This is a trap for the Burmese people as the military always blocks efforts to obtain civilian rule. The Burmese people have lost the opportunity of having a civilian administration and their liberty, for more than half a century.

In a democracy, a civilian government should control the army. But it appears that the Burmese army never wants to be under civilian control. Civilian supremacy is "government control of the military," and the criterion for civilian control is "the extent to which military leadership groups, and through them the armed forces as a whole, respond to the direction of the civilian leaders of the government" (Alagappa).

Furthermore, in a democratic system, the concern is to ensure a professional and political military that acknowledges civilian authority and executes the orders of a democratically elected government.

Conclusion

After various studies of the military, it is not possible for a military that was always linked to dictatorship or quasi dictatorship to produce democracy. Therefore, the military should totally relinquish power and transfer it to a civilian government. Today, the

Burman and other ethnic groups are mature enough to build the nation.

However, Burma is one of the countries in Asia dominated by a very hard-line military. The military has become the supreme power overriding civilian supremacy. Indeed, it clearly expresses its intention not to develop democracy. It is right to say that the present Burmese military government is an illegal government.

Since 1988, the caretaker military administration remains in place, rules by martial law, has imprisoned politicians, and refuses to hand over power to an elected government (Luckham 32). Furthermore, the newly drafted constitution has allegedly betrayed the public by giving weight to military power and again the holding of elections remains uncertain.

The reason for the existence of a military government in Burma is neither an emergency nor for a temporary term. They intend to prolong their rule permanently. So their action is not limited to a nationalistic ideal or security matter. Moreover, there is no threat of any external invasion in Burma. Rather, the Burmese military has become a threat to neighbouring countries through unnecessarily increasing its troop numbers to 400,000, with an additional, 200,000 auxiliary soldiers. □

John Smith Thang is a Burmese MA human rights student.



Letters must not exceed 250 words and must include the writer's name and address. Pseudonyms may be used. Send letters or emails to Editor (see page 3 for address details). Views expressed need not reflect those of Aliran. If e-mailing, include message in the e-mail body itself.

Disgusted with Lingam panel

I am disgusted with the panel set up to look into the V K Lingam tape. Now they want to go after the whistleblower and PKR. They cannot be allowed to get away with this travesty. I am thoroughly fed up and want to try to goad the NGOs to form a coalition to protect them. I am willing to stand up and be counted. Will you support us?

Peter

P G C C airconditioning: energy efficient?

With reference to NST, 29 September 2007 I would like to highlight the design for the Penang Global City Centre (PGCC), which is planned to be built in 12 months' time. It says this gigantic RM25 billion project has abided with the guidelines and by-laws. I hope someone from the Ministry of Energy (MEWC) or anyone from the Malaysian Energy Centre (PTM) could please come forward and

investigate the amount of energy that is going to be consumed by this project.

In view of the higher tariffs for electricity (the recent 12% tariff hike), the heavily glazed buildings do not epitomise tropical architecture. A 'greenhouse effect' is created - which means that the approving parties concerned have created a problem of heat build up in the interior of the building and are then resolving it by using air-conditioning to cool the interior, not knowing that the electricity bill for air-conditioning will be huge.

Electricity comes from burning fossil fuels, which is fast depleting. At the present rate of consuming oil and petroleum in the world, supply will reportedly last another 30 years.

This project will not help in reducing global warming but will instead aggravate already worsening environmental conditions.

Yes, the project will provide a lot of job opportunities but can it be sustainable after completion when electricity tariffs are raised from time to time? What happened to passive design elements that reduce heat gain? Would there be energy efficient equipment and appliances planned for the M&E? Would there be an Energy Management System? Is there any form of renewable energy being considered? Are the MS1525 Building Regulations being adhered to?

A smart building is not only equipped with high-end ICT but must also use energy wisely and help towards reducing global warming. Knowledgeable people are talking about eco-buildings but this project shows a complete

disregard of this trend.

*Abdul Malik Abdul Rahman
Penang*

Aliran Agent Monthly: provocateur?

After Lina Joy's case, it is incumbent on the government to amend the Federal Constitution, in particular Article 3(1) and Article 11(1).

Article 3(1) which states: "Islam is the religion of the Federation, but other religions may be practised in peace and harmony in any part of the Federation", should have a sub-article added to it to say that no person, organisation, shall be entitled to question its status, practices, implementation, administration and all it entails as a national religion. It should be added too in the amendment that no court of law except the Syariah Court shall have the exclusive jurisdiction to decide on issues involving Islam and issues relating to the religion of Islam.

Article 11(1) which states: "Every person has the right to profess and practise his religions ..." too should be amended. There should be added sub-article to say that "where a person is born a Muslim or converted to Islam, he or she shall not have the right to convert to other religion except by application to the Syariah Court.

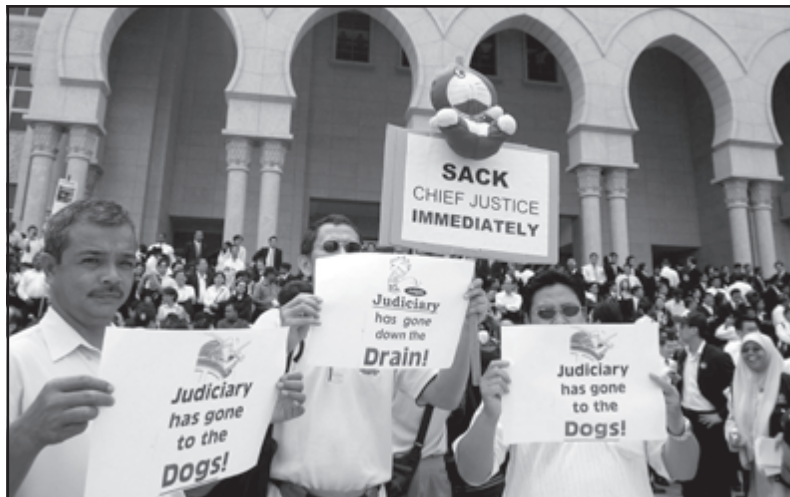
As long as "the religion of the Federation" is not defined and subject to different interpretation, emotive and provocative articles will continue to be published, only to turn *Aliran Monthly* into an *agent provocateur*.

*Datuk Hishamuddin bin Haji Yahaya
Kuala Lumpur*

of the Supreme Court led to the unlawful sacking of Lord President Tun Salleh Abas in 1988.

We therefore call for the following action:

1. Set up a tribunal under Article 125 of the Federal Constitution and immediately suspend the Chief Justice pending the hearing of charges of corruption against him.
2. Set up an independent Royal Commission of Inquiry to investigate the overall state of the judiciary, including but not limited to the following:
 - the judicial sacking of Tun Salleh Abas, Tan Sri Wan Suleiman and Datuk George Seah in 1988;
 - the swift and questionable promotions of several Federal Court judges; the controversial decisions which include the criminal cases involving Datuk Seri Anwar Ibrahim, Sukma Darmawan and Munawar Anees; Lim Guan Eng; the Ayer Molek case; the Metramac case, the defamation cases involving V.K. Lingam; the Altantuya case and others, and;
 - an investigation into former judge Syed Idid's letter which implicates 12 judges and cites 112 serious allegations of corruption and malpractice.
3. Set up an independent Judicial Commission on the Appointment and Promotion of Judges.



Endorsed by:

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A record of Aliran's stand on current affairs.

**Coverage of lawyers' march:
Whispering to the Press?**



Charter 2000-Aliran is deeply concerned with the Internal Security Ministry's alleged interference — as reported in *Malaysiakini*— in the mainstream press' coverage of the Bar Council's 'March for Justice' in Putrajaya yesterday.

It suggests a calculated attempt by the government to 'manage' the news about the march by whispering to the press. Worse, such 'news fixing' indicates a conscious effort to downplay the issue of 'judicial fixing' that has now become of public concern and interest.

It raises nagging questions:

Doesn't the crisis in the judiciary issue warrant transparent investigation? Don't members of the public deserve to be informed of such alleged political maneuvering, which has far-reaching implications for the integrity and credibility of the judiciary and for public confidence in the institution?

Or are the mainstream newspapers trying to encourage the public to think that there isn't a crisis in the judiciary and that all this brouhaha is the nasty work of the opposition — as de facto law minister Nazri Aziz would have us believe? He may have his head in

the clouds but ordinary people on the street can see what is happening.

Shouldn't the mainstream press — in a country that is supposed to practise democracy — be allowed to exercise its own independent judgement and shoulder its social responsibility in deciding how to report the alleged 'judicial fixing' story and how much prominence to give it? Surely the issue deserves as much prominence as possible.

If the story is intentionally downplayed, ordinary citizens would be excused if they think that the government is promoting 'cue journalism' (the mainstream media taking their cue from government sources) especially when its credibility is perceived to have been seriously eroded.

Ordinary people would be also forgiven if they think that the government is acting to protect its own vested interests and the interests of the PM rather than the interests of the country and the people. Correct, correct, correct?

*Dr Mustafa K Anuar & Anil Netto
Coordinators, Charter 2000-Aliran
27 September 2007*

**Stop harassing the
whistle-blowers**

Aliran calls upon the ACA to stop harassing people who come forward in the national interest to provide incriminating evidence in an attempt to expose corruption in high places. This was what R Sivarasa did when he made a report to the ACA. His action must be deemed as a citizen's national service. It must be viewed as a patriotic duty. Sivarasa's action

must be commended.

But why is the ACA threatening him and his colleague, Sim Tze Tzin, with a penalty of two years jail, a fine of RM10,000 or both if they do not reveal the source of their information? Why can't they appreciate that sometimes information is given in the strictest confidence and that has to be honoured? When once this trust is betrayed, it only means that others will not come forward to provide any information.

This prompts us to ask: Is that what the ACA is trying to do? Are they trying to discourage concerned citizens from acting in the national interest? Why should they do this? Are they trying to protect the image of the BN government and put a lid on corruption by going after the whistleblowers?

Their conduct suggests this. It also seems to imply that they are nothing but stooges of the government. This perception does them no good neither does it put the BN government in good light.

Why are they so interested in the recorder of the tape rather than the content of the tape? Lingam has been caught trying to fix certain appointments in the judiciary. From the way he is seen talking, it appears that it is not a one-off incident. He must have been playing this role all the while. He can even get you a Tan Sri award just like that!

Shouldn't the ACA go after Lingam to confirm the contents of his conversation? Logically, that would be a very important first step. Secondly, he should be asked

to confirm if he was speaking to the Chief Judge of Malaysia. Thirdly, the ACA should investigate whether all the names mentioned were promoted or appointed in the judicial hierarchy. Fourthly, the ACA should find out when the Chief Judge of Malaysia was conferred his Tan Sri-ship.

If we followed this path of investigation, the role of the person who recorded the conversation becomes not all that important compared to what he recorded to expose corruption.

In addition, we should not overlook the fact that when a Royal Commission of Inquiry is appointed, the people with this vital information have agreed to disclose the identity of their informant. Anything said or anyone appearing before such a Commission is given immunity from prosecution. Another important aspect of this Commission of Inquiry is that evidence is given in open court and that provides protection. If for some reason or other, any untoward incident were to happen to the informant, then the whole world would know why that took place. This is an important guarantee that must be insisted on. Is this too difficult to understand?

Aliran calls upon the BN government to disband the three-man committee and appoint a Royal Commission of Inquiry that can be expected to produce results - that is if it is really interested in finding out the truth.

*P Ramakrishnan
President
6 October 2007*

Nazri should apologise - That's the decent thing to do!

De facto law minister Mohd Nazri Abdul Aziz owes the nation an apology. He had misled the nation by claiming the existence of a "Witness Protection Bill", when no such Bill exists. It is really shocking that the minister in charge of law should be so ignorant in matters of the law but is so loud in his views in making reference to a non-existing Bill.

The decent thing for him to do when his ignorance was exposed is to apologise unreservedly. Instead he blames his secretary for failing to issue a clarification to the media. We are not interested in his wishy-washy excuse couched as 'clarification'. Clarification is only needed or provided when one is misunderstood. In this case there was no misunderstanding. He was understood perfectly when he stated that "cover for informants was provided for under the *Witness Protection Bill* tabled recently in Parliament."

But the truth of the matter is that no such bill has been tabled in Parliament for first reading. In other words, according to the facts he has not been truthful in making such claims. Some people would even argue that he had lied.

That being the case what is there to clarify? And why should his secretary clarify on his behalf? Is it beneath him to personally say, "I am sorry?"

Malaysians would want to know why there is so much emphasis placed in wanting to know the

identity of the person who recorded the "Lingam tape". Shouldn't we be focused on the contents of the tape, which has disparaged the entire system of justice and the judiciary? Are we after the truth or after the person who blew the whistle?

There is no need for Nazri to look into the possibilities of arranging for plastic surgery to give a new identity to protect the witness or to relocate him or her elsewhere. All these are unnecessary and even would constitute a waste of effort. All that is required to know the person responsible for the "Lingam tape" - if that is the priority for Nazri - is to appoint a Royal Commission of Inquiry.

We have been told that the person who taped the conversation is prepared to come forward openly, boldly and without a new identity to reveal himself and tell his side of the story. We don't need a new Bill and we need not enact a new law to find out the identity of this person.

Nazri has stated that the three-man panel will be rendered useless unless witnesses come forward. But they are not going to come forward. The panel is not going to summon them; neither are they going to compel anyone to step forward with their evidence. After 30 days, we will discover that the three-man panel was appointed to undertake a task in futility.

This is why Aliran has from the onset rejected the panel and consistently insisted on the setting up of a Royal Commission of Inquiry.

The BN government must decide

whether it truly wants to clean up the judiciary and restore the people's confidence in an institution so vital in upholding the Federal Constitution.

*P Ramakrishnan
President
10 October 2007*

Chief Justice must go - and go now

It will upset and disappoint Malaysians terribly if the tenure of the Chief Justice, Tun Ahmad Fairuz Sheikh Abdul Halim were to be extended. It would seriously undermine the confidence of the people in the judiciary to a point of no return. The judiciary is already in a shambles and there is no need to degrade it further by extending the tenure of the Chief Justice of the Federal Court.

On behalf of all Malaysians, Aliran would like to politely and humbly appeal to His Majesty, the Yang diPertuan Agong, to reject Ahmad Fairuz's application to His Majesty for a six-month extension of tenure. Article 125(1) states: Subject to the provisions of Clauses (2) to (5), a judge of the Federal Court shall hold office until he attains the age of sixty-six years or such later time, not being later than six months after he attains that age, as the Yang di-Pertuan Agong may approve.

In this extension of tenure of office, the Prime Minister does not seem to have any role to play. It would appear that His Majesty, the Yang di-Pertuan Agong, solely decides on this matter. It is the absolute discretion of His Majesty, the Yang di-Pertuan Agong.

By now it is very clear that it is the collective view of all thinking Malaysians that Ahmad Fairuz does not deserve to be in office even a minute longer. He must go - and go in the soonest time frame that is possible. After the disgraceful Lingam tape, it is only morally correct that he should not be around to denigrate an institution that is the custodian of justice. It is as simple as that.

Ahmad Fairuz has not openly and publicly denied that he is the person on the other end of the telephone conversation. He has not said any thing to dispel all the rumours that link him to various episodes in the promotion and elevation of judges. Neither is he spared from the negative and speculative judgments that he has been associated with. How could such a person who has miserably failed to put the record straight be considered for an extension of tenure of office?

We are not persuaded by Datuk Seri Nazri's claim, according to the NST of today, that "the Yang di-Pertuan Agong has to act on the advice of the prime minister on extending the tenure of the chief justice", who is due to retire at the end of the month. He further reiterates that the "king as a constitutional monarch was bound by the prime minister's advice in the appointment and promotion of judicial officers. This includes whether to extend by six months the tenure of the chief justice after he attains the compulsory retirement age of 66".

Nazri seems to conveniently forget that in the appointment and promotion of judicial officers, His Majesty is required to act "after

consulting the Conference of Rulers". "After consulting the Conference of Rulers" does not seem to suggest that it is purely an academic exercise. It is more than that. There has to be deliberation to arrive at a collective decision – no matter what Nazri may insist. There are others in the legal circle who do not share Nazri's interpretation of the Federal Constitution.

Under the Federal Constitution, when it comes to "tendering his advice as to the appointment of a judge", the Prime Minister does not simply pluck out a name for consideration out of thin air. He "shall consult" the respective heads of the Federal Court, the Court of Appeal and the High Court before submitting the names to His Majesty, the Yang di-Pertuan Agong. Just as in this case, "shall consult" does not mean a meaningless chat with the respective heads but refers to a constructive discussion and recommendation, this same process applies when His Majesty consults the Conference of Rulers.

Aliran would like to advise Nazri not to confuse the public with his one-sided interpretation of the Federal Constitution.

*P Ramakrishnan
President
17 October 2007*

Chief Justice has forfeited the trust of the people

The Chief Justice has forfeited the trust of the people and the confidence of the Malaysian Bar. The only thing for him to do when he no longer commands the trust of

the people or the confidence of the Malaysian Bar is to go quietly. That is the best thing to do – the only thing he can do.

The Chief Justice is well aware that he is embroiled in a controversy that has far-reaching consequences for the entire country. That controversy involves the dignity and the independence of the judiciary which have been distressingly compromised.

Already a petition has been submitted to His Majesty, the Yang di-Pertuan Agong, this morning bearing the signatures of 5,036 petitioners highlighting the various concerns of the public and raising issues that has to be urgently redressed to rescue the judiciary from the clutches of some unscrupulous persons garbed in judicial robes. Implicit in this action is the urgent appeal not to extend the Chief Justice's tenure of service for whatever period, even as a face-saving grace.

The Bar Council has indicated that, if necessary, it will call for an EGM on 22 November 2007 to discuss this and other concerns plaguing the judiciary in an attempt to right a wrong that can no longer be tolerated or ignored. In all probability the Bar Council will initiate a move to boycott the Chief Justice if his term is extended.

Does he want to go through this ignominy – and for what purpose? The disgrace that he will suffer by having his tenure extended will go down in the annals of the judiciary as a shameful period in our history. He will not be forgotten or forgiven for the disrepute that he has brought upon the

judiciary. And if he insists in dragging the judiciary through the mud by wanting to carry on in office after his retirement then his reasons for wanting to extend his tenure cannot be accepted as being honourable.

He has inflicted enough damage on the judiciary and has trivialized justice itself with some of his questionable judgments and actions that promoted judges over the more deserving ones bringing further disrepute to the judiciary.

By now he should know that nothing is going to save him – neither Nazri nor the 3-man panel. The more Nazri opens his mouth in defence of the Chief Justice, the more ridiculous he seems to be – even sounding foolish. The 3-man panel established to assuage the public anger and outrage over the scandalous Lingam tape controversy has portrayed itself as an impotent body without any will or clout to serve the public interest.

The 3-man panel, it would seem, was set up to deceive the people that something was being done to address the rot in the judiciary that was implicitly revealed in the Lingam tape. It is now very apparent that it was meant to fool the public and buy time hoping that the issue would disappear. But this is one issue that will persist in being solved and it will be with us for a long time to come – until a Royal Commission of Inquiry is set up to purge the judiciary.

*P Ramakrishnan.
President
26 October 2007*

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Restore the Malaysian judiciary's independence

...after the most outrageous, scandalous and shameful episode in Malaysian judicial history

We, the undersigned civil society organisations and political parties, view with extreme concern and alarm the recent exposé via video recording of controversial lawyer V.K. Lingam speaking on the telephone allegedly with the then-Chief Judge of Malaya Ahmad Fairuz in 2002 (now Chief Justice) – on the issue of the appointments and promotions of judges – spoken with apparent planning with key political and business figures.

This episode is one of the most outrageous, scandalous and shameful in the history of the Malaysian judiciary. It stands as evidence of the present shambles in the judiciary. The steady decline of the judiciary can be traced to the unlawful sacking of former Lord President Tun Salleh Abas and two other Supreme Court Judges in 1988, an event which the Judiciary never recovered from. The reputation of the Judiciary has since then been continuously tarnished by numerous controversial decisions and the perception of Government control and interference.

The appointment and promotion of judges has long been a contro-



versial issue as there is manifestly a lack of transparency and clear application of universally accepted principles. Numerous senior and deserving judges, as perceived by the general public, with faultless records have not been promoted; instead the undeserving and surprising appointments and promotions of judges, including junior ones, have consistently pointed towards political manipulation and maneuvering by the Government to secure their influence in the judiciary and thus favorable judgments.

The judiciary, a fundamental makeup of a democratic, just and fair state, no longer commands international and public confidence but is instead seen as weak, corrupt and not free from politi-

cal control and interference. Immediate steps must be taken to address the judicial rot, restore public confidence and reform the judiciary.

We also express our strongest reservations on the three-member panel appointed by Deputy Prime Minister Najib Abdul Razak to investigate the authenticity of the video clip. We find it highly unacceptable that a video clip which implicates members of the cabinet should be investigated by a panel appointed by and reporting to the cabinet. Even more insulting is the fact that the panel is led by former Chief Judge of Malaya Haidar Mohd Noor, whose direct involvement as the then-Chief Registrar

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