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PM's statement wrong, says Ku Li

PETALING JAYA: Former finance minister Tengku Razaleigh Hamzah said yesterday Prime Minister Abdullah Ahmad Badawi's statement on Sunday that "the appointment of anyone but Datuk Seri Idris Jusoh

as the Terengganu menteri besar is unconstitutional" was wrong.

"The Sultan acted within his powers in appointing the person who, in his judgment, is likely to command the confidence of the majority of the members of the state assembly," said Tengku Razaleigh.

"Ahmad Said's appointment is effective and he is now the menteri besar of Terengganu," he said, adding that the situation in Terengganu is a crisis of government, not of the constitution.

"Petitions, threats, coercion and declarations of support for the prime minister and his candidate have no bearing on the legality of the Sultan of Terengganu's appointment of his own menteri besar," said Tengku Razaleigh.

"Perhaps we have forgotten what it is like to conduct ourselves with good manners and due respect for the constitution and the sovereignty of the ruler," he said.

He added, however, that it is up to the properly-convened state assembly to test Ahmad with a vote of confidence in due course.

"After 50 years of independence, I am sure we should be capable of resolving our issues in a efficient and respectful manner," Tengku Razaleigh said.

"The storm in Terengganu is just the latest in a series of crises brought on by an apparent failure to understand how state powers work relative to federal ones."

He said that in the recent crisis in Perlis, "the prime minister's actions suggest stunning ineptness in managing fundamental relationships

and straightforward functions of government."

"This is alarming because the Barisan Nasional government now has five opposition-controlled states to contend with out of the nine in Peninsular Malaysia," Tengku Razaleigh said.

"The mishandling of chief ministerial appointments in Perlis, and now in Terengganu, means that our leadership in two other states is now in jeopardy."

Constitutional law expert Prof Dr Abdul Aziz Bari, of the International Islamic University, said matters had reached such a stage that there is nothing that can be legally done to force an immediate reversal of the Regency Council's decision to appoint Ahmad at this point. The appointment letter was given to Ahmad on Sunday morning.

"The only thing that can be done now is to abide by the Regency Council's decision and wait for the state assembly to be convened to pass a vote of no confidence. This would put the ball back in the Palace's court to decide afresh," said Abdul Aziz.

He said the Regency Council has the means to get the "best information", as it has the power to call up assemblymen and speak to them in private to gauge personal support.

He cited the 1986 case of Tun Mustapha Datu Harun, whose appointment as Chief Minister of Sabah by the Yang di-Pertua Negri was held to be in mistake.

In that case, the High Court ruled the pressure applied on the Yang di-Pertua was invalid because the powers of the head of state to appoint a

mentri besar are discretionary and subjective, and therefore a head of state should be allowed to exercise his discretion without pressure.

Abdul Aziz said besides the vote of no confidence move, another way to resolve the matter is for the state assembly to be dissolved, and fresh elections called.

"Under the Federal and State Constitutions, a ruler may dissolve the state assembly, and this is a situation where this can be used, and the people should be allowed once and for all to decide who governs the state," he said.

Meanwhile, he said Ahmad has time to negotiate support for himself as menteri besar by negotiating support from 17 assemblymen for a simple majority, before the state assembly, which according to the Terengganu State Constitution, must convene within 120 days of dissolution.

"He can try to persuade his Umno colleagues to join him, and

approach the eight PAS assemblymen, to give him a legal platform for the Regency Council to appoint him," said Abdul Aziz.

Twenty-three of the 24 Terengganu assemblyman had pledged support for Idris as menteri besar.

Asked whether Article 150 of the Federal Constitution, which gives the federal government the power to declare an emergency in a state, could be used in Terengganu, as was used in Sarawak in 1966 to remove Stephen Kalong Ningkan as chief minister, Abdul Aziz called it a politically disadvantageous act.

"Use of Article 150 would be politically and economically disadvantageous. Times have changed," he said.

Umno deputy president Datuk Seri Najib Razak has said Ahmad's status, and whether he breached party discipline by accepting the appointment as menteri besar, would be decided by the Umno Supreme Council at its meeting on Thursday.