

For now, a healthy dose of scepticism
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COMMENT Many who read this commentary would accuse me of being unnecessary cynical, that I am not giving credit where it is due. Those who know me better would know that I am an optimist at heart. Which is why I want to caution everyone who is ecstatic over Prime Minister Najib Razak's announcements tonight to take what he says with a large bucket of salt.

On paper, Najib's announcement to repeal the Internal Security Act 1960 (better known as the ISA) and the less well-known Banishment Act 1959 as well as to review certain sections of the Restricted Residents Act 1933, the Printing Presses and Publications Act 1984 and the Police Act 1967, should be applauded and welcomed by all who advocate for a freer and more democratic country.

But instead of reacting with glee and overwhelming optimism, I have instead chosen to take a more sceptical, and in my humble opinion, more realistic view of these announcements for three related reasons. These are:

(i) The experience of having too high hopes in the promises made by Najib's predecessor, Abdullah Ahmad Badawi (Pak Lah), prior to the 2004 general election.

(ii) That Najib's announcement is just that - a mere announcement until the proper parliamentary proceedings take place.

(iii) That nothing in Najib's tenure as PM thus far has shown me that he is able and willing to take on the forces needed to implement these fundamental changes that will increase the protection of basic human rights in our country.

A litany of broken promises

Firstly, Pak Lah's broken promises.

I still remember the tremendous sense of optimism I felt when Pak Lah, who was deputy PM and acting PM then, addressed the Oxbridge alumni in June 2003, where he lamented the 'malaise' that was our 'Third World Mentality' in the midst of our 'First World Infrastructure'.

Last day of Abdullah Ahmad Badawi. Najib Abdul Razak takes over as prime minister in Putrajaya still can remember quite vividly the euphoria I felt when it was announced, shortly before the 2004 general election, that the then minister for land and cooperative development Kasitah Gaddam, as well as Eric Chia, formerly of Perwaja Steel, were going to be charged with corruption.

And of course, the words 'Work with me, not for me' will be forever etched in my mind. The result, as we all know now, was a trail of broken promises left by our former prime minister.

I wonder how many of those who were so captured by Pak Lah's promises feel similarly giddy after hearing the promises made by Najib earlier tonight? If you answer in the affirmative, I advise you to take a sober look back Pak Lah's record as prime minister. And then re-examine Najib's promises. I hope you would have come back down to earth after this exercise.

Secondly, I hope that you will remember that Najib's announcement does not mean that the ISA has been abolished tonight.

On Saturday, if you are found donning a yellow Bersih T-shirt in front of Bukit Aman distributing copies of Mao Zedong's little red book to the joggers who are assembled there, you are still liable to be arrested by the police under the very same ISA which Najib has promised (remember, it's only a promise) to abolish earlier tonight.

We still have to go through proper parliamentary procedure in order to repeal the ISA and the Banishment Act and to amend certain sections of the Restricted Residents Act, the Printing Presses and Publications Act and the Police Act.

When the ISA is repealed in parliament, we also have to examine the two new laws which Najib has promised to introduce in place of the ISA in order to safeguard Article 149 of the federal constitution which pertains to 'legislation against subversion, action prejudicial to public order, etc.'

When the other acts are amended, we need to examine the details in order to ensure that they do indeed strengthen basic human rights in our country. For example, while the amendment to the PPPA will take away the need of existing printed newspapers to renew their licences, will online newspapers such as Malaysiakini and Merdeka Review be given new printing licences?

Also, will the Malaysian Communications and Multimedia Commission (MCMC) be given a new mandate (whether formal or informal) to allow the media greater freedoms to discuss politically sensitive issues?

But surely Najib is smarter than Pak Lah...

At this point, I can anticipate how some would counter my arguments thus far. In response to the first point, many would say that Najib is not Pak Lah.

He's a much smarter PM and would not make the same mistakes as Pak Lah. He has shown insight, for example, in institutionalising agents of change within his government by creating the NEAC (National Economic Advisory Council), Pemandu, Talentcorp and Teraju instead of relying on a small team of people without the proper institutional mandate and support system.

In response to the second point, some would say that Najib has to deliver on his promises in order to win back support that he seemed to have lost after the Bersih 2.0 rally, indicated by his 59% support level in the recent Merdeka Center survey, down from a high of 72%, in June 2010.

I would respond to both counters with this point - that nothing in Najib's career as a politician or in his 29 months as prime minister has shown me that he is capable of taking on the right-wing factions and groups who will undoubtedly be opposed to some of these legislative changes.

He was not willing to take on Perkasa after Part 1 of the New Economic Model (NEM) was announced which proposed that the needs of the bottom 40 percent of society be prioritised. Perkasa criticised Part 1 of the NEM because it failed to mention the New Economic Policy (NEP), not because it advocated for the NEP to be abolished or watered down. And this was when his approval rating was hovering around the 70 percent mark.

He was not willing to take leadership to force the police to find a compromise with the Bersih 2.0 committee, by for example, opening up Stadium Merdeka for the supporters of this cause to gather peacefully.

He may have been sceptical of the attempts by the Home Ministry to blacken out certain portions of an article in the Economist pertaining to the Bersih 2.0 rally but he did not try to use his position as PM to instruct the home minister that such an action would actually be counterproductive.

In fact, the proposal to amend the ISA had been on the table since he became PM. The fact that the relatively simple amendments that were needed to change the focus of the ISA from detaining political dissidents to focusing on legitimate security/terrorist threats took such a long time is an indication that the PM was not willing to push these changes through initially.

The introduction of two new acts to replace the ISA was probably a sop to the conservative interests within the Home Ministry, the police and within his own party.

Finally, it is also possible that Najib may not introduce these legislative changes until after the next general election in order to postpone the inevitable fights from within. And, if enough people take Najib's promises seriously, he may achieve the two-thirds parliamentary majority he needs in order to stave off a possible political challenge from his deputy, Muhyiddin Yassin.

If Najib is successful, then the impetus for him to follow through with these promises will be greatly decreased, just as the impetus for Pak Lah to combat corruption and to reform the civil service evaporated after he gained 91% control of parliament.

How can he convince the sceptics?

The cynical part of me says that Najib's closest advisors were reacting to the negative aftermath of Bersih 2.0 and they managed to convince Najib that this was a necessary step for him to take in order to stop this downward slide in his popularity.

The cynical part of me also says that Najib is far from a committed believer in basic human rights and has difficulty in facing up to the conservative elements from within the administration and within his own party. This makes me want to wait until the proper legislation is passed and the ink is dried before I jump with joy.

Is there any way in which Najib could convince this skeptic of his seriousness in protecting human rights in this country? There are a few.

Firstly, to show his sincerity, Najib should ask the Attorney-General's Chambers to drop all outstanding charges against those who were arrested in association with the activities of Bersih 2.0.

Secondly, Najib would have to show some consistency in insisting that the police and the Home Ministry do not exhibit double standards when it comes to public demonstrations. This would include not allowing Umno Youth or other groups from demonstration in front of the US embassy if groups advocating for human rights are not allowed to do the same in front of the PM's office (or the Chinese or Iraqi embassy, for that matter).

Thirdly, I would like to see one concrete instance by the PM where he puts his foot down for the protection of human rights, where, for example, he reverses a decision by RTM to cancel a politically sensitive programme or where he openly criticises a government agency for taking an action which is seen by many as being detrimental to the protection of human rights.

I sincerely hope that my scepticism will be proven wrong. I am not hoping that Malaysia will suddenly become a beacon for human rights and civil liberties just because of Najib's announcements.

Like most things and in most instances, change usually comes slowly. But what I do want to avoid is the temptation of getting overexcited at prospects which have been promised but which have not been delivered. If these promises are indeed delivered, I'll gladly eat my hat or accept a pie in the face.

Until then, I will maintain a healthy dose of scepticism.

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