

Is Najib another Dr M in the making?
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"Najib does not look like Mahathir, but he sounds like Mahathir." MCPX

That seems to be a common impression of Deputy Prime Minister Najib Abdul Razak's callous statement that followed Prime Minister Abdullah Badawi's heart-warming speech over the 1988 judicial crisis during the Bar Council's dinner on April 17.

In a speech that ended with the audience's prolonged applause and standing ovation, Pak Lah (the PM) tacitly expressed remorse for the wrong done to the six Supreme Court judges and the judicial system and undertook to commence judicial reforms starting with the setting up of the long sought after Judicial Appointments Commission.

abdullah ahmad badawi 2008 cabinet line up 180308 06 Though there was no official apology, Pak Lah's heartening words of recognition and comfort to the former judges and his promise of "goodwill ex-gratia" payment to them are unmistakably acts of admission of errors and atonement. Though these acts were deemed short of expectations (full measures should have included an apology and a full investigation), the former judges and their families felt relieved and consoled to various degrees for having being finally vindicated, and the audience in general felt elated by the prime minister's historical announcement. None in the audience that night could mistake the PM's statement as anything other than genuine contrition and desire to make good not only to the judges but to the entire judicial system.

While the warmth generated by Pak Lah's statement was still lingering, Najib's incongruous statement the following day must have jolted many to the reality of present day Malaysian politics. Obviously referring to Pak Lah's speech, Najib said:

"The ex-gratia payment is not tantamount to revisiting whatever that has been decided. It is not to be construed as any form of apology but this is our way of addressing some of their personal considerations and some of the personal experiences, hardship that they have gone through.

"That is all ... so it is to be seen in that light. It should not be construed as anything beyond that."

Najib's flat denial

This Najib statement is a flat denial of any wrong done against the judges, and the payment, according to Najib, is not to compensate for the wrong done but something to meet the "personal considerations" and "personal experiences, hardship" encountered by the judges. What a mouthful of nonsense is that? If no wrong has been done, why bother to pay anything at all? If the judges were rightfully sacked and suspended as implied by Najib, then these judges should have been reprimanded instead of being lauded and rewarded with presumably hefty sums of money.

By maintaining Najib's position, he has practically exposed Pak Lah to potential ridicule for squandering large sums of taxpayers' money on some high officials who have already been designated as having betrayed the trust of the state.

Contrast Najib's cold words of denial against Pak Lah's generous words of praise and conciliation.

Pak Lah described the six judges as "towering judicial personalities" representing a "venerable institution which could be trusted to deliver justice ... a model for other countries – independent and credible". Referring to the judicial upheaval of 1988, Pak Lah said: "Rightly or wrongly, many disputed both the legality and morality of the related proceedings. For me personally, I feel it was a time of crisis from which the nation never fully recovered." As for the "goodwill ex-gratia" payment, it was meant "to recognise the contributions of these six judges to the nation, their commitment towards upholding justice and to acknowledge the pain loss they have endured a heartfelt and sincere gesture to mend what has been."

What interpretation can we draw from these plain words of Pak Lah other than an honest admission of the executive having done these great judges grievous injury, causing the nation to suffer till this day? Against this praise worthy gesture, which won stumping approval from an audience which represents the cream of the nation, isn't Najib's negative and arrogant statement an insult to the prime minister personally and the height of insolence against the nation, which had been yearning for so long for this historic day of a new beginning for the judiciary?

The second point of confrontation posed by Najib's statement is his denial of the fallen state of our judiciary.

Not sharing the same zeal

Pak Lah has frankly admitted that the "level of trust and respect for the judiciary" had declined. He spoke of prevalence of "perceived corruption and perceived decline in quality." He said the business community was concerned "about the fairness and capacity of Malaysia's judiciary in settling disputes." He further said "some Malay rulers have openly voiced their disquiet on what they see as a decline, requiring nothing short of a judicial renaissance. Some retired judges have related troubling tales of impropriety."

It was in recognition of such glaring inadequacy of our judiciary, and of the overwhelming demand by the nation, including "politicians from both side of the aisle," that Pak Lah proposed the Judicial Appointments Commission, so as to ensure that the best be appointed to the bench, in a transparent and accountable system.

ijok election day turmoil 280407 najib pcAsked to comment on Pak Lah's proposal, Najib said that this reform measure "means that the government is aware that we do need to ensure that our judiciary has the highest reputation" Notice the meticulous effort by Najib to avoid admission of the sordid state of our judiciary and of the need to reform, through his evasive reference to the need to have the "highest reputation". This again is in contrast with Pak Lah's recognition for extensive reform when he said: "There is still much to do to renew the public's trust in the nation's judiciary and to ensure that justice is consistently delivered. What I have announced tonight is the beginning of a longer process towards reforms."

That Najib is not in consonance with Pak Lah on the latter's reform measures is obvious, as further illustrated in a Bernama report on April 20 when Najib was asked to comment on the Anti-Corruption Agency reforms (proposed by ACA itself) that surfaced on the heal of Pak

Lah's judicial reforms. Queried whether these reforms were an effort by the government to rehabilitate Barisan Nasional, Najib said "quite a number of people felt" that the government had not done enough to fulfill the 2004 reform pledges, and therefore these reforms are continuing efforts, but he quickly qualified by saying only "those deemed necessary and appropriate".

On whether there were other reform plans, Najib said: "We are open to suggestion".

Najib added: "Of course on overall working of the ACA, for example, there are various views expressed. The government has not made a formal decision (on the ACA), as such, we are still open to it. The prime minister is personally looking into it."

And on April 21, the prime minister stunned the nation with a surprisingly comprehensive package to turn the ACA into an independent institution that was supposedly modeled after the much praised Hong Kong counterpart (Independent Commission Against Corruption). Pak Lah also said there would be a "whistle-blower" protection act to protect informers.

This latest development revealed that Najib not only does not share Pak Lah's reform zeal but is actually not privy to Pak Lah's reform plans.

Return of Mahathir?

On the other hand, Najib's nonchalant reform posture seems to find remarkable resemblance with that of former premier Dr Mahathir Mohamad, who in his latest appearance in the BBC "Hard Talk" programme, dismissed Pak Lah's reform efforts as mere opportunistic moves to regain lost popularity. Mahathir insisted that the sacking of judges in 1988 was perfectly legal and proper.

mahathir hulu langat 120408 speech Mahathir may have repeatedly chafed Najib for lacking the courage to have an open showdown with Pak Lah, but make no mistake, Najib remains Mahathir's favourite. This was made abundantly clear when Pak Lah for the first time named Najib as his successor in a recent gathering of Umno leaders in Johor Bahru. Mahathir's instant reaction was that Najib was the ideal candidate to take over from Pak Lah, in spite of Mahathir's earlier intimidation to back other horses.

There should not be any doubt that if and when Najib takes over, Mahathir's influence will return. Answering a question in the BBC interview, Mahathir expressed confidence that Umno would regain its glory if Pak Lah was replaced immediately. Knowing Mahathir's recalcitrance as an autocrat and his disdain for the rule of law, need we to speculate that his path to glory is none other than his well-trodden path of repression – perhaps another Operasi Lalang? And who better to realize that dream than favourite and alter ego Najib?

Those who are agitating for Pak Lah's immediate step down are precisely the same people who have alienated the masses with unbridled racial arrogance and corruption. Had they heeded Pak Lah's reform call – such as prompt implementation of the IPCMC and restraint in raiding public coffers – would BN have suffered such humiliation in the recent general election? It is the political system that the people have rejected, not the leader.

The dawn that was ushered in by Pakatan Rakyat is an irreversible historical trend – dismantling of racial bondage and freeing of the democratic spirit – as once the fruits of that trended is tasted, the people will not let go of it. So, one either swims with the current or dies going against it.

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