

SOCIALIST PERSPECTIVES 7

Parti Sosialis Malaysia



Socialist Perspectives

7

Parsosma Enterprise

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Cover photo: Sit-in at the Customs Department HQ on 23 March 2015 to protest the GST

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Foreword

Dear Reader,

We hope you will find this collection of articles interesting. As with the previous issues of *Socialist Perspectives*, we have attempted to put together a collection that would reflect the various initiatives taken by Parti Sosialis Malaysia (PSM) to handle issues facing the nation.

The political system is in crisis. The BN is dogged by corruption and misuse of power, both pervasive and endemic. The latest scandal concerning 1MDB seems to have the potential to unseat the current Prime Minister. And the revelations currently unfolding regarding death camps run by human traffickers on the Malaysian side of the Thai border raise the issue of complicity on the part of the enforcement agencies. It is impossible for them not to have known about the camps, given the scale of the problem. The rot in the system really goes very deep!

Yet, at a time when Putrajaya is within grasp, we find that the Pakatan Rakyat parties are also in disarray, with serious factionalism within PKR resulting in the poorly conceived “Kajang Move” and the messy unseating of a Menteri Besar. In addition, the Pakatan is being driven close to the point of breaking up due to the insistence by a section within PAS on resuscitating their Hudud agenda. We are now waiting with some anxiety for the outcome of the PAS Muktamar.

The Hudud move by PAS is countered by UMNO which exploits issues such as the usage of the term “Allah” to bolster its claims that UMNO is a more effective “defender” of the Islamic faith. To be a “defender” there needs to be an “aggressor”. So UMNO and its related NGOs conjure up stories of non-Muslim groups that are belittling Islam and attempting to undermine the faith of Muslims. The ongoing politicization of religion has exacerbated inter-ethnic tensions and complicated the task of promoting inter-ethnic dialogue.

Meanwhile, behind the smokescreen created by all the politicking, the neoliberal agenda is being rolled out – the GST has been implemented, the PM has ruled out any upward revision of the minimum wage rate this year, the corporate tax has been reduced yet again and the government is working hard to conclude the TPPA negotiations.

This is the political environment that PSM has to navigate, and it can be quite difficult to remain both principled and pragmatic at the same time. Your views on our various programmes and positions are most welcome. Do write to us at pusat@parti-sosialis.org to share your point of view.

And do keep your spirits up. Paths are created when enough people walk the same route. Let’s all keep working towards a better Malaysia.

Happy reading!

The Editors
27 May 2015

GST: Nevermind the risk, let's do something!

Letchimi Devi

SINCE the beginning of the year, I had a sinking feeling that this country is going down the drain and that it's not possible to stop it, what with all the racist talk, the overwhelming desire of some to implement hudud, the preaching of hatred towards other religions, on top of a plunging economy – low pay, high prices, corruption, black money, growing debt and currency devaluation – and pompous politicians living in their own world.

Now we have another threat that will further burden the majority of our rakyat who are already in a difficult situation – the Goods and Services Tax @ GST. How can anyone say that the GST is good for people when the prices of all basic goods are going up even before the tax is implemented? How to trust that the GST collected will be put to good use when the BN government has such a horrible track record?

While the majority of the rakyat were feeling helpless about the GST, not knowing how to make their voices heard, a group of activists from PSM, NGOs (such as Solidariti Anak Muda Malaysia, Jerit and Suaram) and student groups decided to question the government on the GST. There are hundreds and hundreds of ques-



Waiting for the Director of Customs to give a response.

tions about the GST on our minds, but we only shortlisted 106 of them to present to the Customs Department, the implementing agency (see box for a selection of these questions).

Apparently, our questions are simple and “kacang”, according to the Customs Department head and the Finance Minister. I was thus shocked to witness the head of Customs run away and remain uncontactable when about 100 members of the public and activists visited the GST information kiosk in Kelana Jaya on 23 March 2015. In fact the entrance to the kiosk was shut off to us and blockaded by two rows of Light Strike Force personnel. It was as if the police had decided that the govern-

ment would collapse if any one of the 100-odd people set foot in the GST information kiosk, which was set up precisely for the public to visit and ask questions about the tax.

We had to negotiate for a meeting with the Customs head through the police who had decided to “shield” the Customs Department. After three hours, the Customs chief came, escorted by several of his officers along with two GST experts. The first question we posed was whether the Customs Department was ready for the GST implementation. This was met with a big smile and a thumbs-up from the Customs supremo.

Our second question – “Why is sardine, a foodstuff

that poorer people eat, taxed, while lobster isn't?" – brought forth an inane response: "That was decided by the Parliamentarians, we only implement." With that he scurried off up the stairs with the list of our 106 questions in his hand.

We waited for about four hours, hoping he would come back. But he never did. Instead the police, who had asked us to wait till 5pm, suddenly pounced on us at 5 and forcefully hauled as many of us as they could lay hands on into police trucks.

The correct answer to question 2, incidentally, is that sardine is subject to GST because it is a processed food while lobster is "fresh" foodstuff. It is scary that such an incompetent officer is currently holding a high post and in charge of GST implementation. It looks like Customs are not prepared to implement the GST as they can't even answer a few questions in a rational and civil manner. And yet the Malaysian government and its police force are so vindictive that so many of us ended up being abused and arrested. Some of the younger people were bashed up and some 79 persons have been charged in court.

It's disgusting to see the BN government using its might to rob the people through the GST. While these 'robbers' are out there, human rights activists and members of the public were arrested and locked up, just because of the 106 questions. This is nothing less than uncalled-for brutality.

What takes the cake is

We have questions....

THE following are some of the 106 questions we (tried to) pose to the Customs Department regarding the GST:

- Does the purchase of a low-cost house attract GST?
- Will GST be charged for using a credit card?
- Will GST be charged for using an ATM card?
- Will pawnshop services be subject to GST?
- Is there GST for housing loans?
- Will private healthcare services attract GST?
- Will GST be charged for private college fees?
- How long will it take for input tax to be paid to businesses?
- Is there GST on school uniforms?
- Rice is zero-rated. How will the small padi farmers who are not registered claim the input tax on fertilizer and pesticides?

that the police asked for three-day remand for the 25 persons who they kept overnight. The 25 attempted to tell the magistrate that all statements had been recorded and photos taken on the night of the arrest itself. But the magistrate went ahead and approved two days of remand. During that remand period, no investigation pertaining to their arrest was carried out for any of the 25, who just sat in the police lock-up facility for two days. This clearly is misuse of police powers. The power given to the police under Section 117 of the Criminal Procedure Code to remand arrested persons is for the purpose of investigating the alleged offence. In our case, however, it was used to teach the 25 a lesson!

Just as I was despairing over this state of affairs, hope shone through, in the shape of the scores of young people who turned up in front of the Kelana Jaya Police Station, then out-

side the Shah Alam lock-up facility and finally at the Petaling Jaya Sessions Court to raise their voices against the heavy-handedness of the authorities. They were not fazed by the Light Strike Force personnel who charged at them on the first night, nor by the dozens of Special Branch officers and their video cameras. The expression of solidarity by these young people and their rejection of injustice, inequality and corrupted politicians shows that there *is* still hope for this country. Their energy and determination is a breath of fresh air!

Their example should jolt us out of any sense of helplessness or complacency. To hell with the risk, we need to think of how to get out of the mess created by this bunch of idiots running the country!

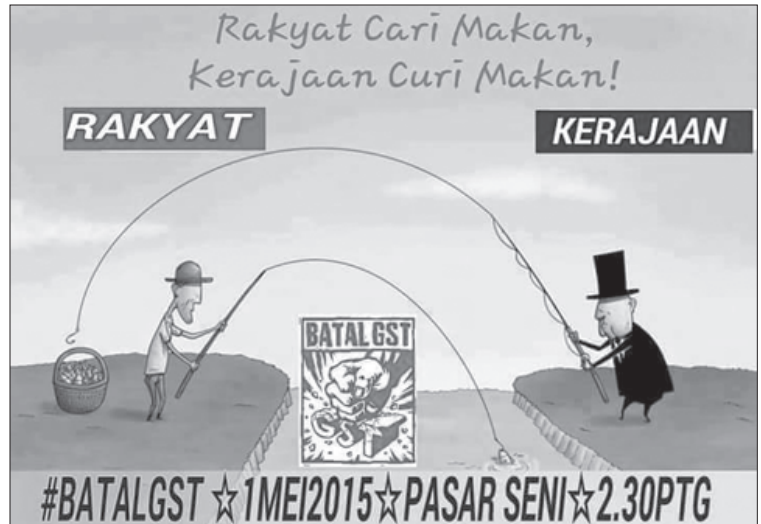
26 March 2015

Letchimi Devi is a PSM Central Committee member.

A new regressive tax

PSM has consistently campaigned against the Goods and Services Tax (GST) ever since it was first mooted to the Malaysian public about seven years ago. We do, however, understand the government's enthusiasm for the GST. It serves several purposes for the government including:

- It diversifies the tax base. Individual income tax, corporate tax and petroleum-related taxes, which collectively make up more than 60% of the federal government's revenue,¹ are all based on income. The GST is a consumption tax.
- It is expected to bring in about RM25 billion in tax revenue in the first year itself (although this will be partially offset by the loss of government revenue of about RM12 billion due to abolition of the sales and services taxes). In comparison, personal income tax netted RM28.4 billion in 2014.¹
- The multi-tier reporting by GST-registered companies will give the government a deeper insight into the actual volume of business being conducted in society, and make it more difficult for busi-



nesses to under-declare their income and thereby avoid paying their taxes in full.

- It will enable the government to further reduce the corporate tax rate from its current 24% (it stood at 40% in the 1980s). Our government believes that reducing corporate tax is one of the measures it has to implement so as to compete with our ASEAN neighbours for foreign direct investment (FDI). Singapore's corporate tax was at 19% before the recent hike to 21%.
- The government expects that the implementation of the GST would increase its credit ratings by international agencies for it shows that the govern-

ment is committed to "fiscal prudence".

If one accepts conventional economic logic, it would seem that there is much merit in the above. This is one of the reasons that the other opposition parties are somewhat muted in their criticism of the GST. Their position runs along the lines that "it is a good tax, but now is not the right time" and "fix the serious leakages due to mismanagement and corruption first".

PSM, whose analysis of society is quite at variance with the conventional view, has several reasons for its uncompromising rejection of the GST. These are:

1. There is severe income inequality in our society. Only about 33% of GDP is paid out as wages.² About 55% goes

as profits to businesses. (The remainder would be to small farmers, fishermen and live-stock rearers who together number between 1.5 and 2 million, as well as the 1 million or so petty traders who are not required to register with Customs as they do not meet the RM500,000 annual gross revenue threshold. The workers in the non-formal sector who probably number about 1 million would also get a small portion of the national income.)

2. The median household income in 2014 was RM4,254.² In other words, 50% of Malaysian families are earning less than this amount. According to the government, 28.7% of Malaysian families make do on less than RM3,000 per month.²

3. The debt level for these families is huge. Government statistics fix household debt at 87% of GDP. But as total annual household income is only about 50% of GDP, then household debt must currently be about 170% of total annual household income. It would be reasonable to assume that the debt burden of the B40 (the bottom 40% of Malaysian families) is even higher than this. We also have to take note that the 87% debt figure is for loans from accredited institutions and does not include “chetti” and “ah long” loans or “koottu” payments! In other words, the actual debt level for the B40 families is probably in the range of 300% to 400% of their annual income, which would mean that just the paying of interest alone would be absorbing 10-25% of their

monthly income. Any increase in the prices of goods would worsen their economic situation.

4. General consumption taxes are by nature regressive because they apply equally to all consumers. Pensioners, single mothers, the disabled and students are all affected. The exemption of a number of items from the GST does not change the fact that with the GST, even the B40 have to contribute to government taxes. This “roping in” of the B40 is a regressive move. The coupling of the introduction of the GST with the lowering of corporate and personal income tax rates as has been announced in Malaysia just makes the new tax regime even more regressive.

The Ministry of Finance has argued that the effective GST that the families earning less than RM3,000 would pay is just about 2.6% of their income, given the long list of exempted and zero-rated items. Even if this is true, it is a 2.6% that they did not need to pay before this.

5. The GST is a part of the post-Cold War brand of capitalism. Other features of this model, which is also termed “neoliberalism”, are:

- The belief that the market is self-correcting and the best thing any government can do is to intervene as little as possible.
- Privatization of more and more basic social services, based on the mistaken notion that for-profit organizations can provide all services re-

quired by the people more efficiently than state-run organizations ever can.

- The frenetic competition among developing countries for FDI, which is touted as one of the most important ingredients for economic growth. This has resulted in a “race to the bottom” in terms of union rights, environmental standards and, of course, tax policy.
- Intellectual property rights legislations that are creating new ways of extracting surplus from the developing countries by the transnational corporations from the advanced countries.

PSM believes that the existing economic system is too skewed in favour of the large capitalists – the 1%. We stand for a different paradigm, one based on putting people before profits, enhancing solidarity among the people and with nature, and removing the profit motive from the central role it is occupying in our society today. We are for revamping the tax system by introducing taxes on financial transactions, real property gains and inheritance. This would help address the ever-growing inequality in our national income distribution. The GST is definitely a move in the wrong direction!

Notes

1. Ministry of Finance Economic Report 2013/2014, p. 137.
2. From reply in Parliament, 7 October 2014.

Mr PM, this definitely isn't the best time for the GST!

S. Arutchelvan

MR Prime Minister, you said yesterday that this is the best time to implement the GST because with the decrease in fuel prices, Malaysians will have more money in hand and thus higher purchasing power.

This is totally untrue. The decrease in fuel prices has not reduced the prices of other goods. This has never happened before and you know very well that our enforcement agencies can never bring down the prices of goods. At the same time, you have cut subsidies, which means you have left prices in the hands of the market. On the ground, the rakyat are facing a massive increase in daily expenses and people and businesses are all talking about further price increases after the implementation of the GST. No amount of creative advertising by the government can dispel this fear.

You must admit that your neoliberal economic policies have ensured that the costs of education, healthcare and basic amenities are now being set by large corporations whose main interest is to maximize dividend payouts to their shareholders. Most of these huge companies have cronies within UMNO. Can you make them bring down the cost of education and



healthcare? Your government has also completely failed to control the soaring prices of houses and all your measures haven't made houses in urban centres any cheaper.

You have told the nation that Malaysia wants to implement the GST because most countries in the world follow this system of taxation. But just two days ago, you complained that our economy is down because of the global financial and economic crisis. This is a crisis that occurred because too many nations followed the advice of the super "gurus" in the World Bank and the IMF. In any case it isn't a wise policy to do something just because many others are doing it.

Before the end of the

Cold War in 1989, only 48 nations implemented the GST. The previous taxation policies were more progressive wherein the rich were taxed and the poor exempted from taxation. But the victory of neoliberal capitalism since then has resulted in 160 countries now using the GST model. And this is one of the factors aggravating the problem of inadequate aggregate demand, which is, in the final analysis, one of the major causes of the ongoing global economic malaise.

Mr Prime Minister, you mentioned in your Budget speech that we will get an income of RM23.8 billion from the GST annually. But if you take into account the loss of income from the abolition of

the Sales and Services Tax, and the cost of paying out BR1M, you will get a net increase in revenue of only RM690 million.

Now if you just take the 10 richest people in Malaysia, their net worth is RM181 billion. If you implement a wealth tax of 15% on the increase in wealth enjoyed by the super-rich, you will be able to rake in billions of ringgit every year. That would be more than enough to cover the expected income from the GST which you intend to inflict on the entire nation, including those on welfare, pensioners and single mothers.

But Mr Prime Minister, your ministers gave the game away and showed us where the sympathies of your government really lie when they said (in reply to a question raised in Parliament recently) that the amount of tax collected from



Household debt has exceeded 170% of annual household income.



"We need to lower corporate tax to attract more FDI."

the 10 richest Malaysians is an official secret. We have been telling you repeatedly to spare the poor and tax the rich. But you have done the very opposite. In your last Budget you have again cut the corporate tax rate by another percentage point.

The administrative expenditure of the federal government amounts to RM223.4 billion or 82% of the total Budget. If you save just 10% here by making sure your administration does not routinely augment the prices of all goods and services procured by the government by a hefty 50% or more, you will be able to get another RM22 billion and will not need to implement the GST. And, Mr PM, I have not even gone into black money and corruption yet....

The Global Financial Integrity study reported that Malaysia had the fourth largest outflow of illicit money for the period from 2002 till 2011, amounting

to US\$370 billion (RM1.21 trillion). The same report said that in 2012 alone, Malaysia lost RM171 billion from corrupt practices and "creative money management". Saving just a quarter of this amount will enable us to have another RM43 billion in hand.

Mr Prime Minister, it looks like your government does not have the political will to increase the minimum wage, which is due to be reviewed this year. It appears quite likely that you are going to defer this the same way you have deferred taking concrete steps to achieve the goal of making Malaysia a high-income society by 2020.

It is because of all these issues that we feel that it is time to scrap the GST. Please, Mr Prime Minister, on 1 April, tell the nation that it was just an April Fool's joke and that you will not be implementing the GST.

23 January 2015

S Arutchelvan is the Secretary-General of PSM.

The parable of a thorny budget

D. Jeyakumar



Wise men from the West.

ONCE upon a time, in a small tropical nation, there was a ruler named Bijan. He wasn't particularly bright as a ruler, but he had many distinguished advisors from the IMF and the World Bank to give him advice on how to develop his country. In Bijan's country there were many nice fruit trees lining the paths leading to the fields where the people worked and to the rivers where they caught fish and bathed. The wise men from the West advised Bijan to cut down all these fruit trees and plant various varieties of

cacti and trees bearing thorns on their branches. These wise advisors told Bijan that these cacti, creepers and thorny trees would be good for the country in the long term.

So despite protests by his people, Bijan cut down many of the fruit trees and replaced them with the cacti and thorny trees as advised by the wise men from across the seas. Over time the branches of these thorny trees grew into the paths that the people used for their daily activity, and caused scratches and cuts to the

passers-by. The people complained bitterly, but Bijan, following the advice of the wise men from the West, refused to trim these branches.

Finally, on Budget Day, the day Bijan announces to the nation how he plans to utilize the taxes that the government collects from the people, Bijan outlined many plans to deal with the wounds caused by the thorny trees and cacti – the government would give lotions such as flavine free of charge, sell plasters at reduced prices, give tax relief for all Panadol purchased, and give a grant of RM1,000 if anyone died as a result of a wound from the thorns.

Some of the people who had thought a little more deeply about the situation pointed out that the main problem was the thorny branches encroaching onto the paths that the people use daily. Surely the trimming of these branches should be an important component of any sincere attempt to deal with the wounds being sustained by the people. Sadly, however, there was no mention of any trimming of thorny branches in Bijan's Budget speech, as all



A moratorium on the further expansion of private hospitals would curb brain drain from government hospitals.

his advisors from the West strongly counselled against any such measures.

* * * * *

Over the past 25 years, Malaysia has encouraged the private sector to take over provision of basic services – water, healthcare, housing, tertiary education, waste disposal – because the wise men from the World Bank and the IMF have told us that the private sector is a better and more efficient provider of all goods and services that the public requires. As a result, the cost of living in Malaysia has spiralled upwards and household debt now stands at 225% of annual household

income!

Thousands of lower-level staff in government departments have had their jobs terminated and then been re-employed as workers for private contractors providing services to the government such as housekeeping, security, gardening etc. This has resulted in job insecurity, wage stagnation, and loss of benefits such as workers' quarters, housing loans, old age pension and medical benefits.

Aren't these policies like the thorny trees mentioned in the parable above? There is hardly anything in the 2015 Budget that reverses or even 'trims' the neoliberal policy

framework that Malaysia has adopted. In the healthcare sector for example, measures like building several more Malaysia Clinics are mentioned. But the major problem is the shortage of experienced specialists in government hospitals. More than 75% of the experienced specialists have left for the much more lucrative private hospitals. It would be easy to 'trim' this particular thorny tree – just impose a moratorium on the further expansion of private hospital beds. No new private hospitals, and no expansion of the wards of the existing private hospitals. That would curb the brain drain and give the government hospitals a chance to upgrade the quality of services provided. But this sort of intervention is not there in the Budget.

Instead the government intends to plant two more 'thorny trees' in 2015 – the GST and the TPPA trade agreement!

We keep planting more and more thorny trees, and proceed to give plasters and sweets to the people in the annual Budget announcements. A whole host of journalists, opinion shapers and political leaders will then fall over themselves to sing the praises of what they claim is a "people's Budget". And they keep getting away with this falsehood year after year.

How long are we going to remain so naive and gullible?

6 October 2014

Dr Jeyakumar Devaraj is the Member of Parliament for Sg. Siput as well as a PSM Central Committee member.



International Monetary Fund HQ.

Justice for farmers, food security for the nation – amend the National Land Code!

D. Jeyakumar

APPROXIMATELY 55% of the fresh vegetables sold in Malaysian markets are produced by farmers tilling unused government land, often disused mining land. Many of these small farmers are tilling land that their fathers or grandfathers had farmed. But despite being on the land for decades, close to 90% of our market gardeners do not hold grants or long-term leases to the land on which their livelihood depends. A small percentage of them hold TOL or Temporary Occupancy Licences that need to be renewed annually. The majority have no documents that grant them rights to the land. Many have applied for grants but have been turned down.

Steadily expanding urban centres are encroaching on the land farmed by market gardeners. The land they have been tilling for years has, in stages, been alienated to government-owned or private companies for housing, industrial development, highways, the double-track rail project and other such projects. The hapless farmers are shooed away, often with no monetary compensation at all. Compensation in the form of



Sarasvathy, PSM Deputy Chairman, was arrested on 27 April 2015 for obstructing eviction of farmers in Tronoh, Perak.

alternative land to carry on farming is practically unheard of. In central Perak alone, there are currently more than 25 groups of farmers who are facing the threat of eviction. In all there must be over 800 farmers affected at this point in time in central Perak.

This ongoing eviction of market gardeners all over the country is a serious issue:

1. It is causing economic hardship to these small farmers as farming is the main source of income for many of these families.

2. It impoverishes the local economy. It is not only the

evicted farmers who suffer. The small businesses that sell fertilizer and pesticides and those which provide transport services for the vegetables produced are also affected. The shrinkage in the purchasing power of the local community affects many other small businesses in that locality.

3. Malaysia's food security is also affected. At present we only grow about 60%¹ of our vegetables locally. This ongoing eviction of market gardeners is going to reduce our level of self-sufficiency even further. We will have to rely more and more on imported

vegetables. According to the Minister of Agriculture, Malaysia imported RM2.8 billion worth of vegetables in 2010. This is going to increase.

4. The replacement of small farms and their associated ponds with houses, roads and concrete dramatically increases surface run-off after rain, resulting in flash floods downstream.

PSM has been trying to help the small farmers get a better deal. Over the past 15 years we have stood with more than 15 groups of farmers who were facing the threat of eviction. In a few of these cases we managed to stop (or postpone) eviction and in a few others we managed to negotiate alternative land for the farmers. However in the majority of cases we have only been able to win some cash compensation. Recently PSM formed a farmers' network in Perak, comprising 22 groups of farmers who are being threatened with eviction. This network has been trying, so far unsuccessfully, to arrange a dialogue with the Menteri Besar of Perak. The farmers' network is also helping 15 farmers in Tronoh who have been hauled to court by MB Incorporated which has filed cases to evict them.

However a comprehensive solution that will provide protection for all vegetable farmers tilling government land requires a change in our land law. While power to alienate land resides in the respective state governments, the legislation that governs all land transactions, the National Land Code, is a federal law. PSM has decided to put in a Private



150 farmers from Perak protest in front of the PM's Office in Putrajaya on 28 April 2015.

Member's Bill to safeguard the interests of small farmers (and this will of course benefit the nation by enhancing our food security.)

The National Land Code already has Section 214A which provides for the setting up of an Estate Land Board in every state to ensure that the interests of estate workers are safeguarded when estates are fragmented and sold. Section 214A requires the party intending to fragment estates to apply and get written permission from the Estate Land Board. The Board is mandated to make recommendations to the selling party, and can refuse to give permission for the fragmentation of estates unless these recommendations are complied with.

PSM's Private Member's Bill is modelled on Section 214A. A new Section 214B is to be enacted which mandates the creation of an Agricultural Land Board that vets and approves or otherwise the aliena-

tion of government land that is being used for food production. Section 214B goes on to specify the composition of this new board – the State Secretary, the State Director of Lands and Mines, a representative of the Minister of Agriculture, two State Assemblymen (one from the ruling party and another from the opposition) and two farmers who are nominated by the farmers' associations in that state.

This Private Member's Bill was submitted to the Secretary of the House on 11 February 2015, in line with the requirements of the Standing Orders. Hopefully it will appear on the agenda of the House when Parliament opens next week.

5 March 2015

Note

1. Parliamentary Question 19, on 18 March 2014

Overhaul the national rice subsidy programme to curb abuse

Gooi Hsiao Leung

KEDAH and Perlis rice mills are currently facing a serious oversupply of stockpiled rice which they are unable to sell, estimated at over 100,000 metric tons. According to rice millers, this excess supply is largely caused by corruption and abuse of the national rice subsidy programme.

In October 2014, a former senior employee of the national rice corporation BERNAS, Mohd Roslan Bani Amin, publicly exposed that quota receivers or wholesalers were required to pay bribes or “toci”, as it is widely known in the rice industry, to corrupt agriculture ministry officials to obtain the “special quotas” to supply the national subsidized rice – Super Tempatan ST15% broken rice – which is meant to be sold to low-income earners.

According to Roslan Bani, instead of selling the ST15% rice to retailers, the quota receivers would either sell the subsidized rice to other wholesalers at a profit or repackage the ST15% rice (“tukar baju”) and pass it off as 5% broken rice, a higher-grade rice, to be sold in the market to fetch a much higher price. Rice millers complain that because of the flooding of cheap ST15% rice being traded in the market



Some of the 200,000 padi farmers in Malaysia.

due to abuse and corruption, wholesalers are not buying from rice millers and, as a result, they are experiencing a rice stockpile.

This problem is compounded by widespread rice smuggling activities from neighbouring countries. In reality, if the rice industry is properly managed by the government, there would not be a problem of excess rice because our country doesn't produce enough rice locally to be 100% self-sufficient. Locally, we only produce 70% of the country's rice demand, while the rest is imported by BERNAS.

Rice farmers too, especially in Kedah and Perlis, whose livelihoods are heavily

dependent on income derived from their harvested crops, are concerned about the effects of the oversupply of rice stockpiled in local rice mills. Kedah and Perlis paddy farmers harvesting their crops at the end of this month and next month are extremely worried that local rice mills will not buy their paddy due to the oversupply of rice. Additionally, the farmers fear that rice millers will be forced to make high deductions when grading the quality of their paddy to be sold, which would greatly reduce their income.

Clearly the magnitude and effects of the abuse and corruption in the management of the national rice subsidy pro-



YB Gooi Hsiao Leung, PKR MP for Alor Setar.

gramme are far-reaching – affecting the entire supply chain of the rice industry, from farmers to rice millers, wholesalers and, ultimately, the consumers.

Notwithstanding the Agriculture Minister's announcement of a total revamp of the selection process of quota receivers in November 2014, following allegations of corruption and abuse of the rice subsidy programme, rice millers complain that the new selection process is far from transparent and satisfactory in curbing corruption and abuse. Among the main criticisms of the new selection process is that everything is decided from the Agriculture Ministry headquarters in Putrajaya without any consultation or feedback from local industry actors. No interviews or consultations are conducted with local quota receiver applicants. No consultations are

made with local rice millers or wholesalers associations to evaluate the suitability or performance track records of applicants. State agricultural departments on the ground are not consulted on the suitability of applicants.

The latest list of monthly quota receivers just released by the Ministry this week only strengthens rice millers' fears and suspicions that

bribes continue to be paid in order to receive quotas to supply the subsidized rice. The majority of wholesalers selected in Kedah are newly ap-



Malaysia enjoys only 70% self-sufficiency in rice.

pointed and unknown to the market, and do not have local distribution networks or equipment and machines to pack rice.

Each month the government sets a quota of 40,000 metric tons of ST15% rice to be supplied for Peninsular Malaysia, and 20,000 metric tons

for Sabah and Sarawak, costing our taxpayers annually a budgeted sum of RM528 million to feed around 8 to 9 million mouths daily.

However, the rice subsidy scheme has come under heavy criticism because it is alleged that due to mismanagement, abuse and corruption, the subsidized rice has not reached the targeted recipients, namely the poor. The national rice subsidy programme has been abused and mismanaged for years, enriching politically connected individuals in the Agriculture Ministry.

I have made calls in Parliament in November 2014 and again here, to urge the Minister of Agriculture to seriously consider terminating the rice subsidy programme in its current form. In the meantime, the Minister must give his assurance that he will personally investigate the causes of the excess rice stockpile faced by rice millers in the country as this is an important national food security issue.

I ask that he also ensure that all future quota receivers will be selected in a transparent and fair manner to ensure that only qualified and deserving wholesalers are given quotas.

15 January 2015

Gooi Hsiao Leung is Member of Parliament for Alor Setar and a PKR Supreme Council member.

Improve support for single mothers

Memorandum to the Minister of Women, Family and Community Development

WE the groups endorsing this memorandum would like to request YB Datuk Rohani Abdul Karim, the Minister of Women, Family and Community Development, to give serious attention to the difficulties faced by single mothers. According to the Population and Housing Census of 2010, more than 830,000 families in Malaysia are headed by women. This is approximately 15% of families in Malaysia. Many of the women-headed households face serious socio-economic pressures.

A study was done by the Socialist Party of Malaysia (PSM) recently to better understand the problems of single mothers. The study focused on single mothers with primary school education between the ages of 31 years and 40 years and with schoolgoing children. These women became single mothers because their husbands either died, were imprisoned, were committed to drug rehabilitation centres, divorced or just abandoned them.

Problems identified in this study were:

1. Low income

The majority (90%) interviewed earned monthly incomes below RM1,000. With a

monthly income below RM1,000, these single mothers are unable to provide their children basic needs, i.e., housing, food, transportation and education. The food that is served is not nutritionally balanced.

2. Housing

Their low income is insufficient to cover living expenses. Rental or loan repayments take up a large chunk of their monthly income. Those who had bought houses could not repay their debt. Consequently their houses were auctioned. Some single mothers have to resort to leaving their children with different relatives.

3. Childcare

Childcare services are very difficult to access when single mothers go to work. Their children are left unattended after school because the mothers are at work. They are not provided with lunch and neither do they have help with school homework. This situation affects the future of the children of single mothers. Their physical, mental and academic development is stunted by their circumstances. The cycle of marginalization and poverty continues to be per-

petuated.

4. Transport

Transportation costs eat away a significant portion of the low income of single mothers. Their burden increases as they have to pay for transport, in particular for trips to the hospital, workplace, as well as to school. There are areas with no public transport facilities. Thus single mothers are forced to pay for taxi services.

5. Health of single mothers

The physical, socio-emotional and spiritual health of single mothers is compromised. This in turn impacts negatively the development of their children.

6. Assistance from the Social Welfare Department (JKM)

Assistance extended by the Welfare Department is insufficient. At present, the maximum financial assistance is RM450 per family. The department does not provide any assistance in terms of accommodation, childcare or nutrition. The application process (from the filling out of forms to the decision/outcome stage) is complicated and takes a long

time (between one year and seven years).

These are some critical problems identified through the random study as well as through discussions. As a response to the problems of single mothers, we would like to make some recommendations to the Ministry of Women, Family and Community Development.

Our proposals are as follows:

1. National database

We call on the Ministry of Women, Family and Community Development to develop and maintain a database for single mothers at the national level so that no family falls below the “radar”. The Ministry should have a comprehensive list of the single-mother households with schoolgoing children to ascertain that no family is left behind. The Ministry should proactively investigate all families where the male breadwinner is imprisoned, sent for drug rehabilitation or dies to update this database and to ensure the families facing problems are enrolled in suitable programmes.

Children from single-mother families should be given attention and support in order to prevent them from becoming school dropouts or gang members. It is not fair to punish children for mistakes made by their fathers.

2. Voucher system

Single mothers earning less than RM1,500 with chil-

dren under 18 years of age should be given assistance for housing, nutrition, transportation and childcare. A method for delivering this help is to use a voucher system, for example:

- Vouchers of RM250 per month to assist in the cost of housing rental; a two-month rental deposit and an electricity and water deposit should also be taken into account;

- Vouchers of RM100 per month to purchase food for each child under the age of 18 years;

- Vouchers of RM150 per month for each child from the age of four years to six years for access to a quality-assured community pre-school;

- Vouchers of RM150 a month for each child under the age of 10 years for payment for childcare;

- Vouchers for purchase of uniforms and shoes for school.

Some of these vouchers could be made conditional on keeping the child in school, or on the mother attending a counselling class one Sunday each month.

3. Transport

Free bus service with the use of passes (such as for students) for single mothers who have children under 18 years.

4. Home visits and counselling

- JKM needs to regularly visit single mothers at their homes in order to assess how they are coping.

- Single mothers and their children need counselling too.

Many of the single mothers are from marginalized groups and do not have the skills to manage their family adequately.

- JKM should review the effectiveness of rehabilitation programmes in prisons and detention centres so that husbands with drug problems can be reformed and become useful members of society.

- JKM must be proactive and visit all the families in which the husband/father is imprisoned or in detention centres in order to identify families in need of assistance.

5. Training programmes

Skills training and/or funding for business ventures should be made available wherever appropriate.

We hope that the Minister will consider the issues highlighted in this memorandum and take appropriate measures. We look forward to being invited to a discussion on these issues with the Minister.

This memorandum was endorsed by the Archdiocesan Office of Human Development, the Centre for Orang Asli Concerns, Kuala Lumpur Selangor Chinese Assembly Hall, PACOS Trust (Sabah), Parti Sosialis Malaysia, Persatuan Ibu Tunggal Spring, Persatuan Sahabat Wanita Selangor, Saya Anak Bangsa Malaysia, Sisters in Islam, Society of St Vincent de Paul (Selangor) and the Women's Aid Organization. It was handed to the Ministry of Women, Family and Community Development in February 2015.

Muruku crushed in a mug of coffee

Veronica Anne Retnam

“I WOULD love to have muruku crushed in a cup of coffee,” said a mother, in response to my question of what would make her happy for Deepavali.

All she wanted was to “make muruku from at least three packets for the family”.

The grandmother retorted that it wouldn’t be sufficient – at least 10 packets would be needed, she said with a big smile, for the family of seven.

When prodded about what else they would like, a few excitedly said “chicken curry and if possible mutton”. But another voice shot it down, saying mutton would not be possible. The children had been asking when the women would be making muruku but it did not seem possible, said the women.

This is the reality facing one sector of Malaysian society, a sector which for generations has been contributing to the nation’s wealth. This is the estate sector, the rubber tappers.

While many have been waiting for rain and are thankful for it, for this group, rain means no work and thus no productivity, which means less pay at the end of the month. Other daily rated workers whose income is affected by weather are in the same boat. For rubber

tappers, wages are also affected by latex yields and price.

Do we know how much rubber tappers earn, how their income is calculated?

Simple food is top of the wish list for Deepavali, not even clothes. This gives us a clue as to what their wages are like.

We could ‘hang out’ these next few days in shops/market places where our plantation workers will head to, if at all, to buy whatever they can, perhaps collectively as they say they have done in the past. For some, bulk is added by buying four carcass of chicken to one chicken and the resulting chicken curry is ‘stretched’ to last for about three days.

It’s the small towns, the outskirts, that we should be looking at. Maybe some cannot even come out for a once-a-year trip. We should also pay attention to the clothes, the footwear.

Then perhaps we will ask if the big players in the plantation sector have done justice where it is due instead of merely practising “corporate social responsibility” by holding charity dinners and giving out hampers to orphans and children’s homes come this

Deepavali (or any other festival for that matter).

Shouldn’t that corporate responsibility first and foremost be to provide a living wage to those who through their sweat created the wealth in the first place?

Workers and their families need nutritious food and other basic needs every day, not once a year, and not just for a select minority.

But it’s not rubber tappers alone whose pay cannot meet basic needs. It’s just that next Wednesday is Deepavali and a good number of Malaysians who are still tapping rubber celebrate Deepavali.

Is life now any different than for those who walked the same estates 57 years ago?

I wonder if, muruku aside, the women I met are going to borrow money so they can enjoy some Deepavali cheer, besides their religious practice of going to the temple which is within walking distance.

Veronica Anne Retnam is Coordinator of PSM’s Women’s Desk. The above is an edited version of an article that was first carried in The Malaysian Insider (16 October 2014).

The arrest of PSM's Sec. Gen.: A naked attempt to intimidate

D. Jeyakumar

AT about 6pm on 19 February 2015, 15 policemen from the Dang Wangi Police Station descended on the home of the PSM Secretary-General Sdr Arutchelvan in Kajang to arrest him. The operation was conducted as though it was an anti-terrorism exercise, with police surrounding the house and covering the back exit while the arresting officer banged on the front door.

Arul of course allowed the police in and they proceeded to confiscate his computer and modem while snapping a load of pictures. By this time several PSM members and supporters had gathered in front of Arul's house, with some of them telling the police off for coming in such numbers. Why didn't you first call Arul to come to the police station, a PSM member challenged the police. Why are you all wasting so much time on this exercise, he asked. Don't you have better things to do?

According to the arresting officer, Arul was arrested under Section 4(1)(a) of the Sedition Act which reads *Any person who prints, publishes ... or reproduces any seditious publication shall be guilty of an*

offence and shall, on conviction, be liable to a fine not exceeding RM3,000 or imprisonment for a term not exceeding 3 years.

Arul was taken to the Dang Wangi Police Station and held overnight. Meanwhile a group of supporters gathered outside the police station, including members who had come from outstation, in solidarity and support. In Malaysia, the police have to release any arrested person within 24 hours of arrest. However, Section 117 of the Criminal Procedure Code empowers the police to apply to a magistrate for a period of remand of up to 14 days if they feel remand is necessary to carry out investigations. In Arul's case the police got a magistrate to come to the police station as 20 February was a public holiday. The police requested a remand period of four days.

Arul was represented by a five-member legal team comprising Dato Ambiga, Amer Hamzah, Latheefa Koya, New Sin Yew and Shahredzan Johan in the remand hearing that took place at 10.30am on 20 February. They argued that the police had another eight hours to take

Arul's cautioned statement, and that there was no need to arrest him in the first place. Arul's lawyers cited the case of Datuk Seri Ismail Sabri Yaakob, the Minister of Agriculture, who had been asked to come to the police station to give a statement for charges under the same section of the Sedition Act. The Minister had refused to do so for two weeks, citing work commitments. And the police had refrained from arresting him. Our lawyers argued that this contravened Article 8 of the Federal Constitution which proclaims equality before the law. Here the police were clearly practising favouritism.

The magistrate saw the rationale of our lawyers' submissions and rejected the police's request for remand. The police were told to release Arul before the expiry of the 24-hour period after arrest.

The investigating officer ASP Redzamin then took Arul's cautioned statement. He confirmed what we had suspected at the outset: the arrest on sedition charges was related to the press statement that Arul had released on behalf of PSM on 10 February regarding Anwar

Ibrahim's conviction by the Federal Court on sodomy charges. In that statement Arul criticized the Federal Court, saying the courts are not independent but are politically driven. This is what a large number of Malaysians feel. Soon after that press release, the Inspector-General of Police (IGP) tweeted that Arul would be investigated for his "seditious" statement!

Arul admitted to authoring the offending press release on behalf of PSM, but followed the advice he himself gives to activists in sessions discussing how to handle being arrested, by declining to answer most of the questions put to him, saying that he would reply in court. This is an option open to those giving a cautioned statement to the police.

Arul was released at about 5.30pm on 20 February, about 23 hours after the time of his arrest. The authorities now have to decide whether to charge him or not. If they decide to charge Arul, he will be asked to come to court where the formal charges will be read and he will be asked to plead. If he pleads not guilty, then the court will fix a date for the trial while allowing him bail.

This isn't the first time the current IGP has employed heavy-handed tactics against PSM. In December 2008, when he was the Chief Police Officer for Selangor, he tried very hard to prevent a PSM team of cyclists from reaching Parliament. He arrested the entire northern team and tried to induce the parents of the cyclists to take

their children back home. None of the parents did so, and PSM managed to complete the campaign by handing their demands to Parliament a few days later.

In June 2011, when he was the Deputy IGP he arrested a busload of PSM members, saying that we were engaged in an attempt to topple the Agong. Six among us were detained under the Emergency Ordinance for over a month, a period during which the Special Branch worked overtime to try and produce a White Paper that we were part of a sinister international communist conspiracy! However, the police failed in their attempt to lock us up for two years under preventive detention laws as was their intention because our detention proved to be very unpopular and was politically costly to the ruling government.

The IGP does not seem to have learnt anything from these two debacles. PSM does not go out looking for fights. But we will not shirk from standing up especially if there are principles involved, and in this case there are. The Sedition Act of 1948 – an Act formulated by our colonial rulers to suppress the Independence struggle – is being used now to clamp down on criticism of the BN administration by intimidating the Malaysian public. Several of its loosely worded provisions are inimical to the development of a democratic society. Section 3(1)(a) defines a seditious tendency as including actions that "excite disaffection against any government". This means that

even criticizing corruption within the government can be considered "seditious". Arul probably fell foul of Section 3(1)(c) which states that "exciting disaffection against the administration of justice in Malaysia" is a seditious tendency.

The democratic paradigm holds the people sovereign. However, this sovereignty has to be exercised through leaders who are elected periodically by the popular vote. Underpinning the democratic paradigm is the notion that all leaders, including elected ones, are human and can therefore make mistakes, especially if given unrestricted power. This is why freedom of expression (including criticism of government policy), press freedom, separation of powers between the executive and judicial branches of government, term limits for certain elected posts and many other such provisions are an integral part of the democratic system of governance.

It is clear that the draconian Sedition Act of 1948 is profoundly undemocratic for it criminalizes criticism of any of the institutions in democratic society. This isn't good for democracy, which requires robust mechanisms of check and balance. So, yes, PSM will be ready to take up a fight against the Sedition Act if the authorities are foolish enough to proceed with charges against our Secretary-General, thus giving us the opportunity to challenge the Act in court and outside.

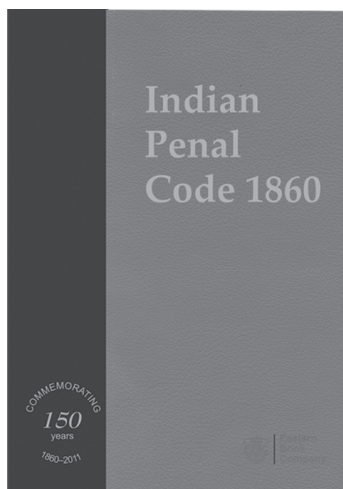
28 February 2015

Isn't it time we de-criminalized homosexuality?

THE jailing of Anwar Ibrahim for alleged consensual sex with an adult male puts Malaysia in the spotlight for being rabidly homophobic. Whether Anwar is guilty or innocent of this charge is not the issue here (although the tainted court process and evidence of political chicanery has put Malaysia's entire judiciary on trial, nevermind the credibility of the government). The real question is: why is consensual sex between two adults of the same sex a heinous crime in Malaysia?

To put it simply, Anwar is in jail today because of the British colonial Raj in India. The British Raj introduced Section 377 of the Indian Penal Code which was drafted in 1860! So 155 years later, in the age of Fifty Shades of Grey, poor Anwar is being subject to the moral rectitude of the British Raj. Section 377 of Malaysia's Penal Code, modelled after the Indian Penal Code (note the same section number!), criminalizes carnal intercourse against the order of nature, i.e., oral and anal sex. Yes, even oral sex between heterosexual adults.

So clearly we have an antiquated law. But how many



times has this law been enforced in Malaysian history? According to Simranjit Kaur Gill, there have been a grand total of seven charges brought under this law since 1938. Four out of these seven charges were

connected to Anwar! Hmmm ... do the words selective prosecution, abuse of the legal process, witch hunt and political persecution come to mind?

What have the Indians done with their Section 377 of the Penal Code which was the fountain of the sodomy laws for the Commonwealth? Why, they repealed it of course: in 2009. Two years earlier, Singapore modified Section 377a of their Penal Code to exclude consensual oral and anal sex (well in typical Singaporean fashion of course). So where does that leave Malaysia?

Leaving religion out of the bedroom (I know I know ... JAKIM would have less to do) isn't it time to follow the Indians. There has been no surge in homosexuality in India since 2009 through the right-wing Hindus there are as worked up over sexual morality as their counterparts in Malaysia.

So let us repeal Section 377 ... and free Anwar, taking another step towards a more inclusive Malaysia.

A lightly edited post from the Wandering Malaysian blog (wanderingmalaysian.blogspot.com).

Richard Riot – Minister of Labour with a soft spot for the bosses?

S. Arutchelvan

PARTI Sosialis Malaysia (PSM) condemns the irresponsible statement by the Human Resources Minister Richard Riot in Parliament on 11 March that the government does not intend to increase the minimum wage for workers when he was queried whether this would be done to offset the impact from the GST which is to be implemented on 1 April.

The Minister's statement makes a mockery of the National Wages Consultative Council (NWCC). It is the NWCC which is supposed to recommend any increment to the minimum wage as this year is the year to review the current minimum of RM900 in Peninsular Malaysia and RM800 in Sabah and Sarawak.

Even before the NWCC can meet to decide on whether the minimum wage should be revised, the Minister has jumped the gun. He has clearly indicated that the government has no interest whatsoever in increasing the minimum wage despite knowing very well that the GST is going to increase prices and will be a major burden for the rakyat, especially the middle- and lower-income groups. The Minister has plainly demonstrated that he is

indeed a lackey of the capitalist bosses who have already made it known that they are not for any increase in the minimum wage.

This is shameful on the part of the Minister and the ruling party. If the members of the NWCC have any pride, they would all resign from the Council because the Minister's statement shows that they are just a rubber stamp to be used by the government. If the NWCC believes it is independent, then it should ask the Minister to retract his irresponsible pro-employer statement. The Minister should also be reprimanded or perhaps have his salary cut to RM900 a month for a couple of months as punishment for his arrogance.

PSM and the Oppressed People's Network (JERIT) today handed a memorandum to the NWCC asking the Council to consider a minimum wage of RM1,500. If the ruling party has no political will to review and increase the minimum wage, then it should also likewise immediately call for the GST to be deferred until such time as a decent living wage is implemented. There should not be any double standards.

Previously the govern-

ment dragged its feet before bringing the minimum wage law into practice, giving many excuses such as the need to do research etc etc. We are very sure the ruling party will once again drag its feet over the need to increase the minimum wage, which is supposed to be reviewed every three years. A review is due this year.

Millions have been spent on advertisements to persuade, force and hoodwink the people to accept the GST this April, but little or no effort is shown to increase the minimum wage or make a campaign around it. While we aspire to be a high-income nation in 2020, it looks like the government has already abandoned this plan.

Richard Riot is running riot with his irresponsible statement and is not fit to be the minister of labour, whose major brief is to safeguard the interest of the workers. He has clearly indicated that he does not have any interest in increasing the current minimum wage.

PSM calls for the minimum wage to be increased to RM1,500, failing which the government should defer implementation of the GST.

13 March 2015

Sacrificing workers' rights for a pro-business trade deal

A. Sivarajan

PSM is deeply concerned over Deputy Human Resources Minister Datuk Seri Ismail Abdul Muttalib's announcement that the government will review the draft of the proposed amendments to the Trade Unions Act 1959 before it is tabled in Parliament to ensure that it will be in tandem with the TPPA trade agreement.

The Trans-Pacific Partnership Agreement which is currently being negotiated among 12 countries in the Pacific Rim region, including Malaysia, is believed to be in its final stages. The US-led trade pact, which would tie governments of the 12 nations to a single coherent pro-business framework, has been heavily criticized by civil society and workers unions who fear that it will have disastrous effects on healthcare, employment, the environment and many other areas.

The underlying agenda of the TPPA is to ensure:

1. Dismantling of trade barriers such as import tariffs and domestic protectionist policies, and the dilution or scrapping of policies safeguarding



Protests during Obama's visit in April 2014.

employment, accessibility to medicines and environmental protection;

2. Prioritization of investor interests over public interest;

3. The right of private corporations to sue governments of sovereign nations if policies implemented to protect citizens thwart the corporations' profitability;

4. Profit maximization through the extension of intellectual property rights.

The Trade Unions Act 1959 has already been watered down with regard to ensuring basic workers' rights such as

the right of association, the right to collective bargaining and the right to strike. In a recent report by the International Trade Union Confederation, Malaysia was classified as the worst country for workers. The Trade Unions Act 1959 and the Industrial Relations Act 1967 have failed terribly to safeguard basic labour rights.

We in PSM are very concerned that both these laws will be further adulterated and remaining workers' rights shredded to please investors and corporations with the aim of attracting foreign direct investments into Malaysia once the

TPPA is signed.

Even now it is already very difficult for workers to organize to form a union. Current legislation requires workers to gain recognition from the employer before they can officially negotiate a collective agreement. This process often exposes workers' leaders to victimization and termination even before the union can operate.

Obviously transnational corporations would prefer a docile workforce and compliant unions (if there are to be unions). Amendments to the Trade Unions Act in line with the TPPA would mean further obstruction and limitation for workers who wish to organize themselves.

Although the Human Resources Ministry might argue that the TPPA has a labour chapter and the requirement for Malaysian labour laws to comply with international labour standards, the reality is that such requirements would be overridden by provisions contained in other chapters. The



labour chapter would thus be rendered toothless given the overriding priority accorded, for example, to the investment chapter.

A chilling example of how today's trade and investment agreements prioritize corporate profits is the case of Veolia, a French multinational which is suing the Egyptian government because of an increment in the monthly minimum wage that the government implemented. Veolia is invoking the "investor-state dispute settlement" (ISDS) provision in

an investment treaty between France and Egypt to claim damages in an international tribunal.

We are informed that the TPPA has similar ISDS provisions and that Malaysian negotiators have agreed to their implementation if the TPPA is signed.

Since investor rights would reign supreme in the TPPA, how will the government react if a foreign investor prohibits unions in its establishment? Will the Human Resources Ministry stand up for the workers or remain silent for fear of being sued by the investor?

PSM is disappointed that the Deputy Human Resources Minister, who should be protecting workers' rights, is in fact proposing to amend our labour laws such that they are in concordance with the pro-business TPPA.

Malaysian labour laws need to be strengthened so that workers can freely unionize, negotiate and strike in the event of dispute. Only then will workers' rights be upheld in the face of multinational corporations entering our country in search of a cheap and unorganized workforce to maximize their profits.

PSM will work in coalition with the unions and with civil society to oppose any attempt to rip apart workers' safeguards in order to comply with the Trans-Pacific Partnership Agreement.

No to the TPPA!

A. Sivarajan is PSM's National Treasurer.



Workers taken for a ride once again!

M. Sivaranjani



Malaysian labour laws have been increasingly watered down after the defeat of the Left.

their salaries since May 2014. They also claim that although EPF payments have been deducted from their salaries, these have not been forwarded to the EPF for the past one year. Similarly, overtime wages (amounting to 1.5 times the normal hourly rate) have not been paid for over a year. This is daylight robbery!

Various ques-

tions linger in my mind. How have these workers and their families managed these past five months? Who would have borne the cost of their children's education? How would they have managed to pay rent, utility bills and their bank loans? How many of them would have defaulted in some of these payments?

This issue was brought to the attention of the Department of Labour in Bangi in July 2014. A case was filed and as expected, the employees won in the Labour Court. The court

IT is very sad to learn that the workers who recycle the waste our society produces have been “rewarded” by not being paid for five months! The workers at a factory operated by Recycle Energy Sdn Bhd in Stir, Kampung Pasir, Semenyih, have been working in dirty conditions that many of us will find disgusting. They should be paid higher wages because of the unpleasant surroundings they have to work in.

On 14 October 2014, more than 100 employees, both local and migrant workers from

Bangladesh and Indonesia, stood as a picket in front of the factory.

“We have not been paid our salary from the month of May 2014. Are the workers supposed to eat sand?” “How are our families going to celebrate Deepavali without any income?” “The repossessioners came for my car because I had defaulted on my car loan.” These were some of the complaints that we heard when we visited their picket.

According to them, all 167 workers have not been paid

ruled that the employer should pay the five months' salary arrears. But the victory was achieved only on paper. The court's decision was not respected by the company. Will the employers be penalized for not respecting the decision of the Labour Court?

In Malaysia, employers can take refuge under another law – the Companies Act – to avoid following the ruling of the Labour Court. The company can file for bankruptcy. Once that happens, the High Court will appoint receivers who will take over the company, sell off all its assets and then divide them among all the creditors. The company's former workers are among the creditors and they will get a certain percentage of the arrears in pay. They usually will not receive retrenchment benefits as this is given a much lower priority. The Companies Act does not help the workers. This is just a pro-bosses legal charade.

Employers who decide to take this route to escape their obligations often transfer the assets of their company to other companies owned by them by selling off the assets cheaply prior to the bankruptcy filing. So usually there isn't enough to pay all the creditors – each has to be satisfied with just a small percentage of what is due to them.

On top of this, the Companies Act shields the directors of the company. Only the assets of the company can be recovered for payment to creditors, while the personal wealth of the



directors cannot be accessed by the employees, the creditors or the receivers. The victims are the workers; the employers are rarely penalized.

Labour Department officials visited the Recycle Energy picket site on 14 October and asked the employees to be patient, advising them to proceed with court action to declare the company bankrupt. Doesn't this amount to sending the workers on a wild goose chase? The law is so heavily pro-employer that there is little chance of the workers ever receiving their back pay or retrenchment benefits.

Unfortunately the plight of the Recycle Energy workers is hardly unique. For the past 15 years, PSM and the Oppressed People's Network (JERIT) have urged the government to implement a retrenchment fund under the Ministry of Human Resources. We suggested that it could operate on the same principles as the EPF and SOCSO. Employees and

employers should be required to contribute monthly to this fund, which can then be used to pay employees for several months in the event of bankruptcy of the company or if the employer suddenly disappears.

The Malaysian Trades Union Congress (MTUC) has proposed that the workers should contribute between 50 sen and RM1 per month towards this fund, with their employer paying a similar or slightly higher amount. However, this proposal was opposed by the employers' federation and the government does not seem to have the political will to set up such a fund. In his Budget 2015 speech, the Prime Minister announced that the government would make improvements in the labour laws of this country. Would it be unrealistic on our part to hope that a retrenchment fund will at last be set up in Malaysia?

Till today, the workers of Recycle Energy Sdn Bhd are still turning up at their factory, in the hope that they will be paid their salary arrears. To me this seems a long shot given the pro-employer laws that exist in our country. If Malaysian workers want a more just system, they need to build a strong labour movement that can demand laws that would protect the interests of workers.

14 October 2014

M. Sivaranjani is with PSM's Klang branch.

Stop the deaths at construction sites

R. Rani

PSM is outraged at the frequency of fatal accidents in the construction sector and demands immediate action on the part of the government to address this unacceptable state of affairs.

Just over the last two days three workers have lost their lives, two at a construction site in Temoh near Tapah where two workers M Abu Talib, 30, and Iqbal Hossain, 32, were buried alive when soil tumbled down on them as they were working in a pit.

The next day another worksite accident at the Mass Rapid Transit (MRT) Semantan portal construction site along Jalan Duta claimed the life of 40-year-old Rijaul Abdul Goni after seven steel bars weighing 40kg each fell on him and a co-worker. It needs to be recalled that for MRT, this is the second fatal accident in six months, the last one resulting in the death of three workers, Mohamad Faruk Khan, 38, Mohammad Alauddin Mollik, 34, and Mohammad Elahi Hossain, 27, who were killed when a portion of the span of the MRT guideway dislodged and fell to the ground.

Department of Occupational Safety and Health (DOSH) statistics up to December 2013 reveal that fatal accidents in the construction sector



Unacceptably high accident rates at construction sites.

are highest and have been constantly high from 2007 to 2013. DOSH has concluded that fatal accidents at under-construction or newly-completed buildings are mainly due to poor construction structures. A DOSH official has said that about 80% of fatalities are due to weaknesses in the implementation of occupational safety and health management policy.

All this simply means that most of the deaths and severe injuries are needless and could have been avoided. Many of the young men who perished would still be alive, working and remitting money to their expectant families.

An academic paper on occupational accidents actually links the high incidence of fatalities in the construction sector to the low priority given by employers in the mainly foreign-labour-dominated con-

struction industry to the occupational safety and health of their workers.

The government must view this unnecessary loss of lives seriously and take immediate action against delinquent employers. The public must also be told what action was taken against MRT Corp over its last fatal accident last year and why the action failed to deter a similar incident yesterday.

The government must also review the provisions of the outdated Workmen's Compensation Act 1952 which pays out to dependent families of migrant workers the princely sum of RM18,000 in the case of death. To give someone so little for death is an act of crime.

28 February 2015

Rani Rasiah is a PSM Central Committee member and Head of the Migrant Desk.

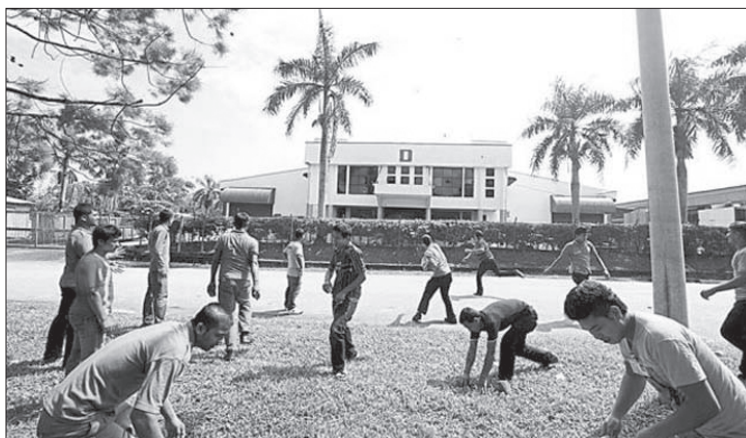
Provocation by employer is the cause of the riot

R. Rani

PSM condemns the barbaric treatment of migrant workers by the JCY HDD Technology electronics company in Kulai Jaya, Johor, and demands that the government begin immediate investigations into the death of a Nepali worker in JCY's Tebrau plant. The management's idea of punishing 20 workers by forcing them to play volleyball with a rock and throwing a stone at their private parts is outrageous and reflects the impunity enjoyed by employers. It was the callous and arrogant attitude of the management that sparked off angry protests by the workers.

This extreme provocation seems to have been the last straw for the workers, who had not yet gotten over the death of a fellow worker who the workers say would have survived had he received medical attention.

Throughout their employment at JCY HDD Technology, the workers had remained compliant despite enduring all kinds of abuse and deprivation – low income, cramped living quarters with up to 45 workers sharing a shophouse, beatings if they made mistakes, and being forced to walk an hour to work.



Workers throwing stones at company office in Kulai Jaya, Johor.

Not unexpectedly, 44 workers have been detained by the Malaysian police for rioting. Not a single management official has been arrested though clearly their outrageous actions provoked the protest by the workers. Who are the victims?

This latest incident of tensions between employers and migrant workers erupting is not the first and neither will it be the last. This is because employers do not treat workers as human beings and accord them the dignity they deserve. Migrant workers due to their vulnerability have it worse – they are often bullied, humiliated and abused like modern-day slaves.

If the government must continue its policy of obtaining

cheap migrant labour to attract investors, it must ensure their human and worker rights are safeguarded. It must stop mollycoddling and protecting errant employers.

PSM demands:

1. The immediate release of all the detained workers
2. Immediate investigations into the controversial death of a Nepali worker at the Tebrau plant of JCY HDD Technology
3. Action against the management's criminal physical abuse of workers at the Kulaijaya plant
4. All grievances of the workers be investigated by the labour office.

28 August 2014

Is the government really serious about the minimum wage?

Workers' Bureau of the PSM Central Committee

PSM and the Oppressed People's Network (JERIT) have been carrying out a campaign to try to get the federal government to "walk the talk" with respect to the minimum wage policy. A survey by PSM and JERIT of 16 schools in Selangor in mid-2014 revealed that 14 of them had not yet implemented the minimum wage of RM900 per month for an 8-hour day. This is despite the fact that the government had decreed that the minimum wage should be implemented in January 2013.

On 25 September 2014 PSM together with several NGOs staged a protest in front of the Education Ministry in Putrajaya demanding to know why the government was not ensuring that the minimum wage policy was implemented by security and cleaning contractors servicing government schools. If the government itself does not take the minimum wage policy seriously, how can it lecture the private sector to do so? Or is the whole policy cosmetic in intent?

PSM's attempts to engage with the Education Ministry brought to light the fact that the Ministry of Finance had



Protesting against failure to implement the minimum wage.

already approved the extra funds for the contractors who had signed their contracts before 2013 (based on wage calculations that were below the minimum-wage figure). These extra funds are enough for the contractors to pay RM900 for a normal shift as well as overtime pay calculated at 150% of the normal hourly rate for normal working days (and more for overtime on public holidays). According to Education Department officials, the extra funds made available to contractors were calculated on the basis that the contractors would

pay arrears to their workers from January 2014 onwards based on the RM900 rate.

However, in certain states such as Perak, this fund had not been paid out to the affected contractors up till October 2014. It was only two days after a demonstration in front of the Education Department in Ipoh on 10 September 2014 that all the contractors in Perak were called for a briefing and informed that the extra funds would be channelled to them within two weeks.

PSM encountered appalling indifference on the part of



The PM has announced there would be no increase in the minimum wage in 2015.

senior government officials. The Education Ministry media officer in Putrajaya told PSM representatives that the department does not have jurisdiction over the wages paid by contractors providing security and other services in government schools. “It is not our obligation to force the contractors to pay the minimum wage,” he told the PSM team. According to him, there are 45,000 contractors providing cleaning and

security services to government schools and education departments throughout the country. He commented that it isn’t easy to keep track of all of them. The workers should go to complain to the Labour Office, he advised.

The PSM team in Perak visited the state Labour Office in early October 2014 to ask why they had not taken any action to ensure the contractors followed the minimum wage

regulation, especially since the funds had been made available to the contractors. We pointed out that unscrupulous contractors might only pay the proper wage from November onwards but pocket the arrears due to their workers for work done between January and October 2014. Similarly, the increment in EPF dues from January 2014 was factored into the extra funds approved for the contractors, but would this actually be remitted to the EPF accounts of the security guards and cleaners?

A senior labour officer explained patiently to us that they usually take action based on complaints from workers and they hadn’t yet received complaints. We explained (though surely labour officers should know this better than us) that many security guards and cleaners are afraid to come forward to complain as they are afraid that they will lose their jobs. So they suffer in silence.

We deliberately called the media for each of these protests in the hope that this news would spread to contract workers working in companies servicing government departments. But in the absence of a sincere and proactive stance on the part of the government departments and the labour department itself, it is quite likely that many contract workers are going to get shortchanged by their bosses, and the extra funds approved by the government for implementing the minimum wage will instead lead to windfall profits for many contractors.



But the cost of living keeps going up.

Government policy on charging foreigners shortsighted and detrimental to the health of Malaysians

WE, the undersigned groups, are shocked to learn of the Circular (17)d/m.KKM-58/300/1-5 that was released by the Deputy Secretary General of the Ministry of Health on 29 December 2014.

This circular directs all State Health Directors, Hospital Directors and District Health Officers to implement the new fee schedule for foreigners effective 1 January 2015. Certain categories of non-citizens are excluded from this fee schedule, including red IC holders, the foreign spouses of Malaysian citizens, the children of red IC holders and the children of a foreign spouse. However migrant workers and persons claiming refugee status are required to pay up for treatment.

Section 5 of the Guidelines for the Implementation of Fees for Foreigners specifies that the deposit for foreigners requiring admission to the third-class ward in government hospitals is RM600 for medical cases and RM1,200 for surgical and obstetric cases. This is a huge sum of money for foreign workers and refugees and has already resulted in serious injustices.

A 2-month-old Rohingya



Health Minister Datuk Seri Dr S. Subramaniam. Has the Ministry forgotten basic public health principles – to prevent spread, you should diagnose and treat early?

baby with parents claiming refugee status was brought to Jerteh Hospital in Terengganu in January 2015 with burns due to scalding by hot water. The doctor at the Accident and Emergency (A&E) Department wanted to admit the baby, but was not able to do so as the parents could not pay the deposit of RM600. The parents took the baby home and brought her to the Outpatient Department the next morning when they again faced the same problem. Only in the afternoon was the baby admitted – almost 24 hours after first coming to hospital. The Jerteh doctors referred the baby

to the Kuala Terengganu General Hospital (KT GH) for specialist care, but admission was denied to KT GH, because the parents could not pay the deposit required. The parents had to take the child back home!

In the Penang General Hospital, a pregnant Rohingya lady was initially denied admission despite the fact that her husband held a UNHCR card attesting to his refugee status, as she could not pay the deposit. As her baby had Foetal Distress Syndrome, the Penang GH doctors insisted on admission and broke the new fee protocol so that they could do an emer-

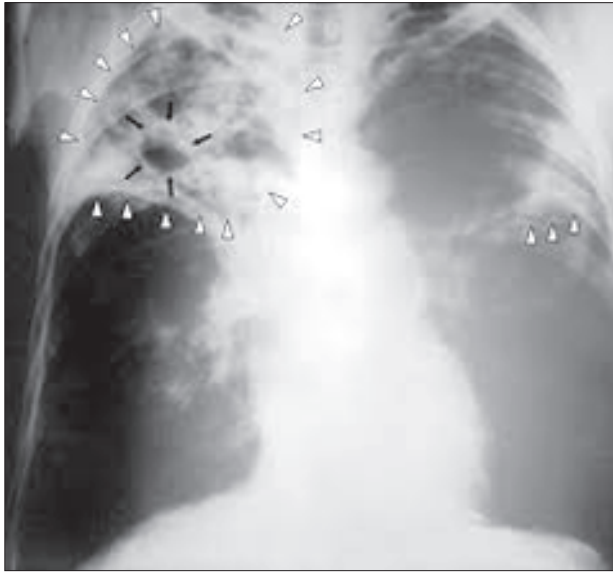
gency caesarian section to save the baby.

In another government hospital, a foreign worker who sustained a fracture of his femur due to a fall at work was denied admission because he could not pay up the RM1,200 required for admission to the Orthopedic Ward. A person with a fractured femur can lose up to one litre of blood due to bleeding from the fracture site. In addition, he might have other, undiagnosed internal injuries. Sending him home on an external splint is not good management. But keeping him in the Emergency Ward till his deposit issue is resolved just makes the already crowded situation in our A&E Departments even more chaotic!

The level of incompetence on the part of senior Ministry of Health officials, and the lack of policy coherence of the federal administration, is mind-boggling! Malaysia has just assumed the position of Chair of ASEAN. Malaysia has recently been nominated to serve in the UN Security Council as one of the non-permanent members.

We are trying to promote the image of Malaysia in the international arena. Yet the Ministry of Health has rolled out a policy that denies even emergency care to refugees and foreign workers.

We would like to ask the Minister of Health: Did you



Delay in diagnosing TB will led to transmission of the TB bacillus to more people.

approve this new fee policy, sir? Was it discussed with the Malaysian Foreign Ministry? Does the Cabinet know about it? Or have you been too distracted by other issues to provide leadership to the Health Ministry?

Apart from being grossly unfair to migrant workers and refugees and sully the image of Malaysia in the international arena, this new fee policy is also detrimental to the health of ordinary Malaysians, for the high costs will deter foreigners from seeking medical attention. They will try to self-medicate themselves. This delay in diagnosis and proper treatment will lead to the transmission of infectious diseases such as tuberculosis, typhoid, dengue and a whole host of others.

The Ministry of Health has come out with a statement that infectious illnesses are exempted from this new fee requirement. But persons with

infectious illnesses do not come with a label that they have an infectious illness. A number of non-infectious causes can cause similar symptoms. For example, a person with tuberculosis would present with cough. At that point no one will know whether it is a smoker's cough, asthma, a viral infection or tuberculosis. Under the current fee schedule he will be required to pay registration fees of RM23

at the Outpatient Department, RM36 for blood tests (Full Blood Count and ESR), RM57 for sputum tests and RM33 for a chest X-ray. A total of RM149 before a diagnosis is made – quite a big sum for a worker earning about RM1,000 a month. Sometimes it requires another set of sputum tests to clinch the diagnosis. The costs associated are definitely going to delay the diagnosis. In the meantime he is going to continue coughing and spewing out tuberculosis bacilli in his place of work, in his hostel, in buses and in pasar malams. Malaysians too will be exposed to the risks of contracting tuberculosis from him.

We have heard from reliable sources that a Myanmar refugee diagnosed by the Hospital Kuala Lumpur (HKL) Emergency Department as having dengue was refused admission because the Billing Department of HKL decreed that

he had to have a letter from the District Health Office attesting that he had an infectious disease before he could be exempted from paying the deposit. Another foreigner with dengue was turned away in the Penang GH for the same reason. A&E doctors are an overworked lot; most would not have the appetite to take on a Byzantine bureaucratic apparatus to seek to override the decisions of the Admission Counter. So even patients with diagnosed infectious illnesses have been sent home to share their germs with the rest of us.

This is incomprehensible to us. So many of the doctors serving as Directors in the Ministry of Health hold Public Health degrees and even PhDs. Did they agree with this fee policy that is modelled more along the lines of an “Ah Long” debt collecting outfit rather than on any principles of public health? Or were they not even consulted? A public health approach would prioritize the prevention of transmission of infectious diseases. All this certainly creates the impression of a highly dysfunctional ministry!

Our Immigration Department collects more than RM2 billion as levies from foreign workers every year. This sum is far more than the expenditure of the Ministry of Home Affairs for handling foreign workers. The remainder of the RM2 billion levy collected would be more than enough to meet the treatment costs of foreign workers, who for the most part are healthy adults between the



Short-sighted policy that demeans us as a nation.

ages of 20 and 50 years. Why can't our authorities see that it is the money collected as levies that is subsidizing the treatment of foreigners coming to government hospitals?

Malaysia is proud to be a member of the Organization of Islamic Cooperation (OIC). There are voices both in government and without who are trying to infuse “Islamic values” into our administration. Isn't provision of healthcare to marginalized groups such as refugees and foreign workers seeking emergency treatment “Islamic”? Solidarity with the poor and marginalized is a teaching that is central in all the religions practised in Malaysia. This injunction to show compassion to those in need is clearly violated by this new fee policy by the Ministry of Health.

We would like to remind the federal government that the

people have elected you to office to administer the country justly and competently. Please act in a way that augments the dignity of our nation and makes us proud to be Malaysians. A first step in that direction would be to call for an immediate moratorium on the new fee structure for foreigners and open the issue for discussion with public health experts and other competent parties.

This February 2015 statement was endorsed by the following groups: Aliran, Coalition Against the Privatisation of Health Care, JERIT, KL Hokkien Association (Youth Section), KL-Selangor Chinese Assembly Hall – CRC, Malaysian Trade Unions Congress, Paper Products Employees Union, Parti Rakyat Malaysia, Parti Sosialis Malaysia, Penang Stop Human Trafficking Campaign, Persatuan Komuniti Prihatin Selangor, Persatuan Sahabat Wanita, Saya Anak Bangsa Malaysia, SUARAM, Tenaganita.

Making resistance possible: Alternatives to neoliberalism

D. Jeyakumar

NEOLIBERAL dogma holds that:

- the market mechanism is the most efficient provider of goods and services in society as the competition between different providers will drive down costs and constantly improve the quality of goods and services provided. Thus, it will lead to the most cost-effective provision of these services.

The provision of these services by the public sector is (according to the proponents of neoliberalism) inefficient and slow because of the bureaucratic nature of government.

- private sector providers who are driven by the profit motive will perform much more efficiently than government employees whose monthly incomes are not dependent on customer satisfaction.¹

- the proper role of government is to establish standards and the regulatory framework² for the network of private providers of goods and serv-

ices. Direct provision of services by the government “distorts” the market for that service and thus causes inefficiencies. The government should therefore divest itself of the provision of services to the public.

- too elaborate a social safety net is bad for the nation for it requires a large budget which then translates to higher taxes on businesses and entrepreneurs. These taxes reduce the funds available to entrepreneurs to upgrade and improve their services as well as their motivation to earn more income

by expanding their provision of services. At the same time, the provision of too much welfare benefits creates a dependence mentality among the poorer segments of society who over time come to expect a “free lunch” as their birthright. It encourages laziness and is bad for national productivity.

- society needs tougher intellectual property protection laws. Otherwise innovation will dry up and we will all suffer.

Neoliberal policies, which have become ever more prevalent in many parts of the



Protest against inaction on climate change.

world since the 1980s, have resulted in:

- privatization of basic services such as the provision of water, health care and education in the name of efficiency,³ and the resulting “commodification” of these essential services. This has led to increases in the cost of living and growing indebtedness of the ordinary citizen.

- the fencing up of the “commons”, for example land, and knowledge through ever-expanding intellectual property rights legislations;

- depression of wages, and the widening of the gap between the top 10% and the rest of the population;⁴

- the dismantling of the social safety net that had been set up in the preceding decades;

- economic hardship for the bottom 60% of the population;

- an exponential increase in climate change-inducing greenhouse gas emissions resulting in carbon dioxide levels surpassing 400 ppm.

Alternatives to neoliberalism

The alternatives to such a damaging system as neoliberalism are not difficult to conceptualize. Many of them were implemented in the first three decades after World War II. Basically these alternatives require greater state intervention to redistribute the wealth of society in a more equitable manner. They include:

1. A decent minimum wage



Protest against wage cuts as a result of neoliberal policies.

At present wages only make up 33.6% of GDP in Malaysia.⁵ Increasing the minimum wage to, say, RM1,500 from the present RM900 would benefit the families of the ordinary non-skilled workers. It would also improve the income of the 1 million or so small businessmen and women in this country who stand to benefit from the increase in purchasing power of the population.

2. De-commodification of basic services

Another strategy for redistributing national wealth in favour of the poorer 75% of the population would be to take the provision of basic services – housing, health care, tertiary education, electricity, water, etc – out of the market and provide them at subsidized prices through state-owned (but democratically controlled and transparently run) entities. This is nothing new for us in Malaysia – our government was doing this quite well in the 1960s and 1970s. This strategy would lessen the economic burden currently borne by the people,

and would also augment the domestic market because if people do not have to spend so much on housing or put aside money monthly for their children’s tertiary education, they would have more disposable income.

3. Strengthening the social safety net

Universal old-age pension for all those aged 65 years and above would do a lot to improve the lives of our senior citizens, most of whom now face their seventh decade with hardly any savings. Only around 15% of our elderly receive a government pension, and a smaller number are on SOCSO benefits.

The Malaysian Trades Union Congress (MTUC) has been asking our government to implement a scheme guaranteeing retrenchment benefits for people who lose their jobs. However, following study after study, this scheme has yet to see the light of day. Such a scheme would not only be of help to the workers who are laid off, but would also help prevent the

over-rapid contraction of aggregate demand in times of recession, as the laid-off workers would still be getting some income.

4. Progressive taxation

The rich should be taxed. Poorer families should be spared tax. The government should stop the ongoing reduction of personal income tax and corporate tax.⁶ At the very least, these should be maintained at current levels until we get the international cooperation that would enable us to increase the rates of these taxes without running the risk of businesses relocating to neighbouring countries with a lower tax regime. The GST should be withheld. The “Tobin Tax”⁷ which taxes financial transactions should also be considered as a means to generate income for the state coffers.

None of these policy options are new. In fact several were implemented in many parts of the world in the three decades post World War II but have been rolled back ever since the 1980s as the neoliberal ideology held sway.

How do we build resistance to the neoliberal onslaught and reverse it? I have a few suggestions.

A. Empower the people

Activists seeking to re-establish pro-people policies have to understand that the shift from the “developmental” state of the 1950s and 1960s to the “neoliberal” state of the 1990s has been caused by a significant shift in the balance of class

forces in the world.

The “auto-lysis” (self-destruction) of then existing socialism in the Warsaw Pact countries in the early 1990s and the opening up of China to capitalism dramatically enhanced the position of the richest 1% in the world because:

- It led to a profound loss of confidence that the global capitalist system could be challenged. People began doubting that there could be a credible alternative. Thatcher’s slogan “There is no alternative” seemed to be self-evident.

- Industrial capitalists battling organized labour in the advanced countries outsourced production to China, Vietnam and Eastern Europe. This greatly reduced the bargaining power of the working people in the advanced countries, and forced the weakened unions to accept less favourable terms of employment because the alternative would have been further losses of jobs.

- The loss of thousands of well-paying industrial jobs and the migration of industrial production to lower-wage countries reduced the tax base for the advanced countries and this led to budget deficits. The evolution of an international financial order that allowed the “offshoring” of corporate “headquarters” to obscure tax havens further aggravated the budget deficit. This in turn led to pressure to reduce the welfare budget.

- Developing countries began a “race to the bottom” in their efforts to attract foreign direct investment. Labour and environmental standards were

sacrificed in the mad scramble to attract investors.

- All over the world pro-corporate policies were adopted.

Once one accepts that the increasing dominance of the richest 1% over the rest of society is the main driver of the neoliberal onslaught, then it is obvious that empowerment of the 99% is one of the main strategies that we need to use to reverse neoliberalism.

B. Put forward our alternative vision for the world

Many in the 99% despair because they have bought into the analysis peddled by the neoliberal spokesmen. Many have come to believe that Margaret Thatcher was right – that there really is no alternative.

All these ideas are not true. We need to debunk them and make people see that there *are* alternatives to the model of a society based on human greed and cut-throat competition. A better world is indeed within our grasp. We just need to work together towards it.

C. Allay the fear of the 99% that their political and civil liberties are at stake

The neoliberal propaganda machine has managed to convince a large section of the population that provision of basic services by the state would create huge bureaucracies and pave the way to authoritarian rule. The state of affairs within the USSR in the 20th century is used as a cautionary example. We need to explain that there are many ef-



Protesting against privatization of water services.

fective ways to democratize the management of public utilities, including:

- having provisions for the periodic election of members of the general public as well as workers in these utilities into the management boards of the utilities;
- ensuring transparency in the management of these utilities;
- having provisions for annual wealth declarations by the people in positions of power;
- enforcing strict term limits for public office;
- establishing an effective ombudsman mechanism.

And we have to show that we mean what we say by studiously observing best democratic practices in our own institutions and the mass movements that we are associated with.⁸

D. Place the entire debate within the context of climate change

Carbon dioxide levels have exceeded 400 ppm. Climate change is a reality. The world has to find ways of meet-

ing the needs of all its inhabitants without further increasing CO2 emissions. The economic imperative to keep growing ceaselessly would be suicidal for the human race!⁹ We need to think of a society that is not fixated on constantly growing the GDP.

We need a new paradigm of development that is based on solidarity among people and with the environment. And it is through praxis that we can define that new vision more clearly. So let's go back to the people and help them stand up for their rights and fight attempts to impoverish them. Let's build a broad-based, democratic and inclusive people's movement to reclaim our future.

Notes

1. This is a very economicistic conception of human beings. It completely ignores the fact that people are driven by many motivations including altruism, the satisfaction in completing a task successfully and the need to excel.
2. The high probability of

3. regulatory capture by large corporations is not even recognized let alone addressed. However in practice, privatization in Malaysia has produced large monopolies. For example, in the health care sector, the support services (laundry, clinical waste disposal, housekeeping, maintenance of medical equipment, and building maintenance) for government hospitals throughout the country were divided out to three companies operating in three zones. The medical screening of foreign workers was assigned exclusively to Fomema. So the story of healthy competition driving down costs isn't true at all.
4. Useful data on this phenomenon in Malaysia is given in Muhammed Abdul Khalid's book *The Colour of Inequality* (MPH Publishing).
5. *The Star*, 8/9/2014, p. 12, quoting the preliminary report of the 2014 Household Income Survey done by the government.
6. Now pegged at 25% in Malaysia for the top range for individuals and for corporate profits.
7. James Tobin, a Nobel Prize-winning economist, suggested a 0.5% tax on all foreign exchange transactions. That may be too large a rate. Even a tenth of that rate would generate a lot of income for the state. However it is something that has to be implemented in all countries. Otherwise traders will just shun the forex market of the countries that implement this tax.
8. Marta Harnecker's *Rebuilding the Left* (Daanish Books, India) is a must-read for all serious activists who wish to combat neoliberalism. Harnecker is a Chilean sociologist who has lived in Venezuela for several years.
9. See Naomi Klein, *This Changes Everything* (Penguin Books).

Introducing the Malaysian Left Coalition

*Press statement at the launch of the Malaysian Left Coalition (MLC) on
11 March 2015*

SEVERAL groups and individuals came together in September 2013 to form the Malaysian Left Coalition (MLC) because we feel that there is a pressing need to consolidate the Malaysian Left to take on the urgent task of getting Malaysians to think “out of the box” and consider re-ordering our economy and society based on the principles of solidarity among people and respect for the environment, instead of continuing with the current “growth at all cost” strategy that our government is following.

We truly believe the current economic strategy of growing our GDP maximally by making Malaysia as “investor-friendly” as possible is a recipe for disaster. This pattern of economic growth is characterized by:

- privatization of public goods and services;
- escalating costs of basic necessities for ordinary people;
- increasing indebtedness of the lower 80% of the population;
- an ever-widening income gap between the top 10% and the rest of society; and
- a disastrous competition among developing countries to attract foreign investment, resulting in a



Members of the Malaysian Left Coalition presenting a memorandum on the 11th Malaysia Plan to the Economic Planning Unit on 15 May 2015.

“race to the bottom” in terms of wages, taxation and environmental protection.

Not only that, an economic strategy premised on growing our economy at 5% a year is simply not sustainable even in the medium term. Malaysia is among the highest carbon dioxide emitters when assessed on a per capita basis. Our per capita emission was 7.7 metric tons in 2010, according to World Bank data, compared to 1.7 metric tons for India, 6.2 for China, 1.8 for Indonesia and 0.9 for the Philippines. Climate change is a problem that we can no longer afford to ignore. It has the very real potential of causing large-scale displacement of coastal populations (due to rising sea levels) and serious food shortages due to crop failures. The resulting conflict over land – for housing and

for agriculture – might turn very ugly as it would mean a fight for survival for certain communities.

We need to cap and, if possible, reduce carbon dioxide emissions. (CO₂ levels have already increased from 270 parts per million in 1700 to the current 400 parts per million.) We need to move towards renewable sources of energy. We have to greatly improve energy efficiency. We have to phase out private transport. We need to turn away from a constant-growth paradigm. All of these cannot be done within the framework of capitalism. This is why we need to start serious discussion of how a post-capitalist economy and society would look like – and how we could avoid the excesses and the authoritarian structures associated with the 20th century’s attempts to develop an alterna-

tive to capitalism.

So, the MLC is not at all about enhancing the chances of electoral victory of particular individuals or certain parties. It's about getting people to plan for the future against the backdrop of exponential increases of greenhouse gases and the ongoing melting of the polar ice-caps. It is about breathing some rationality into the way we are running the economy. It is about facing the reality of climate change. Ultimately, it's about preserving the planet for our children and their children.

We have to redefine the goals of modern society – not only in Malaysia, but throughout the world. And we believe that the Left is in the best situation to do this as we have a deeper analysis of society and the economy as compared to the neoliberal empiricists.

These then are the reasons why we have formed the MLC and why we believe it such an important endeavour. The nine main principles that all members of the MLC subscribe to are:

- i. Mobilize the people against neoliberalism, communalism and religious extremism by exposing the class interests involved in capitalist exploitation;
- ii. Promote socialist ideas through our critique and struggle against capitalism, imperialism and feudalism mentality;
- iii. Fight for women's rights and feminism as against patriarchy;

- iv. Conserve and protect the Malaysian environment and resist all toxic industries and projects that destroy the forests, land and health of the people;
- v. Oppose privatization, reclaim the people's ownership of the commons, public assets, utilities and knowledge;
- vi. Ensure greater democracy in the political, economic, social and cultural spheres;
- vii. Uphold and promote international working-class solidarity and regional cooperation;
- viii. Empower the people through all means and processes in the process of their struggles;
- ix. Unifying the people through the use of Bahasa Malaysia as the national language, while promoting the mother tongue languages of Malaysians.

The current efforts being taken by the MLC are to:

1. Come up with a series of position papers on various aspects of our economic policies

- Housing
- Transport
- Health
- Safety net for ordinary Malaysians

- Malaysians
- National energy policy
- The role of the market in a post-capitalist economy
- Democratic control of monopolies, banks and utilities

To provide material for a society-wide discussion of these important issues.

2. Programmes to engage

the youth who are now starting life with huge debts and face ever-escalating costs of living and housing.

3. Foster a discussion on the 11th Malaysia Plan with a view to suggesting people-centred and environmentally friendly policies that the government should consider incorporating into the five-year plan that will be debated in Parliament in May 2015 for implementation in 2016. This is slated for 11 and 12 April 2015 and will be held at the Malaysiakini office. The sessions start at 9 am both days and are open to the public.

How do groups or individuals join?

Membership of the MLC is open to any NGO, political party or individual who shares the principles and objectives of the coalition as stated above. The aim is to propagate progressive and socialist ideas as well as to be inclusive in our membership. This coalition is a political organization that takes stands in the current class struggles in our country.

The organizations that have come on board so far are:

1. Angkatan Pembebasan Bangsa Malaysia (APBM)
2. Collective Intelligence (CI)
3. Solidariti Anak Muda Malaysia (SAMM)
4. Parti Sosialis Malaysia (PSM)
5. Workers Organization

In addition, there are now 18 people who have joined in their individual capacity.

The demise of State Socialism in the USSR

Koh Kay Yew



The Afghan war was a huge drain of resources and caused economic stagnation in the USSR.

ALL the great revolutions of our time have come to an end, less than a century after they had begun. The first Socialist States in human history emerged from the hiatus in the imperialist chain caused by inter-imperialist conflict and they facilitated the decolonization process that cascaded from the fifties onwards. Both the newly independent as well as the Socialist countries relied on the State to drive capital accumulation for economic growth in view of the weakness of the domestic bourgeoisie and based on relative national autonomy

in contrast to their earlier subservience to the colonial metropolis.

The Soviet Union began to disintegrate in 1989 followed by the change of social order in Eastern Europe. These changes were effected with hardly a shot being fired in the majority of countries concerned. The only exception was in Beijing where the People's Liberation Army turned their guns on their own citizens in 1989. Was the vision of an alternative human society organized to meet the needs of the majority and not the benefit of

a privileged minority an illusion too utopian to last? Let us step back and recall certain relevant historical facts.

The achievements of Socialism in the USSR

1. In barely three decades (from 1917 to 1949) Socialist revolutions guided by political parties based on the theory and practice of Marxism spread to cover one-third of humanity and one-third of the land area on the globe.

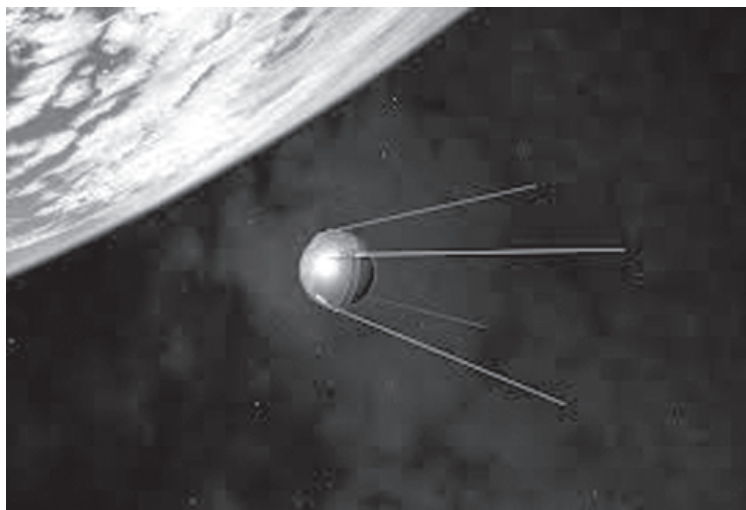
2. Societies that were subjected to devastation and

deaths from war, armed conflicts and mass famines, both manmade and those with natural causes, were replaced by a new social order that ensured a minimum standard of livelihood for all, with full employment, universal housing, healthcare and education, that endured more than half a century.

3. It was the heroic sacrifices and sufferings of the citizenry of the Soviet Union that defeated the military might of Nazi Germany at the cost of 25 million lives, and not American entry into World War II as peddled by Hollywood. (According to Oliver Stone and Peter Kuznets' book *The Untold History of the USA*, "The Red Army engaged 22 divisions or more of Hitler's army on their eastern front from 1939 to 1945 compared to the 2 divisions engaged by Allied troops on the western front in 1944/5.")

4. From a poor, chaotic, backward, war-ravaged country, the USSR was transformed into the second superpower in the world, with large-scale industrialization, universal housing and education, and technology that sent a Sputnik into space. The Moscow underground or metro system remains one of the best in the world.

5. Support in the form of aid and loans was extended worldwide to the growing number of newly independent States that sought to escape the dictates of their former colonial masters and the emergent US Imperial power, and created



In October 1957 the USSR became the first country to launch a satellite.

space for the birth of the non-aligned movement in Bandung in 1955 full of hope and promise.

What caused the demise?

The preceding account gives no clue that the system was in trouble or that it would collapse barely 28 years after beating the US in the race to put a man in space. What happened? Why did the Socialist bloc implode so dramatically in 1989? The demise of State Socialism in the eastern bloc has been explained in three different ways by analysts:

a. The deformities and bureaucratic distortions of Stalinist rule resulted in the stillbirth of Socialism and a real Socialist society was never established.

b. Socialist society was established and its failure demonstrated that there is no real alternative to Capitalism and that "human nature" cannot change.

c. Real social revolution

did occur in these countries led by parties based on Marxist theory and practice but due to the historical specificities of their situations and the intense hostility from their expropriated domestic classes and Western Imperialism, a post-revolutionary society that was neither Capitalist nor Socialist emerged, with tendencies to move forward or backward depending on the balance of class forces and the nature of the class struggle that continued notwithstanding the abolition of private ownership.

Allow me to elaborate on the third perspective, which I endorse.

Socialism in practice: The USSR experience, 1917-89

1. Socialist construction in the USSR began under extremely backward conditions of acute poverty and in a country ravaged by years of foreign invasion and civil wars. Intense hostility from Western Imperialism and her domestic allies in

the USSR presented imminent and continuous threats to the new Soviet regime. This accentuated the tendency towards draconian security measures and dictatorship.

2. The Soviet leadership's Marxist perspective was influenced by what may be termed "economism" that prioritized expanding the forces of production over the transformation of the social relations of production to create empowered socialist workers who could take over managerial functions in stages. The former was further narrowly focused on science, technology and machines and overlooked labour or the human factor as the central factor in any real social change. The goal of overtaking the West in terms of economic growth revealed a bourgeois bias that had been internalized.

3. Heavy industry was prioritized at the expense of other branches of the economy and this required a rapid rate of capital accumulation. The ambitious industrialization programme necessitated harsh regimentation of the people, highly centralized planning, and a huge increase in the economic role of the State accompanied by the proliferation of its administrative apparatus. Part of the early Bolshevik leadership led by Bukharin had favored a more gradual rate of capital accumulation but lost out to Stalin.

4. Light industry was neglected, which resulted in lack of improvement in people's livelihood through better consumer goods even decades af-



The Moscow Trials 1937 – one of Stalin's purges.

ter the October Revolution. (On my visits to Moscow and Leningrad in 1978 and 1982 I observed the discernible hunger in the way shoppers snapped up the better merchandise on sale at department stores.) In an interview on CBS' *60 Minutes* in 1990, a senior member of the Moscow City Committee of the Communist Party of the Soviet Union revealed that for him the turning point came after his visit to West Germany where he was overwhelmed by the abundance and variety of consumer merchandise on sale at department stores and supermarkets there in contrast to home.

5. Capital accumulation required for industrialization necessitated the forced collectivization of peasant agricultural production so as to extract the surplus needed for industry and differed little, if any, from the primitive capital accumulation under Capitalism. It destroyed the basis of the peasant-worker alliance as the urban and industrial centres grew at the expense of the countryside.

6. "Scientific management" methods of the Taylorian school were introduced into industry to enhance labour productivity. This was based on bourgeois ideology designed to dominate the labour process to extract higher surplus value and alienate the product from the producers (workers) who did not participate in the hierarchical management structures. "Scientific techniques" were adopted from Western economic management based on misperception of their class neutrality.

7. The rank and file of Bolshevik organization was depleted in the defence of the USSR in the Civil War of 1919 and later through Stalin's purges and the life-or-death struggle against Nazi invasion. The social base of the Bolsheviks, i.e., the industrial working class itself was small to begin with. The lack of administrative skills meant reliance on the former privileged classes of Tsarist Russia to staff the plethora of new State enterprises created. Given the rela-

tive income equality and scarcity of consumer goods and services, the privileges that accrued to the nomenklatura were priceless. Over time a new social stratum emerged conscious of and concerned with the preservation of its privileges.

8. The canonization of Marxist theory under Stalin continued after him. This included the dogma that the replacement of private ownership of capital by the State meant the abolition of classes and exploiters and hence the end of class struggle. All key aspects of the Soviet experience were enshrined into “laws of Socialism” to guide the way for other countries on the same path in spite of different historical conditions.

9. Over time the new ‘stratum’ of managers, technocrats and bureaucrats who were needed to operate the State enterprises consolidated to defend their privileges and position. They in turn relied on material instead of moral incentives to maintain and improve labour productivity but met with limited success given the security of employment under Socialism. The use of technology to drive productivity was exhausted by the 1980s in the absence of critical new innovations.

10. The rich mineral and energy resources of the USSR and the participation of women and peasants in the labour force sustained a high rate of industrial growth until the 1970s given the centrally planned economy where the State directed the priorities for resource allocation and distribution.

Comparative international statistics have revealed significant wastage in the use of resources and inputs due to poor intersectoral coordination and production for production’s sake.

11. The strategic error of diverting resources into military production to maintain parity with the USA was another drain on the economy and the cost of the Afghan War produced stagnation by the 1980s. Faced with this impasse, the Soviet leadership, now led by Gorbachev, adopted “glasnost” to accompany “perestroika” and allowed open discussion of issues previously considered as taboo.

12. The Soviet leadership concluded that central planning was the root of their economic malaise and that the solution lay in its replacement by markets (as practised in Capitalism). The fact that markets in the era of monopoly Capitalism resulted in an asymmetrical distribution of income and wealth may not have escaped their awareness, being positioned to be the prime beneficiaries of changes in such a direction. The acute hunger for the Western consumerist lifestyle discernible among the upper strata of Soviet society would also be satisfied. The fact that markets took decades if not centuries to evolve under Capitalism and were supported by elaborate legal infrastructure that governed property relations, was ignored. In the chaos of transition those with the right connections were able to enrich themselves by seizing the opportunities created in the inevitable privatization of State as-

sets often at well below their real value.

Consequences of the demise of State Socialism

How one perceives the consequences of the demise of State Socialism in the USSR and related countries depends on one’s class perspective. From the perspective of the 99% of the world’s people, it was an unmitigated disaster for it removed the dam that obstructed capitalist globalization and allowed for the consolidation of imperial hegemony. The three worlds that had emerged post WWII – the Capitalist West, the Socialist Eastern Bloc and the newly independent countries of the South – were subsumed under the first by the 1990s under the euphemism of “modernization” and defined by economic growth based on Western material goals and consumerist values with the subordination of national sovereignty to global capital.

It has led to the ongoing erosion of the social safety net in advanced capitalist countries, the impoverishment of the working class in the former Eastern bloc, structural adjustment programmes in the developing countries of Africa and Asia, a rapid increase in the gap between the top 1% and the rest of society, and an exponential increase in carbon emissions.

Koh Kay Yew was President of the Socialist Club of University Singapore in 1965 and is one of the editors of The Fajar Generation. The above is an abridged excerpt of a paper presented at the PSM Congress in June 2014.

The enemy is laughing at us

Pablo Iglesias

I KNOW very well that the key to understanding the history of the past 500 years is the interaction of specific social categories called “classes.” But is that knowledge itself sufficient to make political change?

Let me tell you an anecdote. When the 15-M movement first started, at the Puerta del Sol, some students from my department, the department of political science, very political students – they had read Marx, they had read Lenin – they participated for the first time in their lives with normal people. They despaired: “They don’t understand anything! We tell them, you are a worker, even if you don’t know it!” People would look at them as if they were from another planet. And the students went home very depressed, saying, “They don’t understand anything.”

I’d reply to them, “Can’t you see that the problem is you yourself? Politics has nothing to do with being correct. Politics is about connecting with the masses and mobilizing them.” One can have the best analysis, understand the keys to political developments since the 16th century, know that historical materialism is the key to understanding social processes. And



Pablo Iglesias.

what are you going to do with that knowledge? Scream at people, “You are workers and you don’t even know it!”?

The enemy wants nothing more than to laugh at you. You can wear a T-shirt with the hammer and sickle. You can even carry a huge red flag to the demonstrations, and all while the enemy laughs at you. Because the people, the workers, they prefer the enemy to you. They believe him. They understand him when he speaks. They don’t understand you even if you might be right. Maybe you can ask your children to write that on your tombstone: “He was always right – but no one ever knew.”

When you study successful transformational movements, you see that the key to success is to establish a certain identity between your analysis and what the majority feels.

And that is very hard. It implies riding out contradictions.

Do you think I have any ideological problem with a 48-hour or a 72-hour wildcat strike? Not in the least! The problem is that organizing a strike has nothing to do with how badly you or I want to do it. It has to do with union strength, and both you and I are insignificant there.

You and I may wish that earth were a paradise for all humankind. We can wish whatever we want and put it on a T-shirt. But politics is about mobilizing people around a programme, it is not about wishes or what we say in assemblies. In this country there are only two unions with the ability to organize a general strike: the CCOO and the UGT. Do I like that? No. But it is what it is, and organizing a general strike is very difficult.

I’ve manned the picket lines in front of the bus depots in Madrid. The people there, at dawn, you know where they had to go? To work. They were not scabs. But they would be fired from their jobs, because at their jobs there were no unions to defend them. Because the workers who can defend themselves, like those in the

shipyards, in the mines, they have strong unions. But the kids that work as telemarketers, or at pizza joints, or the girls working in retail, they cannot defend themselves.

They are going to be canned the day after the strike, and you are not going to be there, and I am not going to be there, and no union is going to be there guaranteeing them that they're going to sit down with the boss and tell him: you'd better not fire this person for exercising their right to strike, because you are going to pay a price for it. That doesn't happen, no matter how enthusiastic we may be.

Politics is not what you or I would like it to be. It is what it is, and it is terrible. Terrible. And that's why we must talk about popular unity, and be humble. Sometimes you have to talk to people who don't like your language, with whom the concepts you use to explain don't resonate. What should that tell us? That we have been defeated for many years. Losing all the time implies just that: that people's "common sense" is different from what we think is right. But that is not news. The successful revolutionaries have always known that. The key to succeed is in making the people's "common sense" go in a direction that will lead to greater realization of the class antagonisms that impede change.

Cesar Rendueles, a very smart guy, says most people are against capitalism but they don't know it. Most people defend feminism but they haven't

read Judith Butler or Simone de Beauvoir. Whenever you see a father doing the dishes or playing with his daughter, or a grandfather teaching his grandkid to share his toys, there is more social transformation in that than in all the red flags you can bring to a demonstration. And if we fail to understand that those things can serve as unifiers, the enemy will keep laughing at us.

That's how the enemy wants us. He wants us small, speaking a language that no one understands, perpetually in a minority, comfortable with our traditional symbols but cut off from the people. He is delighted with that, because he knows that as long as we are like that, we are not at all dangerous to him. We can have a really radical discourse, say we want to do a general wildcat strike, talk about the people in arms, brandish symbols, carry portraits of the great revolutionaries to our demonstrations – they are delighted with that! They laugh at us.

However, when you gather together hundreds, thousands of people, when you start convincing the majority, even those who voted for the enemy, that there is truth in your analysis – that's when they start to be afraid. And that is called "politics." That is what we need to learn.

There was a fellow who talked about the Soviets in 1917, that bald guy – a genius. He understood the concrete situation. In a time of war, in 1917, when the regime had crashed in Russia, he said a

very simple thing to the Russians, whether they were soldiers, peasants or workers. He said: "bread and peace." And when he said "bread and peace," which is what everyone wanted – for the war to be over and to have enough to eat – many Russians who had no idea whether they were "left" or "right", but knew that they were hungry, said "The bald guy is right."

And the bald guy did very well. He didn't talk to the Russians about "dialectical materialism," he talked to them about "bread and peace." And that is one of the main lessons of the 20th century.

But please remember, trying to transform society by mimicking history, mimicking symbols, is ridiculous. There can be no repeating of other countries' experiences, of past historical events. The key is to analyze processes, history's lessons. And to understand that at each point in time, "bread and peace," if it is not connected to what people think and feel, is just repeating, as farce, a tragic victory from the past.

Pablo Iglesias is the Secretary-General of Podemos in Spain and a Member of the European Parliament. With roots in the 2011 indignados movement, Podemos emerged in January 2014 with a petition launched by a few dozen intellectuals. In May's European Parliament elections, just months after its formation, the leftist party captured 8% of the vote. It is now the second largest political party in Spain by membership and the largest in the polls.

The above, translated by Enrique Diaz-Alvarez, is reproduced from Jacobin (www.jacobinmag.com).

Dato Seri Hadi's Private Member's Bill

D. Jeyakumar

THE Private Member's Bill submitted by YB Dato' Seri Abdul Hadi bin Awang, the President of PAS, appeared as the 24th item in the Dewan Rakyat Order Paper on 7 April 2015. This Private Member's Bill seeks to amend the Syariah Court (Criminal Jurisdiction) Act of 1965 by:

a) dropping the clause in the original Act that limits the maximum punishment that the Syariah Court can order. In the original Act, the maximum punishments were three years' jail, RM5,000 fine and six lashes. No alternative maximum sentences are specified in this amendment bill.

b) inserting a new Section 2(A) which reads "In exercising the criminal jurisdiction under Section 2, the Syariah Court may pass *any sentence* allowed by Islamic Law in respect of the offence mentioned." (italics added)

The unaltered stem of Section 2 reads "The Syariah Courts shall have jurisdiction over persons professing the re-



Dato Seri Hadi Awang.

ligion of Islam and in respect of offences relating to any matter enumerated in item 1 of the State List in the Ninth Schedule of the Federal Constitution".

Among the matters enumerated in item 1 of the State List of the Federal Constitution is "the creation and punishment of offences by persons professing the religion of Islam against the precepts of that religion, except in regard to matters included in the Federal List".

So what would happen if Hadi's Bill is passed? (Though at this point in time that appears quite unlikely!)

The Kelantan Syariah

Enactment of 1993 specifies the following as hudud offences:

S t e a l i n g (sariqah) (Clauses 5-7): Amputation of right hand at wrist level if certain conditions are met. But this crime is listed in the Penal Code and therefore remains outside the jurisdiction of the Syariah Court.

Robbery (hira-bah) (Clauses 8-9): Punishment variable. Amputation of a hand and a foot (if victim injured), death (if victim killed), etc. But this crime is listed in the Penal Code and therefore is outside the jurisdiction of the Syariah Court.

Adultery (zina) (Clauses 10-11): 100 lashes if person never married plus jail for 1 year. Death by stoning if person married (rejam). This is not a crime in the Federal List. Therefore it falls under the jurisdiction of the Syariah Court, and the prescribed sentences could be carried out if Hadi's amendment is passed.

False accusation of zina

(Clauses 12-13): 80 lashes. This is not a crime in the Federal List. Therefore it falls under the jurisdiction of the Syariah Court, and the prescribed sentences could be carried out.

Consumption of alcohol (syurb) (Clause 22): 40 to 80 lashes. This is not a crime in the Federal List. Therefore it falls under the jurisdiction of the Syariah Court, and the prescribed sentences could be carried out.

Apostasy*(irtidad) (Clause 23): Death penalty if person refuses to recant. This is not a crime in the Federal List. Therefore it falls under the jurisdiction of the Syariah Court, and the prescribed sentences could be carried out.

My understanding is that, if Hadi's Private Member's Bill is passed – and it will only require a simple majority to do so – then four out of the six hudud offences described in the Kelantan hudud enactment of 1993 can be punished as specified in that enactment (as described above).

As it turned out, the Bill didn't make it to a first reading as Private Member's Bills are only dealt with after "completion of government matters" and that had not been completed. However the next session of Parliament commences in six weeks. Will PAS keep harping on the fact that the ball is now at the feet of the federal government (i.e., UMNO) and that they are stalling the further passage of the bill and thus (according to PAS) proving that they are not serious regarding the Islamic agenda? How will



Stoning for adultery would become possible if Hadi's amendments are passed in Parliament.

UMNO respond to such political brinkmanship on the part of PAS?

The majority of PAS MPs in Parliament are not keen on this Hudud Bill being brought to the floor. Several of them feel that it should not have been brought to Parliament in the first place. Others feel that it had to be done but that's as far as it should be pushed for now. One PAS MP from Kelantan who is in this second group confided that he would be seriously worried if this Bill were to be passed as he felt "its implementation would be a mess". In his opinion the Syariah courts in Kelantan have not yet developed to the stage where they can administer justice as they should. But there are a minority of PAS MPs who feel that hudud can be implemented right away.

The appearance of Hadi's Bill in the Order Paper has stressed both coalitions. The Pakatan Rakyat came close to

splitting, while many of the non-Muslim members of the BN, especially those from East Malaysia, are disturbed.

The hudud enactment is too important to be left to politicians, especially to this bunch who, to me, appear to be driven more by political expediency than by any overwhelming religious principles. We need sane and mature views from both Muslims and non-Muslims to help Malaysian society navigate this controversy without too much acrimony.

Note

* 23 (1) Irtidad is any act done or any word uttered by a Muslim which according to Syariah law affects or is against the "aqidah" (belief) in Islamic religion.

(2) The acts or words which affect the aqidah are those which concern the fundamental aspects of Islamic religion such as matters pertaining to Rukun Islam, Rukun Iman and matters of halal and haram.

The Negri Sembilan Islamic Affairs Council has taken a step in the right direction

Siti Mariah Mahmud

I WOULD like to congratulate the Negri Sembilan Islamic Affairs Council (MAINS) for its bold step to put an end to many of the conversion-related issues that have been tearing our society apart. Of course, this will not solve all related issues but it is a good beginning. I do hope Perkasa, Isma, Umno, Muslim NGOs and PAS will support MAINS.

By right, the government should have amended the Law Reform (Marriage & Divorce) Act 1976 to allow the converted spouse to file for divorce in the civil court. I still don't understand why the rights of a spouse have been denied when he changed his religion to Islam. By allowing him or her to do so, the civil court can settle the issues related to their marriage. When civil law does not allow the spouse who converted to Islam to apply to dissolve his/her marriage in the civil court, then the converted Muslim spouse will have to apply to the Syariah Court.

The government is responsible for past discords as it has not tabled any amendment to the Law Reform (Marriage & Divorce) Act. We



YAB Dato Seri Mohamad Hasan, the Menteri Besar of Negri Sembilan.

should hold on to the principle that if one is married under civil law, then divorce should take place in the civil court, and if the marriage has taken place under syariah law, then divorce must be settled in the syariah courts.

Hence spouses who want to return to their religion after getting married under syariah law must also accept that they must settle their claims under syariah law and not use the excuse "I am not a Muslim anymore and hence the syariah law does not apply to me and I want to stake my claims in the civil courts". You cannot have

your cake and eat it too.

Since the federal government does not want to amend the Law Reform (Marriage & Divorce) Act, the state religious departments must amend their enactments, like what MAINS did.

With regard to the custody of children, in Islamic law, the general rule is that mothers should get custody of their children under seven years and fathers should be responsible for their maintenance. Children above seven can make their choice. This should also apply even if one spouse has converted to Islam and the other



YB Dr Siti Mariah Mahmud, MP for Kota Raja.

Dr Siti Mariah Mahmud from PAS is the Member of Parliament for Kota Raja. The above appeared in Malaysiakini (6 February 2015).

Editor's comment

A few days after this article appeared in Malaysiakini, the Muslim Youth Movement of Malaysia (ABIM) came out with a statement criticizing the stand taken by MAINS. ABIM felt that the right of a person to convert to Islam should not be sacrificed to preserve the rights of the non-Muslim wife. They argued that the process of obtaining a divorce may take several months and thus deny freedom of religion to the person intending to convert.

ABIM has a relevant point. Perhaps a better option would be to allow the person to convert, while at the same time ensuring that his/her marriage is resolved within the framework under which it was entered into. That would mean that for a non-Muslim couple, they would have to go back to the civil court to get their divorce and settle issues like custody for their children. This would require some fine-tuning of both the civil and the syariah laws covering marriage. The Marriage Reform Act has to be modified to give it jurisdiction over the spouse in a civil marriage even after his/her conversion to Islam. Similarly the syariah law regarding marriage and divorce has to be modified to close the loophole that currently allows a Syariah Court to receive and hear petitions from a recently converted spouse regarding issues pertaining to a marriage contracted under civil law.

It actually isn't rocket science. This issue could have been resolved years ago instead of being allowed to fester, causing serious anguish for the unfortunate women caught in this situation and considerable inter-ethnic tensions in the general population. We have to ask ourselves why the resolution of this problem has taken this long.

remains a non-Muslim. Fathers should have the right, and in fact it is obligatory on them, to visit their children when their wives have custody.

In the event of pending court settlements, the rule should stay: below seven years, the custody should go to the mother. Of course, other details will have to be ironed out. Any child-snatching should be made a crime. This is happening rampantly even among estranged or divorced Muslim couples: children below seven years and babies being snatched or kidnapped from their mothers and the police will not do anything, just because the father has filed for custody of the child. While waiting for the case to be heard in court, the mother is not allowed access to the child and the child suffers.

Body-snatching occurs when the conversion to Islam is secretive and the spouse and family are in the dark and only

the State Jabatan Agama Islam has the records. I wholeheartedly agree that one should declare one's conversion, whatever the consequence. I do not blame the religious departments when they want to carry



out their obligations to a fellow Muslim, i.e., giving a proper Muslim burial. However, in the past, this has caused a lot of heartache and anger in the family and religious and racial friction because they were not informed of the conversion earlier on

So, the declaration has to be done in a transparent manner. If the family abandons the converted spouse and refuses to care for him or her (in the case of the elderly), it is the duty of the religious authorities to find a home and people to care for the convert.

The Umbrella Revolution in Hong Kong

Choo Chon Kai

THERE are some analysts who suggest that the popular protests in Hong Kong in late 2014 were orchestrated by covert Western interests which wish to undermine China. While it is true that several US and Western agencies have been funding pro-democratic NGOs and student groups, the actual situation is multifaceted.

1. The people of HK have been demanding universal suffrage for decades. When HK was “returned” to China in 1997, the Beijing government promised to allow HK to conduct direct elections for the post of Chief Executive by 2017. Only after many campaigns and pressure from the people of HK did Beijing allow universal suffrage, but with the proviso that all three candidates would have to be chosen by a 1,200-person committee handpicked by Beijing. A crucial requirement to be cleared as a candidate for the Chief Executive post is loyalty to Beijing.

A White Paper published by the Beijing central government in August defined the “One Country, Two Systems” concept, which was proclaimed during the handover of HK back to Beijing, as entailing that whatever autonomous



Hong Kong protesters with their trademark umbrellas.

power enjoyed by HK has to be decided by Beijing, meaning that the people of HK still do not have the right to choose their leader without interference by any other party.

2. The recent “Occupy” protests, dubbed by some Western media as “the Umbrella Revolution”, are the first ever instance of mass civil disobedience in the history of HK since the 1967 riots. It was a spontaneous uprising, with people of different political beliefs standing up against the HK government which has refused to hear the voices of the masses. It also reflected a deeper contradiction in HK society, where the gap between rich and poor is growing. The expansion of capital from mainland China is taking over land and livelihood

of ordinary HK citizens, resulting in a steep rise in the cost of living at a time when competition from mainland Chinese is keeping wages down. The perceived threat of Beijing meddling with politics in HK with increasing repression (many activists being charged and convicted), is another issue of concern for HK citizens.

3. The recent university and secondary student strikes were organised by student organisations. In HK, the pan-democratic parties have lost support of late for their hesitation in pushing for democratic reforms. Meanwhile a sector of the youth have been radicalised in recent years, influenced by the struggle against the construction of the HK-Shenzhen high-speed rail network in

2009-10, the campaign against moral and national education in 2011-12, the struggle against development in North-East New Territory in 2013-14, and even the massive protests against the World Trade Organization (WTO) in HK back in 2005.

4. Those young people carrying British colonial flags were in fact a small minority in the protests. They are people influenced by the growing right-wing populism in HK in recent years, and some have gone on to demand independence, which at the moment almost none of the pan-democrats, student movements and serious political groups are asking for. There is growing xenophobia towards mainland Chinese among a sector of the Hong Kong population. The rise of right-wing populism is a reaction to the increasing socio-economic inequalities and the failure of the political reform process in HK.

5. The hostility of HK people towards Beijing is understandable, because many are fugitives or descendants of fu-



Protesters clash with police.

gitives who fled China during the more turbulent years of Communist Party rule. The 1989 Beijing massacre also shocked many HK citizens and has created a fear that growing interference of Beijing in HK politics will lead to tyranny in the future.

6. The protests in HK were spontaneous, unexpected even by the organisers of Occupy Central and the elites of the pan-democrat parties. Tens of thousands of people gathered and blocked the streets “illegally” (which is really rare in HK as HK people are generally “obedient” and usually follow

rules) from Central to Admiralty, in Causeway Bay, and even in Mongkok. This was a defining moment for the people in HK. The masses were heterogeneous, but they were not “naïve”. Yes, different interest groups will try to use this as an opportunity to further their own agendas, but it is the people in the streets and their capacity to organize themselves that have made Hongkongers aware of the extent of their own power. There are friends on the left in HK who realized that this was a critical moment in HK’s history and they actively immersed themselves in the struggle with the hope of building the future together with the rising masses. However some more “pure” leftists confined themselves to commenting sarcastically about the events without engaging the people on the ground.

The situation is complex, but the civil disobedience was real, and the people power amazing.

Choo Chon Kai is a PSM Central Committee member.



Student leader Joshua Wong Chi Fung (2nd from right) taking part in a demonstration.

Yingluk's impeachment: Fraud by an illegal junta

Giles Ji Ungpakorn

LET us be clear. The impeachment motion against former Thai Prime Minister Yingluk Shinawat, submitted to the junta's appointed Assembly by the National Anti-Corruption Commission, over her role in the rice price support scheme for farmers, is a total farce and a red herring. It is a deliberate part of the anti-reforms designed to destroy democracy. It has nothing to do with the rice scheme.

Yingluk is accused of "allowing corruption to take place" in this rice scheme and of presiding over financial losses to the government. Firstly, it should be made clear that there is no evidence whatsoever to prove that Yingluk herself was corrupt. In fact "corruption" is now a convenient insult to be thrown at anyone who the middle classes or the elites dislike. The most corrupt organization in Thai society is in fact the military. Nearly all Thai generals, including the present junta leaders, have accumulated wealth amounting to hundreds of millions of baht, way beyond what they could earn from their normal salaries. This has been



Yingluk Shinawat.

going on since the bad old days of the military dictatorships in the 1940s. Part of this money comes from corrupt deals and bribes. The other part comes from their abuse of power and influence to do business, own sections of the media and appoint themselves to the management boards of state enterprises.

Anyone paying attention to the mainstream media's comments about Taksin

Shinawat would be forgiven for believing that Taksin and his cronies were filthy corrupt politicians who had been pocketing millions and bleeding the country dry by offering "too many" pro-poor policies to the "ignorant" masses. These reports mentioned Taksin's corruption as though it was an indisputable fact and that he alone was responsible for corruption.

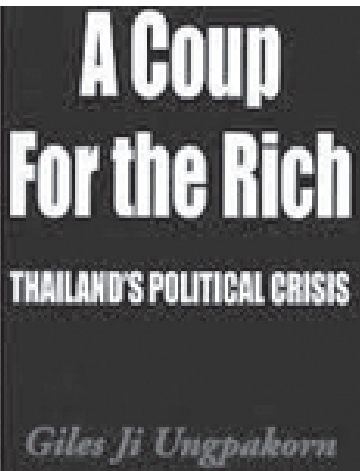
Taksin is a super-rich tycoon. He is still super-rich even after having a large portion of his assets seized by the pro-military courts. His wealth primarily comes from exploiting the work of others, no different from any tycoon or business leader and no different from King Pumipon who is the richest man in Thailand. This is a form of gross robbery, but it is "legal" robbery under the capitalist system. The only corruption charge placed against Taksin was the charge that he was Prime Minister when his wife bought a plot of land from the government. This was undoubtedly against the rules. But the courts accepted that the price paid was the genuine market

rate and they also ruled that his wife had no case to answer. Taksin also used various tax avoidance schemes to avoid paying tax on his immense wealth.

Secondly, it may well be the case that corruption occurred at some levels of the rice price support scheme, probably associated with dishonest rice milling and rice trading companies. Yingluk's opponents want to punish her for failing to stop this corruption. If failing to stop corruption is a reason for impeachment, then every single Thai Prime Minister, including the incumbent Prayut Chan-o-cha, should be impeached.

Thirdly, much of the financial losses to the state which resulted from the rice price support scheme come from two sources. The government was using state funds to guarantee rice prices paid to poor farmers. Such losses are totally justified and are part of distributing income to the rural poor. But other losses came from relying on the world rice market and hoping that the price of rice would rise, which it did not. Instead the government should have sold rice cheaply to the urban poor and recouped any shortfall by taxing the rich and by cutting the military and palace budgets.

Of course the middle classes, extremist neoliberals, the military and the royalists would have been up in arms if this had happened. Already the Democrat Party and neoliberal institutions like the TDRI were dead against using state funds



to benefit the poor through the rice price support scheme. But none of this really explains the sanction taken against Yingluk.

After the military coup last year, I wrote that the illegal junta and its various creatures were busy crafting a non-democratic system with sham elections. I wrote that the so-called National Anti-Corruption Commission was desperately trying to find a dubious corruption charge to stick on former Prime Minister Yingluk. This would be the “legalistic” way to bar her from politics and maybe there would be a chance of dissolving her Pua Thai Party too.

Yingluk's impeachment and prosecution are a fraudulent and sham “legal” means used by an illegal junta to destroy democracy and decapitate the political party which has consistently enjoyed mass popular support. Meanwhile, the previous chairman of parliament, Somsak Kiatsuranon, and Nikom Rachpanit, former senate chairman, face similar bans on politics for trying to

allow a democratic parliamentary vote to change the constitution last year.

Prayut and his military gang, however, face no sanctions for staging a coup last May and tearing up the constitution. Prayut and former Prime Minister Abhisit Vejjajiva do not face any charges for murdering unarmed pro-democracy demonstrators either. The message is clear. Whatever crimes the junta commit are “legal” and in future it will not be “legal” to change the military-sponsored constitution. Dictatorship is due to be set in stone. But nothing remains forever when social movements get organized to fight for democracy.

23 January 2015

Giles Ungpakorn was formerly a lecturer at the Chulalongkorn University in Bangkok. He was among those who formed the Turn Left Thailand political grouping. Since February 2009 he has been in exile in Britain as he felt he would not receive a fair hearing for the lese majeste charges that the present government had levelled against him. The above article first appeared on his RedThaiSocialist.com website.

Singapore's "battle for merger" revisited

Poh Soo Kai

The merger issue

2015 is the 50th anniversary of Singapore's separation after almost two years of being part of the Federation of Malaysia (16 September 1963-9 August 1965). The event is marked as the day when the island gained independence. The British colonial rulers formally relinquished their residual power over Singapore's defence, foreign affairs and internal security to the newly formed Federation of Malaysia when merger came into effect. Reunification was the aspiration of its people as the island was severed in 1946 by the British after being part of the Straits Settlements for 120 years, save for the Japanese Occupation (1942-45).

The merger scheme which Lee Kuan Yew's People's Action Party (PAP) government concluded with the Federation of Malaya government was an outright failure. It is thus curious that for the official celebration of SG 50, the PAP government should choose to highlight the 12 radio broadcasts that Lee Kuan Yew as prime minister made between 13 September and 9 October 1961 which were published as *The Battle for Merger* (1962). The book was reprinted in 2014, with much official hype but no new insights. The deputy prime minister and con-



Chia Thye Poh (left), Dr Poh Soo Kai (centre) and Dr Lim Hock Siew visiting Tan Jing Quee in February 2011.

currently coordinating minister for national security and minister for home affairs, Teo Chee Hean, who launched the reprint, stressed the importance of the PAP's push for the 1963 merger thus:

It was a time when momentous decisions had to be made for Singapore. A wrong decision then would have been calamitous and Singapore might still be trying to shake off the dire effects today.

The 1963 merger was a wrong decision. The disastrous outcome was foreseen by the opposition Barisan Sosialis. We wanted reunification with Malaya, but NOT on the terms that Lee had obtained. Those simply could not work. They did not address the fundamental ethnic issue which was handled differently in Malaya and Singapore. The Alliance, the rul-

ing party which dominated Malaysian politics, was an alliance of ethnic-based political parties. It had control of Singapore's internal security through the internal Security Act (ISA) which provided for detention without trial. The PAP had accepted that Singapore would have fewer seats than its population size warranted, weakening its representation in the federal government.

Lee insisted that we "opposed merger" fearing that we would be arrested and detained without trial by the Tunku, the Malaysian prime minister. We countered with the declaration that Barisan Sosialis leaders were willing to be arrested and imprisoned before merger took place. Contrary to the PAP's proposals, we insisted that the people of Singapore should have the same rights and re-

sponsibilities as any other Malaysian citizen. The “autonomy” in labour and education for Singapore which the PAP obtained was meaningless if the ISA was not abolished.

After Malaysia was formed on these faulty terms, the PAP found itself in the margins of federal politics when the Tunku rejected its attempts to replace the MCA as his Chinese coalition partner. The PAP then, in a volte-face, resorted to so-called championing of equal political rights for the Chinese. Ethnic tensions were stoked in response by UMNO extremists championing Malay rights. Riots broke out in Singapore in 1964, and Separation came to be seen as the only way to avoid further outbreaks of ethnic-based violence.

The merger of Singapore into the larger Federation of Malaya with an entrenched right-wing government was introduced by the British, and rushed through to save Lee Kuan Yew’s political skin. The British were not prepared to give Singapore independence outside of merger with the Federation, fearing that its military bases on the island would be jeopardized if a left-wing party won the 1963 election. Lee was keen on such a merger, expecting that the Tunku would act against the left wing challenging him in Singapore. There was no vision of democracy or equality for the new society that was enunciated.

Lee had made clear to the British that should there be no role for him, he would not go into Malaysia. As prime

minister since 1959, he threw everything he had to push for merger and to discredit his opposition as communists. Based on this charge, the PAP expelled its left-wing members, who then formed the Barisan Sosialis Party led by Lim Chin Siong. The Internal Security Council, comprised of the Singapore, British and Federation of Malaya governments, duly commenced Operation Coldstore on 2 February 1963 and a total of 133 political and union activists were arrested.

Building up a reading list

Among those imprisoned in 1963 were individuals who refused to sign statements “renouncing” or condemning communism – the only way to gain release.

Dr Lim Hock Siew, imprisoned for almost 20 years, refused to sign a statement renouncing violence in 1975. He retorted that it was like asking him to announce that he would stop beating his wife, giving the impression that he had been imprisoned for wife-beating. He would never lift a finger to justify his detention.

For some 20 years following the release in 1982 of the last of the political prisoners then (save for Chia Thye Poh), we maintained silence about our wrongful imprisonment. The political climate was stifling; we were warned of re-arrest should we “cause trouble”, which included maintaining contact with one another. There was also the need to focus on making a living. Only

gradually were attempts made among ex-political prisoners to meet up socially.

Following *The Singapore Story: Memoirs of Lee Kuan Yew* (1998), Said Zahari, who certainly did not have any communist links but was imprisoned for 17 years, published his autobiographical account *Dark Clouds at Dawn: A Political Memoir*, and Tan Jing Quee co-edited (with Jomo KS) *Comet in Our Sky: Lim Chin Siong in History*; both accounts came out in 2001. They were spurred on by Lee’s narrative of his heroic deeds and flawless judgment, and his demonizing of his left-wing opponents as subversive communists at every turn.

The momentum grew with Tan Jing Quee and Michael Fernandez speaking about their imprisonment at an arts forum on Detention-Healing-Writing in 2006. Tan then came up with *The Fajar Generation: The University Socialist Club and the Politics of Postwar Malaya and Singapore* (2010) and *The May 13 Generation: The Chinese Middle Schools Student Movement and Singapore Politics in the 1950s*. The two books, available in both English and Chinese, challenge the state bifurcation of English-speaking students as apolitical and the Chinese-speaking as manipulated by the Communist Party of Malaya (CPM). The book launches drew a capacity audience. The latter in particular was attended by about 300 elderly Chinese-speaking former political activists who for decades had hidden their past, even from their

children and grandchildren, who accompanied them to the event.

The detainees of the 1950s and 1960s were not the only ones who began to find a voice. A younger group of lawyers, dramatists, political activists, and social and church workers arrested in Operation Spectrum in 1987 as “Marxist conspirators” had also started to stir. They connected with the 1963 and 1970s detainees to produce *Our Thoughts Are Free: Poems and Prose on Imprisonment and Exile* (2009). The next year, Teo Soh Lung (imprisoned without trial 21 May 1987-26 September 1987; 19 April 1988-1 June 1990) published *Beyond the Blue Gate: Recollections of a Political Prisoner*. At the book launch, Teo stated, “I call for the ISA to be abolished. The ISA and its predecessors have destroyed many lives from the time of the British to today.” Since then, her comrades have put out collections of essays by Catholic church workers who were Operation Spectrum survivors,¹ and on Singapore’s political exiles from the 1970s.²

The growth of social media, resulting in the proliferation of publishing outlets, made its impact during the campaign for the hotly contested presidential election in August 2011. Citizen journalists, invited to the debates, asked the candidates to state their position on the ISA. Former cabinet minister Tony Tan justified the legislation on grounds that terrorism is a real threat, which led Dr Lim Hock Siew to challenge him to repeat his state-

ment so that they could meet in a court of law, and to call for an independent Commission of Inquiry to investigate the allegations against all ISA prisoners. His challenge is still on YouTube.

Operation Coldstore documents: Demanding accountability

Except for the 1990s, the ISA has been used in every decade in postwar Singapore. Operation Coldstore remains the most controversial, as it paved the way for the PAP’s unbroken rule and constitutes its founding myth of “riding the communist tiger”. What it did, in effect, was to eliminate Lim Chin Siong and the Barisan Sosialis from the 1963 general election. Lim had won the confidence of not only the Chinese-speaking labour unionists but also the English-speaking left, mostly coming out from the University Socialist Club. I was one of them.

Documentary evidence from the colonial archives, analyzed by historians such as T.N. Harper, Geoff Wade³ and P.J. Thum⁴, has shown that the British and Federation governments were not going to accept a left-wing government in Singapore; they came to Lee’s rescue by abetting in Operation Coldstore. I too made a trip to the Kew Archives in the early 1990s. There is insufficient evidence that Lim Chin Siong, the key target to be destroyed politically, was a member of the CPM – which did not stop the demonizing of him as such in the 2014 *Battle for Merger*. Choice quotations

from the Colonial Office include:

*While we accept that Lim Chin Siong is a Communist, there is no evidence he is receiving orders from the CPM, Peking or Moscow. Our impression is that Lim is working very much on his own and that his primary objective is not the Communist millennium but to obtain control of the constitutional government of Singapore. It is far from certain that having obtained this objective Lim would necessarily prove a compliant tool of Peking or Moscow.*⁵

According to the Colonial Office records, Lee was “quite clearly attracted by the prospect of wiping out his main political opposition before the next Singapore elections ... advocating a policy of provocation of Lim Chin Siong and his associates with a view to forcing them into unconstitutional action justifying their arrest”.⁶

The specific reason given for our arrests was that the Barisan Sosialis was supplying arms and logistical support for the popular uprising led by Azahari in Brunei on 8 December 1962. The British had minuted how this charge was formulated:

Lee had in mind a statement calling for the crushing of the revolt pointing out that organization, training and arms could not have been provided within the Borneo territories and drawing the conclusion that there must have been foreign intervention. As to arrests, Lee said that information about the recent contacts between Azahari and Lim Chin Siong

*coupled with Barisan Sosialis' statement giving open support for the revolutionaries provided a heaven-sent opportunity of justifying action against them.*⁷

Lim Chin Siong as Barisan Sosialis leader had a meal in a restaurant with Azahari, leader of the socialist Parti Rakyat Brunei, who was stopping by Singapore, in full view of the head of the Special Branch. Our statement of moral support for the Brunei popular uprising was no different from those that the Barisan had issued for other anti-colonial uprisings. Strangely, despite the danger we were alleged to pose in our fraternal relations with Azahari, our arrests were postponed for two months after the Brunei uprising as the Tunku and Lee could not agree on the list of detainees! The authorities had indicated that they would produce evidence of our clandestine involvement in the Brunei uprising, but never did. I am still waiting.

Operation Coldstore was a set-up against Lee's political opponents. On its 50th anniversary, I declared in the blurb of *The 1963 Operation Coldstore in Singapore: Commemorating 50 Years*:

I maintain that I was imprisoned for being part of a slate of left-wing anti-colonialists who were going to pose a challenge to Lee Kuan Yew in the election of 1963. The charges of communism and subversion, used to frame people like me, have simply been chanted repeatedly to this day. Our rejection of the charge has

been ignored outright, without any attempt to supply evidence or specific details which we could answer.

To date, we have received only a non-reply, in the form of the reprinting of *The Battle for Merger*, the Cold War diatribe of the day. The government has to content itself with targeting schoolchildren and blitzing the mainstream media, using the same language and materials from half a century ago, and resurrecting the failed "merger", implicitly to justify Coldstore, though the event itself is not ever mentioned. The impression given is that with the radio talks the PAP won the hearts and minds of the people. If that had been the case, Coldstore would have been unnecessary.

Even more impossible to justify than our arrests is the length of the imprisonments. Detention orders were renewed every two years without any limit at the minister's pleasure. Lim Hock Siew would have received at least eight extensions of such orders under Section 8A of the ISA. How many such orders would Chia Thye Poh – imprisoned on 29 October 1966, restricted to Sentosa Island from 17 May 1989, then to Singapore from 28 November 1992 and finally freed of restrictions on 27 November 1998 – have received?

The present PAP leaders have chosen to identify themselves with the gross injustices using the ISA inflicted by their party elders, and to cling to a narrative of history that has been seriously questioned.

Dr Poh Soo Kai was assistant secretary-general of the Barisan Sosialis. He was imprisoned twice under Singapore's Internal Security Act (ISA), which allows for detention without trial, for a total of 17 years by Singapore's PAP government. The above article first appeared in New Mandala (asiapacific.anu.edu.au/newmandala) (3 December 2014).

Notes

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2. Teo Soh Lung and Low Yit Keng, eds. *Escape from the Lion's Paw: Reflections of Singapore's Political Exiles* (2009).
3. Geoff Wade, "Operation Coldstore: A Key Event in the Creation of Modern Singapore", in *The 1963 Operation Coldstore in Singapore: Commemorating 50 Years*, eds. Poh Soo Kai, Tan Kok Fang, Hong Lysa (2013).
4. Thum Pingtjin, "'The Fundamental Issue Is Anti-colonialism, Not Merger': Singapore's 'Progressive Left', Operation Coldstore and the Creation of Malaysia", Asia Research Institute, National University of Singapore Working Paper Series no. 211, November 2013.
5. High Commissioner Singapore to Secretary of State, CO 1030/1159, 8 September 1962, in T.N. Harper, "Lim Chin Siong and the 'Singapore Story'", in *Comet in Our Sky: Lim Chin Siong in History*, eds. Tan Jing Quee and Jomo KS (2001), p. 41.
6. High Commissioner Singapore to Secretary of State, CO 1030/998, 28 April 1962, cited in Tan Jing Quee, "Merger and the Decimation of the Left-Wing in Singapore", in *The Fajar Generation: The University Socialist Club and the Politics of Postwar Malaya and Singapore*, eds. Poh SoonKai, Tan Jing Quee and Koh Kay Yew (2010), p. 283.
7. High Commissioner to Secretary of State, CO 1030/1160, no 572, 10 December 1962.

The plight of the Rohingya

Penang Stop Human Trafficking Campaign

THE Rohingya people are one of many ethnic groups whose home is Myanmar. They are a Muslim population living in northern Rakhine State, close to the Bangladesh border. There are approximately 800,000 Rohingya still in Myanmar (which has a total population of 51 million, of whom 68% are ethnic Burmese). A further 1.5 million Rohingya have fled as refugees, mostly to Bangladesh but also to countries like Pakistan, Thailand, Malaysia and Saudi Arabia.

Persecution in Myanmar

The Rohingya have been described as “one of the most persecuted minorities in the world”. This is despite the fact that they have been in Myanmar for centuries, were full participants in Myanmar’s struggle for independence from the British in 1948, and had, for example, a dedicated Rohingya language station on national radio. Sadly, following the declaration of Buddhism as the state religion in 1961 and the military takeover of Myanmar in 1962 under General Ne Win, their situation deteriorated.



Desperate people make easy prey for human traffickers.

Government policies have consistently undermined the basic rights, livelihoods and security of the Rohingya. They have been attacked, raped, beaten, abducted and/or killed. Many have been put into forced labour. Authorities have set up checkpoints on roads targeting only Rohingya to conduct body searches and extort money; there have been restrictions on marriage through a fee requirement; there is further arbitrary taxation on a wide range of activities; land confiscation is common; arbitrary arrests and extortion for releasing the person arrested are a norm; and there is almost no provision of

government services such as health, education or infrastructure in Rohingya areas.

Systematic violence against women has been documented by, for example, the Women’s League of Burma (WLB) in a recent report which highlights the horrific sexual abuse of ethnic minority women, including Rohingya, by the Burmese military who do so with impunity. Many would agree with the observation that “All these policies are part of a systematic approach of impoverishing and oppressing the Rohingya in order to attempt to drive them out of Burma. They are deliberately



In the last two years more than 80,000 Rohingya have fled by boat from Myanmar.

designed so that there can be an element of deniability by central government, which tries to blame some of these policies on local authorities, rogue individual police and security officers, and a lack of adequate training.”

Government discrimination against the Rohingya was institutionalized in 1982 when a new Citizenship Act excluded the Rohingya from being considered citizens, meaning that they were made stateless in their own homeland, without rights and without protection. In 1988, further legislation was passed which made it illegal for Rohingya to travel outside Rakhine State. Buddhist extremists have campaigned (against all historical evidence) that the Rohingya are illegal immigrants from Bangladesh and should be given no status or respect. This echoes the government’s position which refuses to recognize or use the term “Rohingya”, insisting instead on referring to them as

immigrant Bengalis.

In addition to all this, there have been major outbreaks of violence – massacres – in 1978, 1991 and most recently in 2012. Many thousands have been killed. Government complicity is alleged; little has been done to either protect the Rohingya or prosecute those who murder them. And the 2012 violence saw around 140,000 Rohingya being forced to flee their homes. They joined the many thousands already living in appalling conditions in temporary camps on the Bangladesh border. The United Nations Refugee Agency (UNHCR) has also reported that in the last two years more than 80,000 Rohingya have fled Myanmar by boat. If they survive the journey, some of these end up in Malaysia.

There is widespread worry that the Myanmar authorities are about to implement the final phase of Rohingya destruction – widely known as the “Rakhine Action Plan”. The

government has allowed (many would say encouraged) inflammatory speeches from extremist Rakhines who openly vow to cleanse Arakan or Rakhine State of all Rohingya. With the government also giving sanction to its state security forces to use violence and coercion against Rohingya, the future for the Rohingya in Myanmar seems highly precarious. For some years, international agencies have been warning that this all amounts to genocide and ethnic cleansing.

Half-hearted diplomacy

So what has the international community been doing? ASEAN of course has long protested that its policy of “constructive engagement” is the best way forward. Many would see this as an excuse to pursue economic and political agendas while avoiding any action on the blatant human rights abuses which have been happening across Myanmar for the past 30

years and more. As well as the persecution of the Rohingya, these abuses have included wars against other ethnic minorities, including the Chin, Kachin, Karen and Shan; the denial of the popular election victory of Aung San Suu Kyi and the NLD party in 1990 and her subsequent incarceration; and the reversion to military dictatorship.

Similarly, half-hearted Western sanctions and protests were utterly ineffective in changing anything. Now that Myanmar is “opening up” not least its economy to outside investment, governments from all over the world are busy wooing the Myanmar government to take advantage of opportunities to make big profits. Many are hailing a new democratic era for Myanmar, choosing to ignore the horrors happening to the Rohingya population and with some previous critics retreating from positions held earlier in defence of Rohingya rights.

In this world where practical politics outweigh any commitment to basic human rights, Aung San Suu Kyi herself seems unable to voice support for the Rohingya for fear of upsetting Buddhist nationalists and losing potential support. Commentators note that the “new Myanmar” is highly likely to see the military and its supporters transforming into crony capitalists, supported by foreign capital and governments pursuing their own economic and geopolitical desires. The Rohingya continue to be utterly vulnerable.



Rakhine State is the home of the Rohingya.

Fleeing Myanmar

It is therefore not surprising that thousands of Rohingya have fled their homeland and thousands more are ready to do so. But this brings them into a situation where again their vulnerability opens them up to further abuse and exploitation. Smugglers and human traffickers prey on the Rohingya community both in Rakhine State and in the camps in Bangladesh. They woo them with visions of a new promised land in order to get them to part with their money which will buy them a place on a boat or for an overland journey to Thailand and Malaysia. Thousands have paid; thousands more will pay.

But for many, the journey becomes another nightmare, with survivors reporting commonplace rape and violence against the women, and further extortion, torture and deprivation imposed on the refugees. Many have ended up being held in camps in Thailand for ransom or slavery; many have been trafficked on; and of course many have perished at sea, falling victim to unseawor-

thy vessels or to starvation and dehydration.

Rohingya in Malaysia

Despite all these hardships and deprivations, some do survive and do find themselves in a new country. In Malaysia, numbers are a little difficult to estimate but there may be around 65,000 Rohingya in the country, of which some 40,000 are officially recognized and registered as bona fide refugees with UNHCR. (This is out of a total refugee population of about 80,000.)

Here we should note the distinction between migrant worker and refugee/asylum seeker. A migrant worker is someone who has gone outside his/her country voluntarily to seek employment and is able to return to their country at any time without fear of persecution. A refugee on the other hand is someone who has left her country “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion”, and cannot

rely on their home government for protection. The Rohingya clearly fall into this category: they have been written out of Myanmar citizenship and have “nowhere to go”.

But in Malaysia they (like all refugees/asylum seekers) face another set of problems. The fact is that Malaysia does not officially recognize refugees but instead chooses to classify them as “PATI” (Pendatang Asing Tanpa Izin) which translates as “illegal immigrants”. The Malaysian government has not ratified the UN Convention on Refugees and there is no legal or administrative framework to provide security to refugees in Malaysia. Instead, the Malaysian government has delegated responsibility for all refugees, including the Rohingya, to UNHCR, so ‘allowing’ refugees to stay but without giving them any contingent rights to employment, education, protection or redress.

When someone arrives as a refugee in this country, one applies to UNHCR for recognition of this status. At the moment it takes up to two years for UNHCR to process applications, during which time one is termed an “asylum seeker”. Once UNHCR has approved the application, the person is given a UNHCR Card denoting that they are recognized as a true refugee. The only thing that this card in theory gives is protection against arbitrary arrest and detention by the authorities, though in practice even this does not hold. Both refugees and asylum seekers do

not have the right to work, meaning they have to exist in a grey economy, working “illegally” where they can find a job but living in constant fear of exploitation, dismissal, extortion, arrest, detention, deportation or worse.

Human traffickers and modern-day slavers flourish in such situations. Violence against and within the community has been consistently reported to the authorities but little concerted action has been taken. And meanwhile access to health, education, housing and other basic facilities is severely compromised by the lack of status and rights and consequent vulnerability to harassment and extortion by unscrupulous locals.

It is a highly unsatisfactory situation. These people, and the thousands of other refugees from other parts of Myanmar and other countries who have come to Malaysia, are here for the long run. A few will be “resettled” to countries like the US, but the vast majority will remain here. Shouldn’t we recognize that the new community is here for a compelling reason, that we need to recognize their status as refugees and that they should be seen as part of the future of this country?

What needs to be done?

We need to act on two levels. First, in Malaysia, we need to give proper protection and rights to refugees and asylum seekers, giving them the right to work and access to education and health and housing, without extortion or penalty. This is best done by signing and

implementing the commitments of the UN Convention on Refugees. If for any reason our government is reluctant to do that, they should at least be granted basic rights in order to stop further exploitation, trafficking and violence against and within the community. Our government cannot continue to avoid responsibility by delegating that responsibility to a UN agency.

In terms of our relationship with Myanmar, we need to fight for a position which makes it clear that future positive diplomatic relations are contingent on a number of changes of government policy. We need to include wider protection of workers, government critics and the ethnic minorities. For the Rohingya, we must insist on unhindered humanitarian access to the camps and to Rakhine State, reform of the 1982 citizenship law, abolition of all discriminatory policies and practices against the Rohingya, and prosecution of anyone engaged in violence against the community by word or deed. As Chair of ASEAN this year, Malaysia is in a good position to take the lead on this.

Sadly though, it is almost certain that the interests of Petronas and other Malaysian companies investing heavily in Myanmar will see to it that our government passes up this chance. Profits before people: a mantra of our time. Economics before principles. The greed of the few at the expense of the welfare of the many. For the Rohingya, then, the future remains utterly bleak.

Roger Burbach remembered

A prolific writer and researcher as well as a dedicated advocate of democratic socialism in the Americas, Roger Burbach passed away on 5 March 2015.

Fred Rosen

ROGER Burbach, a North American Congress on Latin America (NACLA) staffer in the 1970s and 1980s, an Editorial Board member in the 1990s, and a prolific reporter and researcher for nearly a half-century, passed away on 5 March at the age of 70. He died after a long and debilitating struggle with a variety of illnesses.

A paraplegic since suffering a spinal cord injury in Nicaragua in 1989, Roger never let his disability or subsequent illnesses get in the way of his writing and reporting. He faced his disability in the same way he faced the challenges of doing hands-on research and reporting from Latin America: with determination, honesty and a great deal of courage. His physical determination was a reflection of his professional and political determination to honestly analyze and report on the struggles for sovereignty and social justice in the Americas – and on the contradictions that some of those struggles fell into.

There was an unflinching honesty to Roger's work. He never saw his commitment to solidarity and social justice as a commitment to sweep the contradictions of Latin Ameri-

can socialism under the rug. Nor, on the other hand, did he ever abandon his long-term commitment to the creation of a better world – one organized around the principles of fairness and solidarity.

The unflinching honesty of his work was mirrored by his unflinching acceptance of his disability; as a reporter, there was never an event he shied away from covering, or an interview he didn't try his best to get despite his physical limitations. Nor did he shy away from asking for help when he needed it. When, back in the early days of Chavismo, he and I were reporting from Caracas and staying in the same two-star hotel, I never ceased to marvel at the way he routinely got hotel staff to carry him and his wheelchair up and down a long flight of stairs at least three or four times a day, or the way he got cab drivers to load his power-driven wheelchair into their trunks – sometimes with help from passers-by.

And just as he made no effort to hide any part of his disability, he made no effort to hide his doubts about revolutionary processes he otherwise supported – in countries like Nicaragua, Ecuador and Venezuela – while keeping his faith

in the ultimate goals of those processes very much alive.

He was a firm believer in socialism but was scrupulously honest in detailing the shortcomings of actual socialist experiments both in and out of power. This critical loyalty to his socialist vision was probably best expressed in an essay he wrote for NACLA back in 1997 titled "Socialism is Dead, Long Live Socialism." In it, he made ample use of the term "postmodern socialism," as a tool with which to differentiate his humanist vision (grassroots democracy) from the actual historical reality (vertical models of socialism that were, in his view, failing throughout the world). Because of the many meanings and associations of the term "postmodern," his use of it here never really caught on, but the vision of a horizontal movement toward socialism has been strongly influenced by Roger's work.

"My general thesis," he wrote in that 1997 essay, "is that twentieth century socialism has been defeated for two contradictory reasons. In those socialist experiments that were the most democratic, like Chile from 1970 to 1973, the United States was able to exploit relatively open political and eco-

conomic processes to destroy them from within. On the other hand, in those centralized and verticalist socialist projects such as Cuba, the lack of authentic democratic processes weakened their popular support and led to the implementation of inefficient state-dominated economies.”

“Radical movements for change,” he wrote, “can only be successful to the extent that they are able to demonstrate that they are more democratic in their struggles and goals than the neoliberal democratic paradigm. In particular, they need to continually demonstrate that capitalist democracy is insufficient; that true democracy extends to the economic arena; and that the unregulated market advocated by neoliberals is incompatible with authentic democracy.”

In making this argument, he was able to honestly keep two conflicting commitments in his head at the same time: the Revolution’s need to defend itself and the Revolution’s commitment to liberty, equality and solidarity. “It was this paradoxical choice,” he wrote, “between maintaining the Popular Unity’s commitment to democratic institutions and procedures and the need to take military steps to destroy the opposition that makes Chile the most tragic socialist experience in the Americas and perhaps in the history of twentieth century socialism.”

After the 1994 Zapatista Rebellion in Mexico, he co-authored *Globalization and Its Discontents: The Rise of*

Postmodern Socialisms with Orlando Nuñez and Boris Kagarlitsky. Inspired by – and writing about – the Zapatistas, he was able to imagine the construction of a society based on respect and equality for all.

Roger was a Peace Corps volunteer in the Peruvian Andes from 1966 to 1968. From 1971 to 1973, while conducting research for his Indiana University doctoral dissertation in Chile, he worked with dependency theorists Andre Gunder Frank and Theotonio Dos Santos at the Center for Socio Economic Studies in Santiago. He paid a brief visit to Berkeley in 1972 and then returned to Chile later that year, remaining through the coup.

With the overthrow of Chilean President Salvador Allende on 11 September 1973 and the death of his friends Frank Teruggi and Charlie Horman at the hands of the Pinochet dictatorship, he became a dedicated campaigner for human rights and social transformation. After the military coup he left Chile, made his way back to the United States, and came to work for NACLA in what was then our West Coast office, contributing extensive research to NACLA reports on Chile in the 1970s. Together with Patricia Flynn, he also did important research on the global role of US agribusiness during that period, publishing, together with Flynn, *Agribusiness in the Americas* in 1980.

At the time of his death Roger was working on a political autobiography in which he

emphasized his life-long commitment to Chile. He returned from Chile determined to become a more effective anti-intervention activist. And that, he once told me, is how he got involved in Nicaragua. “It was actually because of Chile. When the Nicaraguan Revolution happened, I knew the United States was going to screw it over as much as it could. I did it out of anti-imperialist solidarity. I went to Nicaragua and started working with NACLA people on the unfolding Nicaragua story.”

He was an enthusiastic supporter of the 1979 Sandinista Revolution in Nicaragua, and spent the next decade travelling extensively to Nicaragua and El Salvador to write about the popular resistance to the interventionist policies of the Reagan and Bush I administrations. He worked with the Sandinista Front’s Directorate of International Relations on a project established to analyze US foreign policy. Roger received the Carlos Fonseca Award from the Sandinistas in 1986 for co-authoring with Orlando Nuñez, *Fire in the Americas: Forging a Revolutionary Agenda*. He conceived of his research and reporting as weapons to advance the cause of liberty and justice for all. He was optimistic to the very end. He was a demanding and generous compañero. He will be missed.

This article is reproduced from the NACLA website (nacla.org, 13 March 2015).

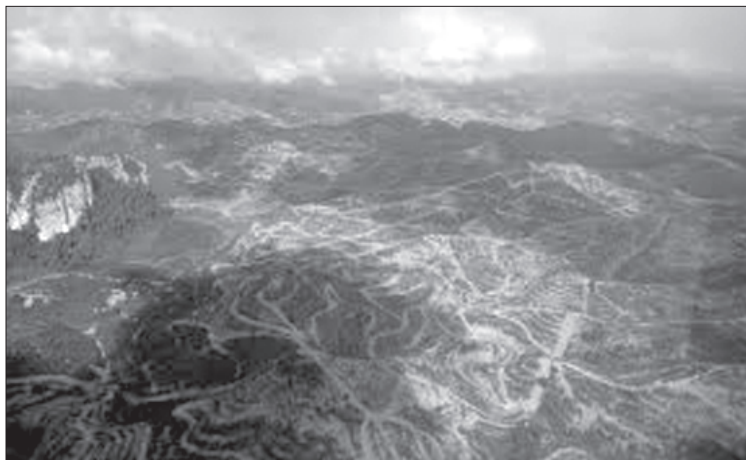
The Kelantan government must take responsibility

R. Rani

A DRIVE from Cameron Highlands through Lojing to Gua Musang lays bare the PAS Kelantan state government's incredible disregard and lack of concern for the natural environment. Virtually the entire mountain range has been brutally stripped of its forest cover and appears as a huge helpless creature wounded and bleeding.

The Lojing stretch of hills is plastered all over with plastic greenhouses for farming, right up to the very top of the hills. As you leave Lojing, the scene changes. Massive logging has depleted the forest and only here and there you will see some replanting with oil palms on terraces. In many places, exploited and then abandoned hillslopes appear unevenly patchy, as vegetation attempts to cover the red soil. Yet elsewhere entire hills appear shaven completely bald, leaving exposed red soggy soil waiting to slide down in the next downpour.

It is not clear what the PAS state government's policy is towards forests and hillslope development, but from what is there for all to see, large-scale indiscriminate felling of trees seems to be the order of the day,



Massive deforestation in Gua Musang.

with little replanting, and this has been going on for a long while. It appears as if there are no laws requiring logging companies to log responsibly by cutting only mature trees and do compulsory replanting. Either that or there is no proper enforcement.

The Kelantan people have already suffered the bitter consequence of the government's irresponsible hillslope development during the December 2014 floods when rivers laden with soil overflowed and inundated entire towns. As experts say, the rainfall was unprecedented but hillslope development worsened the flooding. A more environment-friendly and humble approach to the majestic hills could have

helped mitigate the floods.

Global warming with its attendant extreme weather events is a reality governments cannot afford to ignore. The Kelantan government should take immediate steps to:

1. freeze all large-scale hillside development
2. review logging in the state and require loggers to cut only mature trees and carry out replanting
3. respect Orang Asli land rights and stop appropriating their native customary land. Grant them legal rights over their land.
4. stabilize the exposed and vulnerable slopes through a reforestation programme.

26 January 2015

Nuclear energy is not a viable option

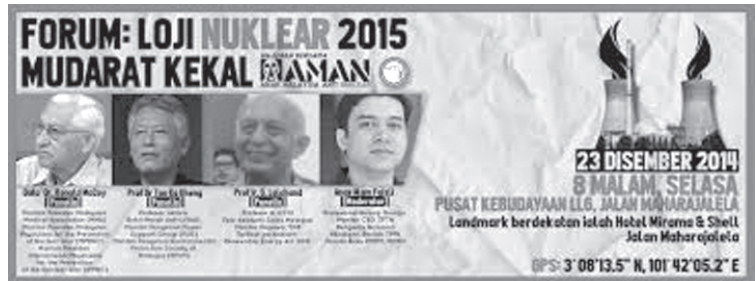
Ronald McCoy

A SPEECH last week by Dato' Mah Siew Keong, Minister in the Prime Minister's Department, at an event organized by the Asian Strategy and Leadership Institute (ASLI) was reported in Malaysiakini. The minister urged critics of nuclear energy to keep an "open mind", as the government had decided to table the Atomic Energy Regulatory Bill in Parliament later in 2014.

According to the Oxford Advanced Learner's Dictionary, to be "open-minded" is to be willing to listen to, think about or accept different ideas. It is the opposite of "narrow-minded", which is to be unwilling to listen to new ideas or to the opinions of others.

The report left me open-mouthed. The dictionary defines "open-mouthed" as having your mouth open because you are surprised or shocked. When I got to the part where the minister claimed that the nuclear debate revolves around three groups – those who are vocally for it, those who know absolutely nothing about it and those who believe in it as long as it is not in their backyard – my mouth opened wider, the same way it does when I cringe in the dentist's chair.

Perhaps it slipped the



Dato Ronald McCoy, Prof Dr Tan Ka Kheng, Prof G Lalchand and Anas Alam Faizli at a forum on nuclear reactors organized by AMAN – Anak Malaysia Anti Nuklear – in Kuala Lumpur in December 2014.

minister's mind that there is a fourth group who have carefully thought about nuclear issues over a long period, thoroughly researched the subject of nuclear energy – its economics and finances, its hazards and disasters, its false promises and untested premises, its misinformation and mythology – and have come to the rational conclusion that nuclear energy is not cheap, clean or safe and therefore not an option for any country, particularly a country with democratic deficits, a fettered judicial system, a suppressed media, and disreputable regulatory and law enforcement agencies.

Nuclear energy carries inherent health, security and environmental risks. It is not known to be reliable, affordable, viable, socially acceptable or environmentally sound. The global consensus is that nuclear

energy has failed the "market test". *Forbes* magazine has called it "the biggest managerial disaster in history." Amory Lovins, an energy expert, has called it "the greatest failure of any enterprise in the industrial history of the world", with a litany of financial disasters, including a loss of more than US\$1 trillion in subsidies, abandoned projects and other public misadventures.

Nuclear economics

For the sake of open-mindedness and respect for the customary dental stance, I would strongly urge the minister and his cohorts in the Malaysia Nuclear Power Corporation to study the recently published World Nuclear Industry Status Report 2014 (WNISR 2014). In 139 pages, it analyzes the rapid changes in nuclear

economics, the technology revolution in the power sector, and the impact of renewable energy on the financial viability and status of nuclear power. The report predicts that the use of renewable energy will increase rapidly, that investment in renewable energy sources will be dominant, and that investment in solar and wind power will exceed investment in fossil fuels or nuclear power.

Cheap nuclear energy is a myth. Misleading claims that it is cheap are often based on unverifiable bottomline results or ‘justified’ by analyses with hidden assumptions that are highly favourable to the nuclear industry. The total economic cost of nuclear energy is difficult to determine, as the industry’s accounting methods lack transparency. Costs for accident insurance, waste disposal and decommissioning are often buried in enormously generous government subsidies or conjured into debt legacies for future generations.

The nuclear industry is in decline worldwide. Today only 31 countries are operating a total of 388 nuclear reactors, compared with 438 in 2002. Several nuclear reactor projects have been indefinitely delayed or cancelled. The share of nuclear power in the world’s power production has declined from 17.6% in 1996 to 10.8% in 2013.

Only 14 countries have plans to build new reactors. Sixty-seven reactors are currently classified as “under construction.” Forty-nine of them have met with significant delays, ranging from several

months to several years. Eight of them have been “under construction” for more than 20 years, including one in the United States which began in 1972. France, Finland and China are working on “next generation” reactors which they claim have “higher efficiency and advanced safety systems,” but they are bogged down in delays and cost overruns.

The cost of constructing a reactor largely determines the final cost of nuclear electricity, particularly when numerous construction delays and cost overruns impact budgets significantly. Estimates of investment costs have risen in the past decade from US\$1,000 to around US\$8,000 per installed kilowatt.

According to the French Court of Accounts, the cost of generating nuclear power increased by 21% between 2010 and 2013. Germany, Sweden and the United States are closing down reactors because projected income does not cover operating costs. Debt levels remain very high amongst European nuclear power companies. The two largest French groups (EDF and GDF-Suez) and the two largest German utilities (E.ON and RWE) equally share a total of more than US\$173 billion in debt. Since 2008, Europe’s top 10 utilities have lost half of their US\$1.4 trillion share value.

There is conclusive evidence that electricity generated from nuclear power is far more costly than electricity from fossil fuels or renewables. The ratings and risk firm Moody’s Corporate Finances recently

estimated that nuclear energy’s capital cost per kilowatt was 275% higher than that of wind energy and 150% higher than solar energy. It predicts that nuclear costs will rise further, while the cost of renewable energy sources will be substantially reduced.

Fukushima

Accidents are inevitable in nuclear power plants. Between 1952 and 2009, there were 99 minor nuclear accidents worldwide, each with the potential to develop into a major disaster. Major nuclear reactor accidents are not common, but when they do occur they can be catastrophic, as in Chernobyl and Fukushima.

The meltdown of three nuclear reactors in Fukushima in March 2011 has brought Japan to its knees, reinforced worldwide fears of nuclear accidents, and highlighted the nuclear industry’s failure to prevent accidents and near-misses. A Greenpeace report, *Lessons from Fukushima*, has revealed that the Fukushima accident was caused mainly by the institutional failures of the Japanese nuclear industry, its regulators and the Japanese government. There was failure to acknowledge and anticipate nuclear risks and to enforce appropriate nuclear safety standards. After the accident, there was failure to protect the public in a dire emergency situation and later to provide appropriate compensation for the victims.

Since the disaster three years ago, serious challenges

remain. Radiation readings inside the buildings continue to make direct human intervention almost impossible. Massive amounts of water, about 360 tons per day, are still being pumped into the destroyed reactors to cool fuel rods. This constantly increasing volume of contaminated radioactive water is stored in tanks which have started to leak. Experts say that the Japanese government will soon be left with no choice but to release radioactive water into the ocean.

Thousands of Japanese are still exposed to radiation, while the Japanese government and the Tokyo Electric Power Company flounder in their efforts to contain the disaster. Their daily lives have been disrupted and they have lost their homes, their jobs, their businesses, their farms, their communities, and their way of life. More than 130,000 people in Fukushima have been evacuated and another 137,000 people are living in temporary housing. About 1,700 deaths have been officially recorded.

The truth is that no one in the world really knows how to deal with the Fukushima accident. It is a wake-up call for all 31 countries operating nuclear power plants and for those governments still planning to build nuclear reactors, such as Malaysia with its defective safety and maintenance culture and unreliable regulatory attitudes. Chernobyl and Fukushima have made it clear that there is no such thing as nuclear safety or a fail-safe nuclear reactor. Human error and unpredictable events are unavoidable. Mur-

phy's Law is inexorable: *If anything can go wrong, in time it will go wrong.* A major nuclear accident in Malaysia could render large areas of land uninhabitable for thousands of years.

Interminable radioactive nuclear waste

Nuclear waste remains radioactive for thousands of years, making nuclear power inherently and irredeemably hazardous. There is still absolutely no way to safely and permanently dispose of the waste. This is the most dangerous and unacceptable feature of nuclear power plants. In other words, the promotion of nuclear energy by the Malaysian government is tantamount to the promotion of interminable, lethal, radioactive nuclear waste.

The nuclear industry's so-called solutions to radioactive waste only exist in theory, such as the theoretical Generation IV Integral Fast Reactor for reprocessing spent nuclear fuel or alternatively the burying of nuclear waste in deep geological repositories. None of these so-called 'solutions' exists anywhere in the world. Nuclear power plants continue to store their radioactive waste temporarily under water in pools, located alongside reactors.

For example, plutonium has a half-life of 24,400 years. In other words, it will take 24,400 years (or 244 centuries) for the radioactivity of any given quantity of plutonium to be reduced by half. And it will take another 24,400 years for the remaining radioactivity in

the plutonium to be reduced by another half. In practical terms, there will be no end to its radioactivity.

If medieval man had resorted to nuclear power, we in the 21st century today would still be burdened with the management of his waste, assuming it had not terminated life on the planet. If the Malaysian government opts for nuclear energy, it will knowingly bequeath unmanageable lethal nuclear waste to future generations. If we don't stop this move, we will all be guilty of premeditated genocide, especially when there is an alternative sustainable energy source – renewable energy.

Renewable energy

In 2013, renewable energy emerged as a safe, flexible, easily deployed energy source, with a lower carbon footprint than nuclear power. Many governments have recognized that fact and have sensibly started to develop and rely on renewable energy.

Spain has generated more power from wind than any other source – wind power represents 21% of total power and exceeds nuclear power. It is the first time that wind has become the largest electricity source over an entire year in any country. Excluding large hydropower, Spain, Brazil, China, Germany, India and Japan produce more power from renewables than from nuclear power.

The Intergovernmental Panel on Climate Change (IPCC) suggests that reducing carbon emissions will require a

reduction in the use of fossil fuels and an increase in low-carbon energy sources. Renewable energy accounted for just over half of the new electricity-generating capacity added globally in 2012, led by growth in wind, hydro and solar power. The IPCC envisages the gradual phase-out of nuclear power, within the framework of meeting carbon emissions reduction targets.

Global investment in renewable energy – excluding large hydro – amounted to US\$214 billion in 2013, four times the 2004 total of US\$52 billion. Since 2000, there has been a 25% annual growth rate for wind and 43% for solar PV, while nuclear power declined by 0.4%.

Variable renewable energy sources (VRE), like solar and wind, are weather-dependent and not fully predictable. By predicting ahead, traditional base load is likely to disappear completely in several countries at certain times of the year. The concept of a centralized base-load capacity is being reexamined in many countries with the likelihood that it will be replaced with a new, flexible, decentralized energy system, with smart distributed grids, renewable energy sources, and high levels of efficiency. There is no place for nuclear energy in such a new system.

Conclusion

In June 2009, the Malaysian government singled out nuclear energy as one of the options for electricity generation, in order to reduce carbon

emissions from fossil fuels, to meet future energy demands, and achieve energy diversification. A year later, the deployment of nuclear energy was identified as one of the Entry Point Projects in the Economic Transformation Programme and the Malaysia Nuclear Power Corporation (MNPC) was assigned the role of spearheading, planning and coordinating the implementation of a nuclear energy development programme that is expected to culminate in the delivery of Malaysia's first nuclear power plant by 2021.

The MNPC argues that nuclear energy is a valid energy option, if there are suitable sites for nuclear power plants, strong community support, and international safeguards applied by the International Atomic Energy Agency (IAEA), which promotes the peaceful uses of nuclear energy but is seen to be a creature of the nuclear industry, with obvious conflicts of interest.

There is a lot of disinformation about the virtues of nuclear energy and the Malaysian government and nuclear proponents need to answer some serious questions. Where is the strong community support in the country for nuclear energy? Where is the process of genuine dialogue, debate and consultation with the people of Malaysia? Where is the evidence that nuclear energy is cheap, clean and safe? What is the real cost of nuclear energy? What about the enormous subsidies required? How concerned are you about the serious health and environmental

dangers of nuclear energy? And most critically, how are you going to manage the safe disposal of lethal nuclear waste which will remain radioactive for thousands of years? Do you not have a moral responsibility for the safety and welfare of future generations?

There are times in the history of a country when critically important decisions must be made correctly and democratically, with considerable care, honesty and wisdom, because such decisions will have a lasting and crucial impact on the country's future. Whether or not to opt for nuclear power is such a decision. In determining Malaysia's portfolio of energy resources, we must isolate and quarantine the issue of nuclear energy from politics, cronyism, personal gain, duplicity and foolishness.

Most governments in the world have seen the writing on the nuclear wall and are phasing out nuclear energy and investing in renewable energy, energy efficiency technologies and energy conservation. The Malaysian government will be seen to be indifferent, if not delinquent, if it ignores sensible global trends and proceeds to build a nuclear power plant, which could be potentially catastrophic, nation-crippling and a radioactive time-bomb for future generations.

16 August 2014

Ronald McCoy is a former President of the Malaysian Medical Association and a founder of Physicians Against Nuclear Weapons.

Latest PSM Publications



Kaatu Perumal

Author: Dave Anthony

Language: English

No. of Pages: 86

Price: RM18

This is a historically important booklet, a must-read for people like me who do not know much about how the Emergency had affected the Tamil communities in the rubber estates. The horror of Chinese squatters herded into New Villages is better known compared to the sufferings of their Indian compatriots within the concentration camps of the plantations.

The inspiring and heroic life of Kaatu Perumal reflects their struggle for a just economic existence, and for human respect and dignity.

– Dr. Poh Soo Kai



Islam Dan Sosialisme

Editor: Karthiges

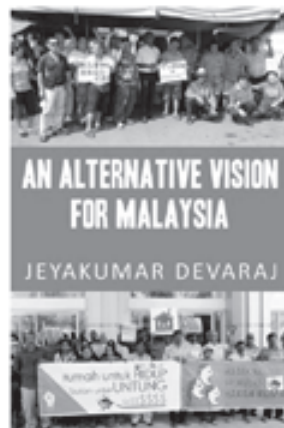
Language: Malay

No. of Pages: 76

Price: RM18

Sesungguhnya perjuangan sosialis tidak pertikaikan agama tetapi mempertikaikan sistem ekonomi kapitalis (yang kita sedang anuti) yang menghancurkan manusia, kemanusiaan dan memusnahkan alam sekitar. Tambahan pula, sistem ini berkiblat kepada penindasan dan mempertuhankan keuntungan. Namun kita sudah alpa, lebih berdiam diri kerana sudah lama dijeruk dalam budaya yang mengagungkan golongan kaya, berbudi kepada budaya kebergantungan (culture of dependency) dan bertindak melalui tanpa melakukan siasatan lanjut.

– Dr. Nasir Hashim



An Alternative Vision For Malaysia

Author: Jeyakumar Devaraj

Language: English

No. of Pages: 135

Price: RM25

Whether one is a capitalist, socialist or just interested in good governance, there is real benefit in reading this collection of speeches and essays by Dr Jeyakumar, one of the most principled politicians I know.

True to form, every word in these writings is weighed and considered carefully and responsibly. The result is a collection that challenges us into rethinking the benefits of our current systems to bring them in line with a 'people first' philosophy, in the true sense of those words.

The 'vow of poverty' that you will read about, exhorts political leaders to live simply, declare their assets and to behave with dignity. How refreshing! But the true power of Dr Jeyakumar's words lies in the fact that he does not just write or speak them. It's that he lives by them.

– Dato Ambiga Sreenevasan

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