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For Justice, Freedom, Solidarity • MONTHLY

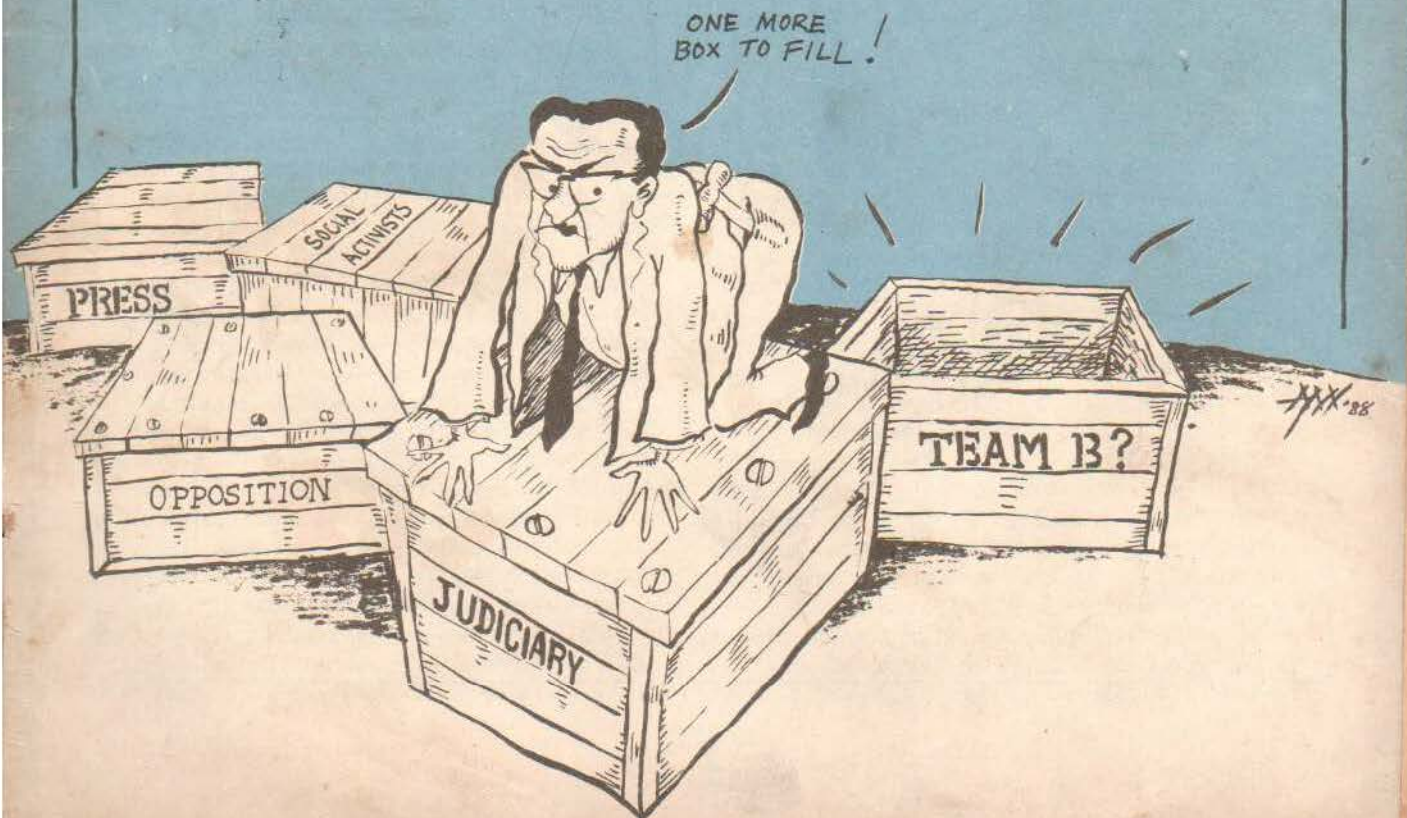
ISA DETAINEES: FREE THEM OR CHARGE THEM. THE ISA IS UNJUST.

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A Long, Dark Year



One Year after the mass ISA arrests

A LONG, DARK YEAR



The mass ISA arrests that began on October 27, 1987 signalled the start of a major crackdown on democracy. Since then, the Mahathir regime has continued to be plagued by internecine struggles, says CHANDRA MUZAFFAR in an exhaustive analysis of the events of the past few months and what to expect ahead.

Editor

Is Malaysia on the road to dictatorship? Has it already become a dictatorship? These are questions which many Malaysians have been asking since the crackdown on democracy that started on Oct 27, 1987.

Fettered Democracy

Before we can decide whether Malaysia is becoming a dictatorship or not, we must recognise that Malaysia has always been a fettered democracy — long before the crackdown began last year. A fettered democracy has some of the characteristics of a genuine democracy but lacks those crucial ingredients which would make that system of Government strong and sturdy. A fettered democracy may provide some electoral choice to the voters but the actual competition for power is bound to be blatantly unfair. It may tolerate some criticisms of the ruling elite but will never bestow moral legitimacy upon dissent. It will uphold the right of the majority to rule but will never undertake to protect the views of the minority. In a fettered democracy, the ruling party may seek to renew *'its mandate from the people'* at regular intervals but it will not be prepared to be fully accountable to the public on various aspects of its management of the nation. The power-holders in a fettered democracy are eager to rule *by law* but are often averse to the rule *of law*.

The essence of Malaysia's fettered democracy is reflected in a Parliament which continues to function but is hardly important to the nation's destiny. There are Opposition political parties like the Democratic Action Party (DAP) and the Islamic Party of Malaysia (PAS) which are allowed to operate but the opportunities available to them for organising and articulating dissent are severely limited by the ruling elite. Independent trade unions exist but have very little impact upon the political decision-making process. Peripheral weeklies and monthlies are critical of public policies but the mainstream print media and of course, the electronic media are at the beck-and-call of the national leadership.

If democracy is fettered, it is partly because since Independence in 1957, the State has armed itself with a whole host of laws to curb and control democratic freedoms. The justification for this was the security situation at the time of Independence arising from an underground Communist guerilla movement. Consequently, the freedom of expression was curtailed through a Printing Presses Ordinance, the freedom of assembly was restricted through a Police Act, the freedom of association through a Societies Act. The most serious encumbrance upon freedom however, was

the Internal Security Act (ISA) promulgated in 1960. The ISA provides for indefinite detention without trial. Though its original aim was to check Communist subversion, the ISA, right from the beginning, has also been employed to detain non-Communist opponents of the Government. It is this draconian law, so susceptible to abuse, which is the most formidable psychological obstacle to the growth of democratic values and attitudes within the populace. It strikes fear among both actual and potential dissenters since no one really knows when he or she has crossed the line. The line is arbitrary because the law is arbitrary. As long as the ISA remains, Malaysian democracy will stay stunted — a deformed, distorted creature which is afraid to grow.

In a sense, Malaysian democracy has not just remained stunted. Over the years certain democratic rights have declined even further. In the sixties, active trade unionists could hold office in political parties. They lost this right in the seventies. University students in the sixties could set up political clubs in their campus and could participate in the electoral process. Let alone participate in politics, since 1975, student associations have even been barred from adopting a public position on any political matter. Right up to the mid-seventies, political parties could hold public rallies during election campaigns. This is not allowed any more.

Democracy Under Mahathir

It is this democracy — a fettered democracy that had become even more fettered in the seventies — which the present Prime Minister Datuk Seri Dr Mahathir Mohamad inherited in 1981. Dr Mahathir continued to restrict fundamental liberties. He introduced the Printing Presses and Publication Act 1984 to increase the powers of the Executive over the production, distribution and importation of publications. Worse still, the Official Secrets Act was amended in December 1986 to provide for mandatory jail sentences ranging from one year to 14 years as penalties for those convicted of leaking official secrets. The amendment was perceived rightly or wrongly, as an attempt to cover up financial scandals which had tarnished the image of the ruling elite. At the same time, Dr Mahathir continued to bombard public interest groups and sections of the local and foreign Press for allegedly *'imposing their minority views upon the majority'* and for *'challenging the authority'* of the Government. Around the middle of 1986, he also began to admonish *'fiercely independent Judges'* who sought to interpret the law as they liked.

While his overall tone was clearly anti-democratic even in the initial years of his stewardship, Dr Mahathir



nonetheless chose to release a large number of ISA detainees. This was perhaps his only worthwhile concession – and contribution – to democracy. But he kept the law and used it – rather sparingly one must add – until the October '87 crackdown.

Though democracy remained fettered, the Mahathir years also witnessed for the first time the active involvement of a segment of the urban middle-class in the public controversies of the day. A democratic consciousness of sorts was on the upsurge. This was evident from the overwhelming support urbanites gave to forums and seminars on issues such as the OSA amendments and the Bumiputra Malaysia Finance (BMF) scandal. The concern for democratic rights expressed in the large number of letters published in a leading English-language daily was also an indicator.

This growth in democratic consciousness was partly due to the expansion of the middle-class and the crystallisation of contending interests and differing perceptions within that class. This is a phenomenon that has also occurred in other societies. Besides, the middle-class has the advantage of education and is exposed to the type of information that most other groups have little access to.

The economic recession of the mid-eighties also played a big part in the development of social awareness within the Malaysian middle-class. Since the recession had an adverse impact upon the financial well-being of a huge portion of the middle-class, elements within it were forced to think about the larger social environment that affected their lives. If anything the series of financial scandals of the early and mid-eighties involving certain political and economic elites made these middle-class elements even more conscious of what was happening around them. They began to react. They began to articulate their fears and their grievances.

It was in the midst of this increasing vocal trend within the middle-class that the crackdown of October 1987 took place. It sent shock waves through the length and breadth of the land. The main prong of the crackdown was the mass ISA arrests that began in the small hours of October 27. The arrests covered such a wide spectrum of individuals and groups that no one knew who would be the next target. People were confused. There was tremendous uncertainty. And more



Demonstrating against OSA; BMF disclosure campaign: The October 27 crackdown came in the midst of a rising social consciousness among the middle class.

than that, there was real fear. The leader of the Opposition in Parliament, a number of Members of Parliament, prominent social critics, religious figures, educationists, academics, community organisers and even unknown men and women were all detained. Four newspapers – the least servile of the nation's newspapers – had their publishing licences suspended. All political activities were prohibited. These actions were so drastic that many people were convinced that even the fettered democracy of the past had come to an end. Some even opined that Malaysia was on the road to dictatorship.

This view was reinforced by some of the other moves made by the Government between December 1987 and March 1988. Dr Mahathir once again amended the Publication Act, this time to abolish any form of judicial review of Executive action vis-a-vis publications. Any organisation or individual who is denied a publishing licence or whose licence has been revoked will not be able to go to Court anymore. If this has strengthened the hand of the Executive, so has the Police Act which makes it more difficult for people to exercise their right of assembly. Then there is the amendment to the Federal Constitution which, to all intents and purposes, has made the Judiciary subservient to the Executive. The amendment has in a sense changed the very character of the Constitution since it challenges the concept of the separation of powers embodied in that document. Because the Judiciary has been emasculated at least in the Constitutional sense, it is quite conceivable that a leader with strong authoritarian tendencies would be able to impose his will upon society, without having to bother about how the Judiciary would interpret his actions. He would be able to rule without checks and balances. He would, in other words, be able to behave just like a dictator. It was felt at that time that nothing worse than this could happen to the Judiciary and the democratic system.

Tun Salleh

But something more terrible happened two months later in May 1988. The Lord President (the head of the Judiciary) Tun Salleh Abas, was suspended by the King on the advice of the Prime Minister. A number of allegations were brought against him and a Tribunal, as provided for in the Constitution, was established to inquire into his 'misconduct'. The Tribunal found Tun Salleh guilty and he was dismissed from office on Aug 8.

The dismissal of Tun Salleh was perceived by the general public as a travesty of justice for the allegations against him were totally ludicrous. It is absurd to charge the head of the Judiciary with misconduct because he had defended the independence of the Judiciary in a couple of academic lectures and had complained to the King in a letter about the Prime Minister's constant attacks upon the Judiciary. The Tribunal, whose composition itself raised a basic question about its own integrity, made no attempt to find out why Tun Salleh had to defend the Judiciary and what motivated the Prime Minister's trenchant comments against the Judiciary. It was obvious the Tribunal (Tun Salleh himself did not appear before it as a matter of principle) was determined to remove Tun Salleh.

The general public knew, without having to be told, that this was what Dr. Mahathir wanted. It is significant that Tun Salleh was suspended soon after he had indicated that a full bench of the Supreme Court would hear an UMNO case which would have had a bearing upon Dr Mahathir's own political future. Dr Mahathir did not want a full bench for he feared that the majority of the Judges who would have sat, with their reputation for independent thinking, might decide against his interests. Once Tun Salleh was suspended, the Acting Lord President could be counted upon to establish a bench which would return a verdict that was more favourable to the Prime Minister. And this was exactly what happened on Aug 9, 1988.

More Suspensions

If this unfair, unjust move against Tun Salleh was not enough, the Acting Lord President went further and advised the King to suspend five other Supreme Court Judges who had come to Tun Salleh's defence. These Judges — Tan Sri Wan Suleiman, Datuk George Seah, Tan Sri Azmi Kamaruddin, Tan Sri Eusoffe Abdoolcader and Tan Sri Wan Hamzah — had at the request of Tun Salleh's Counsel held an emergency sitting of the Supreme Court to consider his application to restrain the Tribunal from submitting its report to the King until Tun Salleh's legal proceedings against the Tribunal were completed. The Supreme Court Judges granted Tun Salleh's application since they felt the High Court, where the application was first made, was not acting the way it should in a matter of such urgent importance. Four days after they made this decision, on July 6, the five were suspended for 'gross misbehaviour' and are now pleading their case before a new Tribunal.

The suspension of the five Supreme Court Judges and sacking of Tun Salleh have had a far greater impact



The Sacking of Tun Salleh and his colleagues : High-stakes football in which the captain has changed all the rules to stay on top.

upon the public mind than any other issue or event since the crackdown of October 1987. More than the mass ISA arrests, more than the amendment to the Constitution of March 1988, more than the manner in which UMNO Baru (the new UMNO) was established, it is the Tun Salleh and five Supreme Court Judges episode (henceforth the 'Tun Salleh plus five' episode) which has convinced the man-in-the-street that the Mahathir regime is dictatorial. The whole episode — especially the sacking — is seen as 'wrong', 'cruel', 'inhuman' even 'oppressive'. The sacking is perceived as an extreme act, as going beyond limits, as a deed which has transgressed the norms of propriety. It is perceived this way partly because the office of a Judge commands a great deal of respect. It is held in awe and reverence. Ordinary people do not expect Judges to be kicked around or humiliated in public. Besides, Tun Salleh is viewed as the innocent victim of someone's political game, of someone's desire to protect his own interests at all costs, of someone's obsession with his own position. This is why there is a widespread feeling that there has been total abuse of power.

This abuse of power is not merely at the level of overstepping one's authority. It is not as if one has broken a few rules of the game. As a result of the Tun Salleh-plus-five episode, there are people who are beginning to wonder whether the game itself will be changed altogether — if it suits the purpose of the man at the helm. To use a metaphor from football, the spectators are a little worried for suddenly they have begun to realise that the captain of one of the teams is not playing the game as it should be played. He has even ordered out the referee and suspended the linesmen. And what is worse, he keeps on changing the rules to ensure that he stays on top. The spectators are not sure whether it is football any more or something else.

Why has Dr Mahathir, the captain ordered out the referee? We have explained that he was afraid he would lose the match — namely the UMNO case. This needs further clarification. How was Mahathir's position threatened by the UMNO suit? To answer this, we have to analyse the UMNO crisis which is the direct, immediate reason for Dr Mahathir's moves against Tun Salleh and the Judiciary.

Root Cause: UMNO Crisis

Though there has been serious factionalism within UMNO since 1981 when Dr Mahathir took over as party president, the present crisis leading to the Court case and Tun Salleh's sacking can be traced back to the UMNO triennial election of April 24. In that election, Tengku Razaleigh Hamzah the former Trade and Industry Minister challenged Dr Mahathir for the party presidency and lost by a narrow margin of 43 votes. His running mate Datuk Musa Hitam and former Deputy Prime Minister lost by 40 votes to Ghafar Baba, the present Deputy Prime Minister. Musa was making a bid to retain the deputy presidency of the party.

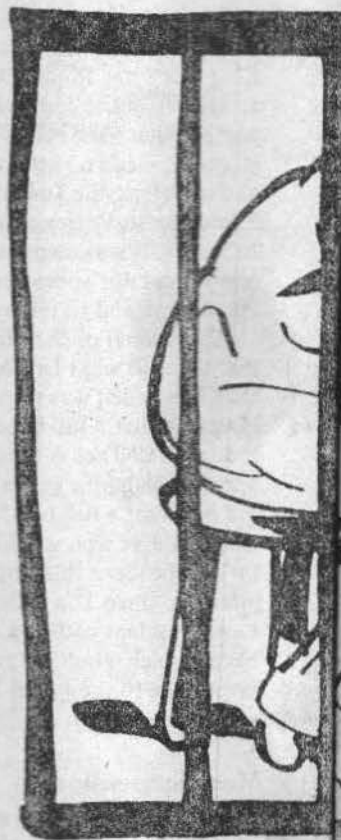
After the election, the unambiguous message from all the UMNO delegates at the General Assembly was that they wanted the Mahathir-Ghafar and Razaleigh-Musa factions to bury the hatchet and work together in harmony for the larger good of the party and the nation since UMNO is the backbone of the Government. Unfortunately, within a few days of the closing of the Assembly, Dr Mahathir chose to sack all those Ministers and Deputy Ministers associated with the Razaleigh-Musa faction. This created bitterness and anger among Mahathir's opponents within the party.

As a retaliatory measure, some of Razaleigh's supporters decided to challenge the validity of the April election in Court. These supporters (known as the UMNO 11) submitted that delegates from unregistered branches had voted in the election and therefore the election had to be declared null and void.

The High Court Judge who heard the case, Datuk Harun Hashim, agreed that there were unregistered branches but went on to argue that according to the Societies Act, the presence of unregistered branches would make the parent organisation itself unlawful. UMNO, he ruled, was already an unlawful society when the election took place in April 1987. As soon as UMNO was declared unlawful on Feb 4, 1988, the first Prime Minister and elder Statesman Tunku Abdul Rahman called on Dr Mahathir to hold an urgent meeting of all UMNO leaders from both factions in order to find ways and means of restoring the legality of the party. There was no immediate response from Mahathir. The Tunku then went ahead, with the support of Tengku Razaleigh and some of his followers, to form a party called 'UMNO Malaysia' to take the place of the unlawful UMNO.

Dr Mahathir saw this as an attempt to upstage him and mobilised the mass media to the hilt to discredit the Tunku's move. He then acted quickly to set up his own UMNO called UMNO Baru. His UMNO Baru was registered on Feb 13, 1988. At the same time, the Tunku's UMNO Malaysia was denied registration.

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For Dr Mahathir, the formation of UMNO Baru afforded a great opportunity to create an organisation which would exclude all his opponents. He made it very clear that UMNO Baru will not accept Tengku Razaleigh and his staunch supporters, those involved in the establishment of UMNO Malaysia or those who had filed the law suit to have the April '87 UMNO election declared invalid.

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UMNO Baru was going to be Mahathir's organisation — a party over which he would have total control. Towards this end, the proposed Constitution of UMNO Baru, which is expected to be adopted at the party's assembly on Oct 28, 1988, allows the president to appoint the heads of the party's women and youth wings. The party's Supreme Council will have the sole authority to approve applications for membership and

will have the right to establish and dissolve the party's branches. Also, candidates nominated for the presidency and deputy presidency by various divisions will receive 10 bonus votes with each divisional nomination. Most of these rules and regulations, which seek to centralise power at the apex of the party, are quite different from practices and procedures of the original UMNO which was, on the whole, more democratic.

However, UMNO Baru unexpectedly hit a snag in April 1988 when Judge Harun Hashim produced his written judgement on the case of the UMNO 11. In his written judgement, he suggested that the way to restore the lawful status of UMNO would be for the Supreme Council elected in the 1984 contest to hold fresh polls. UMNO as an organisation, he implied, was not legally dead. It had merely become unlawful during the material time before the 1987 election because of the presence of unregistered branches.

The Judge's remedy if upheld by the Supreme Court would have meant fresh elections in UMNO. The UMNO 11 had, in the meantime, appealed to the Supreme Court to declare that only the 1987 election was null and void, but UMNO was still alive. The one thing that Dr Mahathir did not want was a fresh election, especially after his near defeat in the 1987 contest. Indeed, the indications were that he might lose the presidency. This is why he was determined to see that the Supreme Court rejected the UMNO 11 appeal. Tun Salleh with his idea of a full bench was not helping matters. Therefore, he had to go.

Highway Robbers

If fear of losing the UMNO presidency and therefore, the Prime Ministership, was the main reason behind Mahathir's action against Tun Salleh and the Judiciary, then the fear that UMNO's dirty linen might be washed in public was perhaps one of the reasons behind the mass ISA arrests and the suspension of newspapers. Some elaboration would be useful.

Some time in June 1987, in the course of a debate in Parliament, it was revealed by a Government Minister that United Engineers Malaysia (UEM), which had been awarded the \$3.4 billion North-South Highway project was in fact owned by a company called Hatibudi which in turn was owned by UMNO. The leader of the Parliamentary Opposition Lim Kit Siang and a number of other public personalities, public interest groups and opposition parties alleged that there was an obvious "conflict of interest" since Dr Mahathir, Finance Minister and UMNO treasurer Daim Zainuddin, Ghafar Baba, who is also UMNO deputy president and Agriculture Minister the former UMNO secretary-general Sanusi Junid were trustees of Hatibudi and yet, at the same time, as members of the Cabinet, had participated in the decision to award the highway contract to UEM. Besides, the terms of the contract were not beneficial at all to the Government and people of Malaysia.

Lim decided to take the matter to Court. The Penang High Court, however, held that he had no locus standi (legal standing) to seek an order to restrain UEM from entering into a contract with the Government. On

appeal, the Supreme Court comprising three Judges, reversed that decision. UEM then filed an application with the Kuala Lumpur High Court seeking to remove the restraining order. High Court Judge V.C. George rejected the company's application and upheld Lim's right to seek an order. This was on Oct 5, 1987. Three weeks later Lim, and his lawyer Karpal Singh, also an MP and DAP deputy chairman, together with a number of other individuals were arrested under the ISA.

Three months later in January 1988, UEM's appeal against Judge George's decision was heard before a bench of five. The Supreme Court decided on a three to two vote that UEM should not be restrained from signing the highway contract because Lim had no *locus standi*. That placed a firm seal upon any legal probe into the controversial contract.

If the Supreme Court verdict had been different and if the substantive issues involved in the contract were scrutinised through the legal process, it is quite conceivable that a lot of information on UMNO and Hatibudi, on who is really behind Hatibudi, how it was established, its relationship with UEM and so on, would have surfaced. Mahathir and other power-holders might have been a bit embarrassed if the whole truth about the contract was revealed through the Courts. In a situation where Mahathir was facing a strong challenge from within his own party, such a revelation would have almost certainly undermined his position.

This may explain to some extent why even now after the highway contract has been signed, the ruling elite is still somewhat apprehensive about releasing Lim Kit Siang and Karpal Singh. Since there was a chance that Lim and some other detainees might be released because of some defects in their detention orders, hasty amendments were made to the ISA in the July session of Parliament which legalised detention orders even if they contained substantive defects. The amended law duly signed by the King and gazetted was produced in Court on the day Lim's *habeas corpus* trial commenced. Karpal Singh was put in an even worse situation. In early March he was freed from detention on a technical point by an Ipoh High Court Judge. Nine hours later he was re-arrested under the ISA.

Keeping Lim and Karpal in detention at all costs may also be a way of punishing them for their role in the Highway controversy, just as the suspension of the newspapers especially The Star may have been motivated by the same vengeful attitude, for The Star played a significant role in reporting and analysing the Highway controversy. It gave prominent coverage to attempts by Lim to compel the Government to be fully accountable to the people on what was after all the single largest public sector project undertaken by the Government. On a number of other issues involving public accountability like BMF, Maminco, United Malayan Banking Corporation (UMBC), Employees Provident Fund (EPF) – Makusawa, Sports Toto, etc, The Star – and The Star alone in the media galaxy – tried to investigate, to inquire, to explore the truth. It is apparent now, as it was apparent even then, to experienced journalists and perceptive political analysts that Mahathir had never

wanted the paper to 'blow the whistle' on the financial scandals that had erupted during his tenure of office.

The Star whose licence was restored on March 26, 1988 is a rehabilitated Star! It knows that investigative journalism, balanced reporting and analytical evaluation, which were some of the attributes of the newspaper before Oct 27, belong to the past. The other newspapers which have been given back their licences also know this. They have become 'responsible' newspapers in the eyes of the ruling elite with a commitment to 'national aspirations'.

More Causes

At this point it must be emphasised however that it is not simply because of the Highway contract controversy or other financial scandals that the crackdown on democracy took place on Oct 27, 1987. As we have hinted earlier, the rise of democratic consciousness accompanied by the growth of dissent within the middle-class posed a challenge to the Mahathir regime. The Prime Minister was irritated by the comments and criticisms made by public interest societies like ALIRAN and professional bodies like the Bar Council on issues pertaining to human rights, democratic accountability and social justice. The crackdown gave him the opportunity to lock up some of the social critics and leaders of public interest societies who had helped in a modest way to develop democratic consciousness. The idea was to warn them, to frighten them. And through them Mahathir hoped to scare the middle-class into silence.

Middle-class criticism was of particular concern to Dr Mahathir because of the economic recession. As we have noted, the recession which affected adversely sections of the middle-class had made them more vocal than before. The Prime Minister was afraid that given their economic frustrations – thousands and thousands of unemployed graduates in the country – they would become overly antagonistic towards the ruling elite. The crackdown sought to check, to forestall this possibility.

Of course, the ethnic tensions that escalated dangerously just before Oct 27 also provided a justification for the crackdown. There is no denying that a variety of groups and individuals, both Malay and non-Malay, in Government and within the Opposition, were responsible for the rising ethnic tensions. What is strange however, is how certain Government leaders allowed ethnic controversies like the question of non-Mandarin-speaking Chinese administrators in Chinese primary schools to drag on and on. Even when the Cabinet had worked out a solution which was acceptable to most of the groups concerned, some of these leaders refused to compromise and persisted with their communal utterances. In fact the situation was allowed to deteriorate. Gatherings where communal sentiments were exploited without restraint were allowed to be held – though Government leaders knew that such gatherings would only aggravate ethnic tensions. One is forced to conclude that perhaps certain individuals wanted the situation to develop in a certain direction. It gave them the excuse to arrest a whole array of individuals – which is exactly what happened on Oct 27.

More Democratic Space?

Now that the situation has changed – social criticism is muted, newspapers are subservient to the ruling elite, the Judiciary has succumbed to pressure from the Executive, financial scandals are unlikely to be exposed, the economy is beginning to recover and most of all, Dr Mahathir has managed to remove all his opponents from UMNO Baru – is it possible that the leadership will become a little less authoritarian and allow some democratic space to develop? After all, since the beginning of the year a number of ISA detainees have been released, though many of them with conditions. According to an official source, there are only 27 detainees still in Kamunting from the October mass arrests. It is not inconceivable that by the end of the year a number of the remaining detainees will also be released.

These releases, however, should not delude us into believing that authoritarianism is coming to an end or even that the fettered democracy of the earlier decades is about to return. If the amount of democratic space available to those outside the elite stratum is determined by and dependent upon how Dr Mahathir perceives his own position, then it is obvious that the scope for freedom will remain severely limited. For Dr Mahathir knows that he is still not in control of the total situation. He knows that there is significant opposition to his leadership from within the Malay community itself which is his power-base. This is why one should not expect any real improvement as far as democratic rights are concerned, in the immediate future.

Even if Dr Mahathir's political position stabilises, it is very doubtful that he will make any serious attempt to strengthen democratic values and institutions. Democracy has never been part of his agenda for the nation. Dr Mahathir's overriding goal – a goal which surpasses all other social concerns – is development and modernisation through industrialisation. His stated objective is to make Malaysia a Newly Industrialising Country (NIC). Using the NICs of Asia like South Korea, Taiwan and Singapore as examples, he has even argued that those countries which have industrialised successfully do not give any emphasis to freedom and democracy. Indeed to achieve the status of a NIC it may even be necessary, he once observed, to minimise democratic politics.

This is why one should not be surprised if he uses the situation that has emerged following the Oct 27 crackdown to channel politics in a different direction. He may well seek to limit further the already diminishing democratic space, especially if he is able to consolidate his own political base. For once he is secure in his power, he will not have to make any concession to those who are demanding more democracy. He will then justify the decline of democracy in the name of development. Industrialisation will be used to legitimise authoritarianism.

Checks Upon Authoritarianism

But it is not going to be easy for him. **First**, as we have noted, there is, within the Malay community and



SOME CHEER FOR DEMOCRACY: Within UMNO, disaffection towards Dr. M's leadership style .

in particular among members of the original UMNO, considerable disaffection towards Dr Mahathir's leadership. The undemocratic way in which he set up UMNO Baru, his attempt to centralise power in his hands, his abuse of authority and most of all his sacking of Tun Salleh and his destruction of judicial independence have, as we have seen, made him very unpopular. A lot of Malays, it is apparent, are not prepared to accept his authoritarian style of leadership.

Second, among other Malaysians, especially Chinese Malaysians, Dr Mahathir appears to have very little genuine support. He is seen, for a variety of reasons, as a leader who is not sympathetic to the needs and aspirations of the Chinese community. In a sense, the DAP serves as a conduit for the articulation of this feeling of unhappiness. It is a feeling which will make it difficult for Dr Mahathir to perpetuate his political dominance.



In JB, the voters sent a message that was loud and clear

Three, sections of the English-educated commercial, professional and administrative middle-class do not have much confidence in Dr Mahathir's leadership. This lack of confidence began to manifest itself two or three years ago. It is mirrored in the critical postures that certain professional bodies and public interest societies have adopted *vis-a-vis*, some of his policies and actions. Since sections of the middle-class are concerned about human rights and democratic freedoms, Dr Mahathir's assault upon the Judiciary in recent months has increased their antipathy towards him.

Four, even within State institutions, which are outside the political arena but crucial to political development, there is growing uneasiness about some of Dr Mahathir's political utterances and decisions. Within a segment of the nation's Public Services, for instance, doubts have begun to arise as to whether the Prime Minister really cares for democratic principles and procedures. Even among some of our monarchs, there is concern about the extent of the present leadership's commitment to Parliamentary Democracy.

Five, it is not just particular communities, classes or groups that are worried about the danger of authoritarian rule. Ordinary people, as we have shown, are even more fearful of the future. Their apprehension was expressed through the ballot-box on Aug 25, 1988. The ordinary men and women of Johor Baru told the world in no uncertain terms that they rejected the authoritarianism of Prime Minister Mahathir Mohamad. This is what the winner of the Johor Baru contest had asked them to do. Standing as an independent candidate on behalf of the "original UMNO", Datuk Shahrir Samad, who had forced the by-election by quitting his Parliamentary seat asked the voters to send a clear message to Dr Mahathir that they will not tolerate his authoritarian style of leadership.

The message could not have been clearer. Shahrir obtained 23,581 votes defeating Mahathir's candidate by

a huge margin of 12,613 votes. If the mood of the voters of Johor Baru which, in a demographic sense, is a microcosm of Peninsular Malaysia, is any indication of how the rest of the population feels about what is happening to the country, then Dr Mahathir would do well to adopt a less authoritarian and more democratic approach to government and politics.

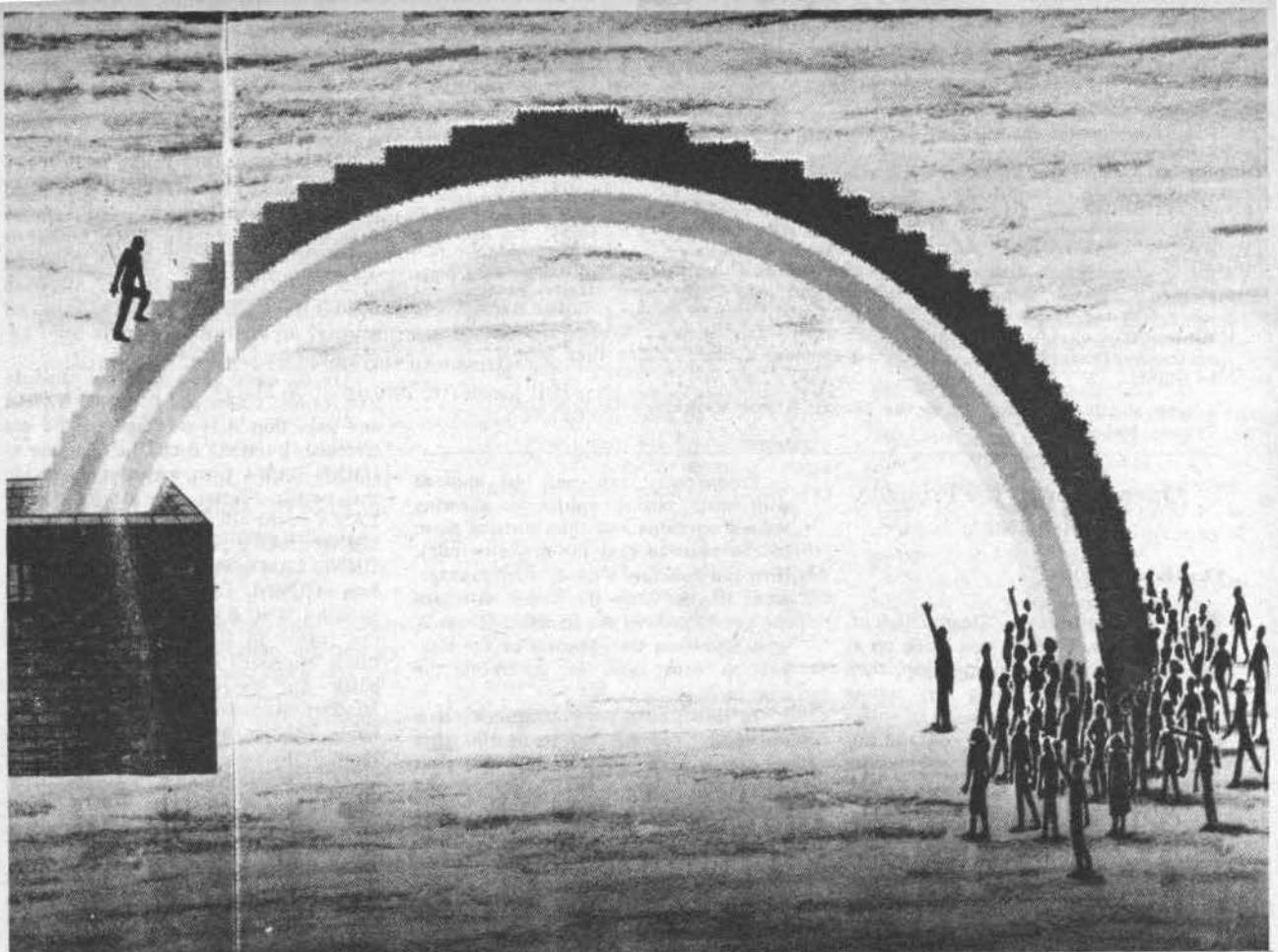
Six, domestic politics apart, there is also a lot of criticism in the international press about the growing authoritarianism of the Mahathir regime. This criticism has had a negative impact upon Malaysia's image abroad. Human rights groups in Australia, Japan, North America and Western Europe have also been espousing the cause of ISA detainees in Malaysia. Since June 1988 they have taken up cudgels on behalf of the Malaysian Judiciary.

The campaigns of all these human rights groups and the adverse publicity in the foreign media must, at some point or other, compel the Mahathir Government to scrutinise its performance since October 1987. It must realise that we are living in an age where universal human rights principles are beginning to shape a new international moral environment which no nation-state can afford to ignore. It is an environment which seeks to exert international moral pressure upon each and every Government to observe certain human rights standards. In the course of the last one year, the Malaysian Government has, for the first time, begun to understand what it is to be subjected to such pressure.

For these and other reasons, the Mahathir Government may not be able to establish the sort of authoritarian rule which characterises certain NICs in Asia. Nonetheless, we should not forget that as the man at the helm, as the man who controls the levers of power, Dr Mahathir has a tremendous advantage over all those who hope to check his authoritarian manoeuvres. Through the power amassed in his hands he is in a position to defeat and, if need be, destroy anyone who opposes his designs. Or he could use the wealth, prestige and privileges the State commands to lure people to his side, to win allegiance to his cause.

In this endeavour to consolidate his position, Dr Mahathir will be helped by the economic recovery that is taking place. The recovery, which is due largely to the excellent prices for our basic commodities and the international demand for some of our manufactured products, will, nevertheless, refurbish the image of the Mahathir Government. The Government will be seen in a positive light. At the same time, the economic recovery will make it possible for the Government to create more jobs which will alleviate, to an extent, the serious unemployment problem in the country. Businesses may also pick up and both foreign and domestic investments may increase. All in all, the economic recovery is bound to strengthen the Mahathir regime politically.

Who knows, Dr. Mahathir may then be able to eliminate some of those obstacles which stand in his way, as he seeks to establish a strong authoritarian State that will make Malaysia the next NIC. But one year after the crackdown on democracy of Oct 27, 1987, it is still not certain whether he will succeed or not. And that at least is worth one cheer. ●



A Message to the Malaysian Detainees Support Group in Japan in Conjunction with the October 27 Anniversary

Freedom-loving Malaysians are delighted to know that the Malaysian Detainees Support Group in Japan is organising a series of activities on the occasion of the first anniversary of the Malaysian Government's crackdown on democracy which falls on October 27, 1988.

Since October 27 last year, Japanese groups and individuals have, on a number of occasions, protested to the Malaysian authorities on the unjust detentions under the Internal Security Act (ISA) and the erosion of democratic rights. A significant segment of Malaysian society is greatly appreciative of your sincere efforts.

There is no doubt at all that international protests have some impact upon the thinking of Malay-

sian Government leaders. When Japanese human rights activists begin to express concern, the impact is perhaps even greater, if only because the Malaysian Government regards Japan's economic and industrial development as worthy of emulation. This is why it is important to show Government leaders in Malaysia and elsewhere that the Japanese themselves cherish human rights and democratic freedoms.

Indeed, the involvement of Japanese groups in the global struggle for justice, freedom and peace — which we hope will grow and develop in the coming decades — may well mark a watershed in the eternal quest for human dignity. For it will prove to one and all that human rights, and their violations, are not the preoccupation of

only Western human rights groups.

By observing the first anniversary of the crackdown on democracy in Malaysia, Japanese human rights activists are making significant contribution towards the universalization of the human rights struggle. And this is the way it should be. For if humankind is one family, then the denial of a right to a Malaysian brother must mean the repudiation of a freedom of his Japanese sister.

DR CHANDRA MUZAFFAR

President

Aliran Kesedaran Negara (ALIRAN)

(National Consciousness Movement)

3 September 1988

Letters

We welcome letters from readers. Letters can be either in English or Bahasa Malaysia. These letters may be edited for purposes of space and clarity. The views may not be those of the Aliran Monthly. Pseudonyms are accepted but all letters should include the writer's name and address. Letters should preferably be typewritten with double-spacing; if hand-written they should be legible.

Letters should be addressed to the Editor, Aliran Monthly, P.O. Box 1049, Penang, Malaysia.

Open letter to the Prime Minister

Dear Prime Minister,

If you believe in the 'Clean Efficient, Trustworthy' slogan you made up at the start of your premiership, then there must be something very wrong now which has made thousands of voters in Johor Bahru go against you and not Barisan or UMNO. I say it is you because you had clearly asked the voters to vote for Barisan, and the reason for Datuk Shahrir's resignation was personal involving your style as Prime Minister.

There is no need for the so-called 'Post-Mortem' or any other excuses. It is very clear they voted against your so-called style of managing the country.

What is wrong is basically you have used your post as if you own the country, employing only people who you think can work with you. By ignoring the popularity of certain people voted in by the Rakyat, you have in fact gone against the people of Malaysia and not the so-called 100 or so opportunists. Here again, the by-election in Johor Bahru has proven that in fact the minority (or the less than 100 or so elite persons) are with the Government under your premiership.

It is time you wake up to the reality that you cannot run the country as if you own all of us. By doing so, you are worse than the Japanese and the British in having created a hatred so great that it will be too late for you to rectify your gross miscalculation of ignoring us simple folk who want true unity and fairness. Our rich country will easily give us prosperity *once* the country is managed properly.

I have been in management for 20 odd years and I find that as I want results, I often have to work with people I don't like. What gives you the power to decide whom you want or don't want to work with? If you insist on having the people you like to work with in the next general election, I am very sure you will lose the election.

You owe the people the obligation to be sincerely productive and productivity does not come from your intelligent brain alone with all others as yes-men working under your instructions.

Productivity can only be ensured with truly lasting results by allowing second opinions and then putting them to the vote so that the majority rules. How can you have a good, sharp management if you from the outset disregard the good brains of the so-called 'Team B' who have won the approval of the Rakyat to assist you in governing the country?

In short, who are you against? It is not only 'Team B' or some 100 elite people. It is the Rakyat. It is also your calculation that the majority of the Rakyat who voted against you are of Chinese origin. Does that slur mean nothing to you? If so, then you are not sincere in your hopes for a United Malaysia. I have voted for the Barisan all these years, but even if I am the only Malaysian Chinese voting Barisan, you still have no right to rule the country according to race considerations.

By doing so, you are playing very dangerous politics for your own personal benefit. Where do I stand? I remain totally loyal and I stand to be corrected.

S. S. Goh
Selangor

Congratulations Datuk Shahrir!

The big victory gained by Datuk Shahrir Abdul Samad in Johor Bahru shows beyond doubt that the people of Malaysia want democracy. The threat by the government that the people in Johor Bahru will get development only by supporting a Barisan candidate did not work. The Johor Menteri Besar was quoted as saying in the newspapers that the government will only give funds to a Barisan M. P. for development in Johor Bahru, and that they will not give funds to an Opposition M.P. In other words the Menteri Besar's statement goes to the extent of frightening the voters that if they want development they must vote for the Barisan candidate. This by itself goes to show what kind of government we have.

The Prime Minister has asked why

should Datuk Shahrir resign and stand for the resultant by-election. Well, let me tell him something - Datuk Shahrir is a man of principles who wanted to stand in the by-election because he believes that there is only one UMNO, that is UMNO 46 which was founded by Datuk Onn Jaafar in Johor Bahru. Although UMNO 46 has been held to be an illegal society, he and his supporters went all-out to revive UMNO 46.

On the other hand the Prime Minister had formed a new party, UMNO BARU, and says that it is the same as the old UMNO. If UMNO BARU is the same as UMNO LAMA then why did he decide that certain former members of UMNO LAMA could not join UMNO BARU? If UMNO BARU is the same party as UMNO LAMA, then all the former members of UMNO LAMA are surely eligible to join UMNO BARU. But this is not the case where in UMNO BARU only the Prime Minister's supporters can join the party. On the other hand the Prime Minister does not want certain Umno Lama leaders like Tengku Razaleigh Hamzah to join UMNO BARU because he is frightened that Tengku Razaleigh might challenge him again in the next party elections. So from this are we to say that UMNO BARU and UMNO LAMA are the same party? Thus Datuk Shahrir, who did not want to join UMNO BARU, wanted to show the Prime Minister that UMNO LAMA still has the people's support.

And he certainly proved it by the big majority of his win. The other reason which could be attributed to the victory of Datuk Shahrir is that people want democracy to be restored in the country, the democracy which has almost died in our country.

Lastly I would like to thank the Johor Bahru voters who did not fall for the cheap tactics used by the Barisan during the by-election.

THIRU
Perak

Rule off and by law

I wish to add to your definition of "rule of law" and "rule by law". Rule of law means the proper and deliberate application of the laws with a bearing on human dignity, cultural progress and national stability. This turns into rule by law when the laws are used and manipulated to excessively control dissent and to mould the people's thought through restrictive and perverted government. Rule of law is clothed in sanctity and constitutes a necessary principle, while rule by law at best is a restrictive concept and at worst is akin to mob-rule as in the days of the Cultural Revolution in China or the Reign of Terror of the

French Revolution.

What type of rule are we having today in Malaysia? The people are encouraged (or forced) to be chanters, robots and "dancers to the tune". A misleading and slavish mass-media, the emergence of compliant justice "mouldy" intellectuals and misplaced pride give rise to a suffocating and vindictive culture. Dissenters, liberals and progressive achievers, beware! Grim rule or Grimm's Rule is in full swing!

"Grimace & Rule"
Johore

Justice for Tun Salleh & Suspended Judges?

The Selangor Graduates Society [SGS] has become increasingly disturbed as Tun Salleh was first suspended, then tried in absentia by a highly suspect Tribunal (whose findings he has categorically rejected), and then removed from office. Now 5 Supreme Court judges are appearing before a similar Tribunal to defend their actions in trying to ensure some form of justice for Tun Salleh. What a way to celebrate 31 years of independence!

We sympathise with the sense of outrage that is manifested in Tun Salleh's statements of 10 and 28 Aug. and fail to see how justice was done for the country's first lord President to be ever removed from office. What hope can there be for ordinary Malaysians in the judicial system if the very apex of the country's judiciary is penalised for some independence of thought and expression?

We join the Malaysian Bar and other concerned groups in expressing our extreme unhappiness with the ongoing assaults against the Malaysian Judiciary and call upon the Executive to desist from any further action that will permanently emasculate the Judiciary. **WE CALL FOR THE RESTORATION OF THE RULE OF LAW** and urge the public not to accept blindly rule by law.

Let us have real justice - both done and seen to be done!

GURMIT SINGH K.S.
President
Selangor Graduates Society

The Mahathir Special!

As a concerned Malaysian, I wish to express my opinion on the special speech delivered by our Prime Minister, YAB Dato Seri Dr. Mahathir

Mohamad, over TV3 and RTM on 23 August 1988, two days before the Johore Baru by-election.

In his speech the Prime Minister gave the impression that his problem with his former Deputy was more important than any other national problem. He even went to the extent of expressing his willingness to swear upon the Quran to prove that what his former Deputy, Datuk Musa Hitam, had said about him (Datuk Seri Dr. Mahathir) in his videotape speech in connection with the Johore Baru by-election was completely untrue. It is not right to swear upon the Quran. It is in fact childish.

However, since the Prime Minister is so keen to swear by the Quran, he could consider taking an oath on the following matters as well.

- 1) That he did not move the amendment to Article 121 of the Federal Constitution in order to curb the powers of the Judiciary and reduce the independence of the Judges.
- 2) That the sacking of the Lord President and the suspension of the five Supreme Court Judges have nothing to do with the fight between UMNO Baru and UMNO Lama.
- 3) That he did not seek to influence either directly or indirectly, the composition of the Tribunal that deliberated on Tun Salleh's case.
- 4) That the recent amendments to the ISA have nothing to do with the ongoing habeas corpus appeals of Opposition leaders, Lim Kit Siang and Karpal Singh.
- 5) That he did not fabricate the reasons behind "Operation Lallang" (the October 27th ISA Swoop).

All the issues raised here are linked to the question of accountability. Accountability is a very important value in Islam. It is so important that all our thoughts, words and deeds in this life have to be accounted for on the Day of Judgment (Quran 40:30 - 40:67; 2:3:185, 101:6 - 9 etc).

Let us hope and pray that Datuk Seri Dr. Mahathir and other leaders keep this in mind.

Anas Zubedy
Kuala Lumpur

Gagging Academics

In a circular sent to all heads of Departments and Faculties of the various universities in the country, the Registrars of the Universities asked their respective staff not to make any public statement or speech suggesting that Malaysia "is a prospective Newly Industrialising Country (NIC) or is moving in the direction of a NIC". The circular was allegedly prompted by a

directive from the Cabinet which had met on 6 July 1988.

It is not clear why the Cabinet issued such a directive. What is the reason? Why shouldn't University staff discuss the prospects of Malaysia becoming a NIC? Is this an attempt to gag academics because the Cabinet Ministers do not want critical comments?

It is obvious that the gag, if there is one, does not apply to Cabinet Ministers. A number of Ministers, including the Prime Minister, have been proclaiming loudly that Malaysia will become a NIC provided the people work hard.

Perhaps the Prime Minister and his Ministers want to hear only the good side of the story. They want all Malaysians to listen to them and believe them. They do not want Malaysians to be exposed to the other side of the story of our desire to become a NIC.

So this is the type of democracy Dr. Mahathir and his colleagues regard as a 'great democracy'.

Un-gagged
Alor Setar

Avoiding Worries

While renewing my subscription I thought that I might as well write you a 'double-edged' letter.

Firstly, I do admire the courage you are showing in doing your work. For the time being I can only give you this minimal moral support. So keep up your work, there are many silent supporters.

Secondly, each time I read your articles I feel a definite sense of gloom. I get angry and disturbed at the state of affairs and with the people responsible. On the other hand there are people who never bother about these problems and seem to be enjoying life while full of good cheer. Is it possible that the ideas of Aliran may be too negative and 'Majoring on the Minors' (i.e. magnifying small issues?!). After all life will always be full of problems and dissatisfaction. Why don't we look at the positive side and get on with the business of living?

Why can't we just whistle our worries away?

V. N. Rajah
Kuantan

Release from Detention Welcomed

The Environmental Protection Society Malaysia [EPSM] is pleased that its Vice-President,

Sdr. Tan Ka Kheng, was released on 25 Aug. from his unjust detention under the Internal Security Act [ISA] on 27 Oct. 87. Both KK and EPSM have always maintained that none of his activities as an Executive Committee member justified his being considered a threat to Malaysia's security.

At our last AGM held in June 88, KK was re-elected Vice-President and the following resolution was unanimously adopted:

"EPSM DEPLORES the arrest and continued detention of K.K. Tan under the Internal Security Act [ISA] since 27 October and regrets the lack of response from the Detention Centre's Superintendent to EPSM's application to visit him; ASSERTS his innocence since he has not been convicted after a fair and open trial; CALLS for his immediate release as well as that of others detained under the ISA, which piece of obnoxious legislation should be repealed."

EPSM strongly calls for:

1. The immediate release of all the remaining ISA detainees or their being given immediate fair and open trial;
2. The repeal of the unjust ISA at the next sitting of Parliament and urges all Malaysians not to resort to this type of unjust preventive detention to resolve administrative problems like IC/passport forging.

We wish to thank all Malaysians, the ISA Detainees Support Group, Amnesty International, environmentalists worldwide and foreign human rights groups, who have campaigned continuously for the release of KK and the other ISA detainees. We look forward to KK assuming his official duties with EPSM as soon as possible.

*Gurmit Singh K.S.
President
Environmental Protection Society
Malaysia (EPSM)*

Merdeka Reflections

Let us make this Merdeka a day of reflection, liberating our minds from narrow ethnic and materialistic interests which have prevented us from reaching out for the freedom promised in our 1957 Constitution.

Let us remember that this proclamation of freedom was not freedom per se but a promise of freedom.

The fulfilment of that promise demands a price. Today it requires above all that we protect the form of government we inherited in the Merdeka

Constitution. In that form of government lies the institutions designed to protect our human rights.

Our Constitution provides that the function (and power) of government is distributed among three institutions — the Legislature or Parliament, the Judiciary and the Executive.

In a good government, each branch protects the function and power that inheres to it. In this way power is shared and no-one can become too powerful. Thus, the very structure of the government serves as a check and balance on power.

This system of dividing the function of government among three institutions is known as the doctrine of the separation of powers. In line with this doctrine, Parliament, the legislative branch of government, is responsible for making laws. The Judiciary interprets and applies the laws while the Executive exercises the State monopoly of force, among its other functions.

Wielding the might of the State, the Executive is often in danger of becoming too powerful. Then, the people run the danger of having an Executive which uses State force illegitimately to deprive the people of their liberty.

To protect us from this very danger of an all-powerful Executive, the Constitution provides for the independence of the Judiciary. With this provision, the power of the Judiciary to judge is not subject to the whim of the Executive. Only in this way can the Judiciary perform its function to judge impartially, especially in cases involving the rights of citizens vs. the right of the State.

Since the end of May, the independence of the Judiciary has been threatened by the Executive in the person of the Prime Minister. Our Lord President and 5 Supreme Court judges have been unconstitutionally suspended. Their suspensions, although clearly illegitimate, provoked no public protest. Why? Apathy? Fear or ignorance? Is it that we do not know the power of public opinion?

It remains to be seen whether we will demand justice for our 6 Supreme Court judges. Or, whether we will allow these 6 judges to be replaced by supreme yes-men. If we stand for justice we must activate ourselves to support the Supreme Court. They need our support! Above all, it is only in supporting them that we can ever begin to protect our own freedom, for our Judiciary is our last bastion of liberty. We cannot let it fall.

So let us dedicate this Merdeka to an Independent Judiciary and choose our Judiciary to be the symbol of our struggle for freedom.

Tegakkan Kebebasan Kehakiman!

*Ali Eng
Kuala Lumpur*



Need for a strong opposition

Datuk Seri Dr. Mahathir Mohamad said in Penang yesterday (3.9.88) that it is important to have a strong Government "which is not afraid to act for the people's benefit although such actions may not be popular".

Looking at the various policies, decisions and actions of the BN Government over the past 24 months, one cannot be convinced that they were beneficial for the people. This probably explains why more and more of government policies lack popular support. True, the Government should not be afraid to be unpopular if its policies and actions are really beneficial to the people, but not otherwise. There should not be a situation where actions have to be taken for the ruling party's interest, such as for example, the ISA mass arrests and detentions which are totally unjustifiable.

If Dr. Mahathir has spoken of the need for a strong government in the interests of the Barisan Nasional, then we say it is even more important in the peoples' interests to have a strong and credible opposition to defend democracy, freedom and justice.

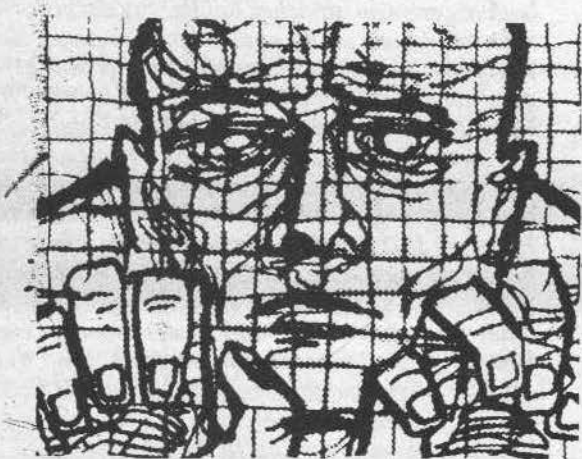
In any country democracy must not only exist but must be seen to exist. In this regard only a strong and credible opposition can play this important role.

The people must not allow any government to have absolute power which will very often be open to abuse. As the saying goes, absolute power corrupts absolutely.

We therefore call on all Malaysians to play a crucial role in protecting freedom, democracy and justice, and one of the most effective ways of achieving this objective is for them to ensure the emergence of a strong, cohesive and credible Opposition in the country. The people must always remember that the best and most effective means to check abuse of power by the BN Government is to deny them the two-thirds majority in Parliament.

*Lee Lam Thye
Acting Opposition Leader*

OCTOBER 27 1988 — FIRST ANNIVERSARY



One of the major distinguishing features between animal and man is the capacity of man to distinguish between right and wrong. Humankind is in other words endowed with a conscience. Driven by conscience, invisible but always palpable, people have shown a remarkable tendency to very frequently lay claim to the goodness, usefulness or justification for that which they do. There is a pervasive tendency among people from all walks to be indentified in some way or other with morality. Perhaps this is part of the reason why even the corrupt will condemn corruption, the rogue will praise honesty and the dictator, the virtues of democracy.

The psychological need to perceive and identify oneself with that which is good and right is so universal that it explains why when an international platform representing the peoples of the world proclaims a manifesto of rights, it acquires an aura of credibility and universalism which could not accrue to narrower platforms. One such international platform is the United Nations (UN). Despite its various warts and weaknesses the UN serves to an extent, and in instances, as a collective conscience of humankind.

Prime Minister Mahathir Mohamad seemed to recognise this when he recently paid homage to the UN in his address at its General Assembly as part of his three-week swing through Europe, America and Japan. But while he paid homage there many continued to pay homage here to something quite different. The innocent detainees and victims of the Internal Security Act, both those released and those who continue to pay a moral price on behalf of Malaysians by simply suffering the yoke of indefinite detention without trial.

On this first anniversary of the ISA detentions which is on Oct 27 and which is not far from the 40th anniversary of the UN Universal Declaration of Human Rights (Dec 10), we should contemplate upon the fate of our detainees in relation to the message and spirit of certain Articles of the Declaration. It is one of the most inspiring documents to come out of the UN, born out of collective effort, driven by a collective conscience. If the Prime Minister wishes to pay tribute to the UN, then he must also pay attention to the following Articles of the Declaration with the ISA detainees in mind.

ARTICLE 9
NO ONE SHALL BE SUBJECTED TO ARBITRARY ARREST, DETENTION OR EXILE.

ARTICLE 10
EVERYONE IS ENTITLED IN FULL EQUALITY TO A FAIR AND PUBLIC HEARING BY AN INDEPENDENT AND IMPARTIAL TRIBUNAL, IN THE DETERMINATION OF HIS RIGHTS AND OBLIGATIONS AND OF ANY CRIMINAL CHARGE AGAINST HIM.

ARTICLE 11 (1)
EVERYONE CHARGED WITH A PENAL OFFENCE HAS THE RIGHT TO BE PRESUMED INNOCENT UNTIL PROVED GUILTY ACCORDING TO LAW IN A PUBLIC TRIAL AT WHICH HE HAS HAD ALL THE GUARANTEES FOR HIS DEFENCE.

It is high time for all ISA detainees to be released without conditions and those already released to be

freed of their restrictions. After all the mark of the great leader lies not in the political astuteness with which he uses the law but in the degree of compassion and humility with which he administers justice.

In addition to Articles 9, 10 and 11 there are two other Articles which have to be highlighted here. They are Articles 5 and 18. They read:

**ARTICLE 5
NO ONE SHALL BE SUBJECTED TO TORTURE OR TO CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.**

**ARTICLE 18
EVERYONE HAS THE RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION; THIS RIGHT INCLUDES FREEDOM TO CHANGE HIS RELIGION OR BELIEF, AND FREEDOM, EITHER ALONE OR IN COMMUNITY WITH OTHERS AND IN PUBLIC OR PRIVATE, TO MANIFEST HIS RELIGION OR BELIEF IN TEACHING, PRACTICE, WORSHIP AND OBSERVANCE.**

These Articles of the Declaration occupy our attention because it has finally come out into the open, stories of physical abuse and maltreatment of ISA detainees by the police (notwithstanding the IGP's brave public condemnation of physical maltreatment). Accounts of torture were revealed on Oct 6, 1988 at the *habeas corpus* hearing of Yeshua Jamaluddin at the Kuala Lumpur High Court. Yeshua was detained on Oct 27, 1987 under the ISA. He describes himself as a Malay of the Christian faith and the Pastor of a group of Christians in Petaling Jaya. Yeshua won his case and was released by the High Court. The following is taken from his affidavit which was read out in court:

During my 60-day arrest by the police and subsequently during my detention at the Tempat Tahanan Perlindungan, Kamunting, Perak, various attempts were made by the agents of the First Respondent to coerce or to induce me to renounce Christianity and to convert back to Islam against my will.

During 60-day detention by the police

- a) *When I was first arrested on the 27th day of October 1987, I was detained at a Police Remand Centre known as "E3" somewhere in Sungei Besi, Kuala Lumpur for one month and two weeks. Subsequently, I was transferred to another Police Remand Centre known as "E5B" somewhere in Kampung Batu, Jalan Ipoh, Kuala Lumpur for two weeks.*
- b) *During the first two weeks of my detention, I was interrogated very rigorously by Special Branch officers about my personal faith and my religious activities. I was not allowed to sleep for days at a stretch and was warned that I would not get any food if I did not cooperate. One Inspector Yusoff also threatened to disturb my girlfriend if I did not give any information. I was assaulted by Inspectors Yusoff, Zainuddin, Ayub and another officer on a*

number of occasions. On one occasion I was knocked to the ground and I injured my back. Since then, I have been passing blood in my urine and have been suffering from pains in my lower back constantly. In March 1988 and in July 1988, I was warded at the University Hospital, Kuala Lumpur for treatment for my kidney condition. I have still not recovered and am undergoing medication presently.

- c) *On one occasion during interrogation, Inspector Yusoff forced me to strip naked and to enact the crucifixion of Jesus Christ. Inspector Yusoff also forced me to crawl on the floor in a naked state for about 10 minutes. He then said to other officers present the following words: "Ini orang Melayu tak sedar diri", meaning that a Malay must be a Muslim and that I committed an un-Malay act by becoming a Christian.*
- d) *On one occasion while I was detained at "E3", a Police Constable forced me to stand on one leg with both my arms outstretched holding my slippers. He made me remain in this position for two hours. He then called in a woman constable and her young daughter and asked them to look at me saying: "Ini Melayu tak sedar diri, tukar agama, tak malu!"*
- e) *During my detention by the Police, I requested the Special Branch Officers for reading material and they gave me a book entitled "Dialog Masalah Ketuhanan Jesus" by K D Bahaudin Mudhary which is an attack on the status of Jesus Christ as taught by the Holy Bible.*
- f) *While I was detained at "E5B" I was taken out every day to the Ibu Pejabat Kontingen, Jalan Shaw, Kuala Lumpur where Special Branch officers would lecture me on the alleged false teachings of Christianity, for example, showing me a list of Bible verses in an attempt to prove that there is error in the Christian religion; showing me heretical books like "The Gospel of Barnabas" in an attempt to prove that it supported Islam and the Four Gospels in the Bible are not true. Occasionally, the said officers would suggest that I convert back to Islam. They said that my "masa depan bleak" if I did not "tukar agama". One officer even told me that if I "tukar agama", I would have a chance of being released. He claimed to be the officer with powers to recommend my release. I got the clear impression that all my interviews with the Special Branch officers at the Ibu Pejabat Kontingen was for the purpose of getting me to change my religion from Christianity to Islam.*

In another part of his affidavit Yeshua states:

The facts on which the said grounds for detention were based were elicited from me in the course of interrogation by officers of the Special Branch of the Polis Di Raja Malaysia during my 60-day period of detention and interpreted by the First Respondent in a manner which is incorrect, unwarranted and unreasonable.

He then goes to refute charge by charge, allegations that he sought to propagate Christianity among Malays: an act which ALIRAN itself would denounce both in the

context of sensitivities in a multi-religious Malaysia and in the context of individual freedom of religious choice.

The key to Yeshua's release is contained in paragraph 11 of his affidavit:

I am advised and do verily believe that Article 149 of the Federal Constitution, under which the Internal Security Act 1960 was made, only permits such Act to be inconsistent with the provisions of Articles 5, 9, 10 and 13 of the Federal Constitution. The Internal Security Act, 1960 is not permitted to violate Article 11 or to interfere with, punish or to prevent actions of citizens in lawful exercise of Article 11.

(Article 11 of the Federal Constitution guarantees a person's right to profess and practice his or her religion and to propagate it subject to certain restrictions which were not operative in Yeshua's case.)

Let it be known that Yeshua's is not the sole case of physical abuse and maltreatment. There are others. It is shameful that the local dailies have chosen to maintain an unjudicious silence on the contents of Yeshua's affidavit. Is there really such an arid land of disregard

for gross injustice and abuse? Is this exemplary of "the only free press in the world"? And the gravest question: was the silence and disregard a true representation of the Malaysian character? One shudders to contemplate that question.

As a post-script we note two points which were mentioned in last month's column. One, there was still no decision forthcoming on Irene Xavier's application to be brought from Kamunting to Kuala Lumpur for treatment of her debilitating condition of endometriosis as of the end of September. And two, as of the first week of October released detainee Lim Chin-Chin still had no word on her application to the Registrar of Societies for permission to return to her old job.

Irene's health and well-being is on the balance. Chin-Chin's livelihood is at stake. But the only thing that is happening to a decision in either of their cases is that it is being sat upon. The repugnance of the situation is clear and it needs no elaboration. ●

Tong Veng Wye

Remembering those in Kamunting • October 27

W

WE APPEAL TO OUR READERS TO SEND, ON THE OCCASION OF THE 1ST ANNIVERSARY OF THE DETENTIONS ON OCTOBER 27, CARDS OF ENCOURAGEMENT TO THE DETAINEES AT KAMUNTING. EVEN IF YOU ARE A FEW DAYS LATE - SEND IT! WE APPEAL FOR CARDS OF PROTEST, CARDS OF APPEAL, TO BE SENT TO THE PRIME MINISTER. THE ADDRESSES ARE:

TEMPAT TAHANAN PERLINDUNGAN
34600 KAMUNTING
TAPIING
PERAK

JABATAN PERDANA MENTERI
PEJABAT PERDANA MENTERI
JALAN DATO ONN
50502 KUALA LUMPUR

from **CONGRESSIONAL FRIENDS
OF HUMAN RIGHTS MONITORS..**

August 10, 1988

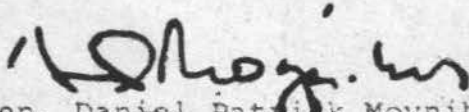

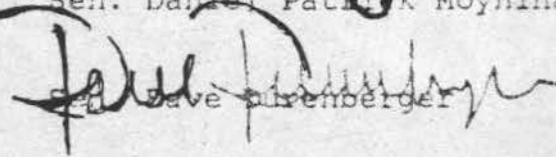
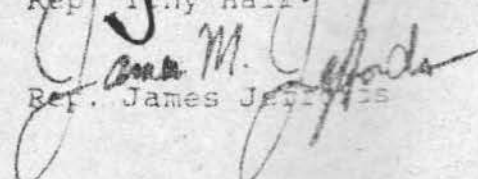
His Excellency Albert Talalla
Embassy of Malaysia
2401 Massachusetts Ave. NW
Washington, DC 20008

Dear Mr. Ambassador:

We write to express our concern about the jailing of Mr. Karpal Singh, a human rights lawyer in Malaysia. It is our understanding that Mr. Singh, who was arrested in October 1987, was released from jail in March but rearrested within a few hours.

The Congressional Friends of Human Rights Monitors is a bipartisan group of 29 Senators and 133 Members of the House of Representatives. We regret the original detention of Mr. Singh, who is a respected human rights lawyer, and we regret his rearrest. Mr. Singh has never used or advocated violence, and appears to be jailed because of his political views and his activities representing other political prisoners. We respectfully urge your government to release him without condition, and permit him to return to his human rights activities without interference.

Thank you for your attention to this important matter.

Respectfully,

Sen. Daniel Patrick Moynihan

Rep. Tony Hall

Rep. Dave Durenberger

Rep. James J. Jeffords

The MMA Replies...

In the last issue of the Aliran Monthly we carried Aliran's letter to the Malaysian Medical Association (MMA) requesting the MMA to set up a committee to look into the health of ISA detainees, since a few of them have been ill. We publish below the MMA's reply. Editor

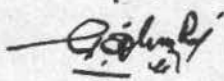
Dear Dr Chandra,

Your letter of 6 August 1988 was discussed by the MMA Council at its meeting held on 13 August 1988.

The MMA Council is of the opinion that since the International Council of Red Cross (ICRC) makes regular inspection of Detention Centres of political detainees, it would be interference if MMA steps in. We would therefore like to suggest to you to bring the matter that you raised to the attention of the ICRC, so that remedial steps could be taken.

Thank you

Yours sincerely



DATO' DR G SELVARAJU
Hon. General Secretary

FAST OF SORROW



Aliran members will observe a sunrise-to-sunset fast on 27 October 1988 as an expression of their sorrow over the Internal Security Act (ISA) and indefinite detention without trial.

This symbolic fast is completely voluntary and members will observe the fast by refraining from consuming solid or liquid food. Members who are so inclined, will also pray and meditate during the fast.

Apart from registering Aliran's unhappiness with the ISA and indefinite detention without trial, the fast will also serve as a manifestation of Aliran's solidarity with all those who were detained in the crackdown on democracy of 27 October 1987.

Since 27 of these detainees are still in jail, this symbolic fast is also a tribute to their indomitable courage. It is, at the same time, a demonstration of Aliran's support and sympathy for the families of ISA detainees, past and present, who have suffered so much.



SUARA

Malaysian artistes for human rights

Remember the old debate of art for art's sake or art for society? How the so-called progressives would scorn the efforts of the former, while the arty gang would turn their artistic noses away from the latter?

Anyway, a group of home-grown artistes had the chance to put the latter argument on the record, so to speak. They have put their (very talented noses) together and come up with a commendable effort – a cassette album of meaningful and very listenable songs based on the theme of human rights. The album is titled Suara (Voices).

The theme, according to Colin Pillay, executive producer of Jiwa (the production company), was produced to commemorate the 40th anniversary of the United Nations Universal Declaration of Human Rights (1948-1988).

"This theme is significant for millions of people in the world, for example, black South Africans, one of whose leaders Nelson Mandela has been denied the liberty to stamp out racism, and to scores of children all over the world deprived of basic human rights like freedom from want and hunger. It is this consciousness that has been one of the motivations behind the album," Colin told Aliran.

Nearer to home though, the artistes, composers and producer of Jiwa have pledged to donate all profits from the album for the human rights cause in Malaysia. Jiwa will set up a charitable fund from which victims of human rights abuses – ranging from child battery to imprisonment from espousing certain beliefs – will be able to obtain funds.

And this is why all Malaysians who care about freedom and democracy should dig into their pockets for \$9 – the cost of this tape featuring nine original compositions with influences of jazz, folk, ragga, rock, and rhythm and blues. While Suara carries a social theme, it has not tried to compromise musical and artistic standards.

In case you are still hesitating, think of the trouble the chaps who put together the album had to go through. Four major recording companies, which Jiwa approached, turned down the album because they felt Suara "to be musically unique and creative, but lacking in a so-called commercial value".

Not so easily deterred, one of the Jiwa chaps put down several thousand ringgit of his own money to pay for the recording and production, while another persuaded a relative, who owns Warnada Sdn Bhd, to distribute the album.

The album, launched on Oct 12, is also timely as Malaysians look back on one long, dark year for freedom and justice. Your support for Suara also means support for the families of those still languishing behind ISA walls. The album is available at any leading cassette retail store.

*If you want to be free
from all forms of repression
don't be left behind
stand up for your humanity,
(lyrics from one of the songs, Kebebasan)*

OUTSTANDING MALAYSIAN

Since 1982, Aliran has conferred the Outstanding Malaysian Award upon individuals or institutions in Malaysia which have given meaning to the values and principles associated with Aliran's struggle for a just society. The Outstanding Malaysian Award for 1988 goes to:

THE INNOCENT ISA DETAINEE

Thousands of Malaysians have been detained under the Internal Security Act (ISA) since 1960. They have been detained without trial. Some are detained for short periods, others for long years. This is because under the ISA, they can be detained indefinitely.

Indefinite detention without trial is wrong. It does not matter what the Government's allegations are against a detainee. It may be alleged that a particular detainee is a communist or a racial agitator or a religious fanatic. The fact is none of the allegations have to be established in an open court of law. An ISA detainee is pronounced guilty the moment he or she is detained. This is what makes the ISA so unjust. This is what makes the ISA so inhuman.

Though Malaysians have always known that the ISA is unjust, it was because of the Oct 27 episode that they began to see how cruel, how callous that law can be. More than 100 Malaysians from all sorts of backgrounds were arrested in that infamous episode. At least 27 of them are still languishing in jail.

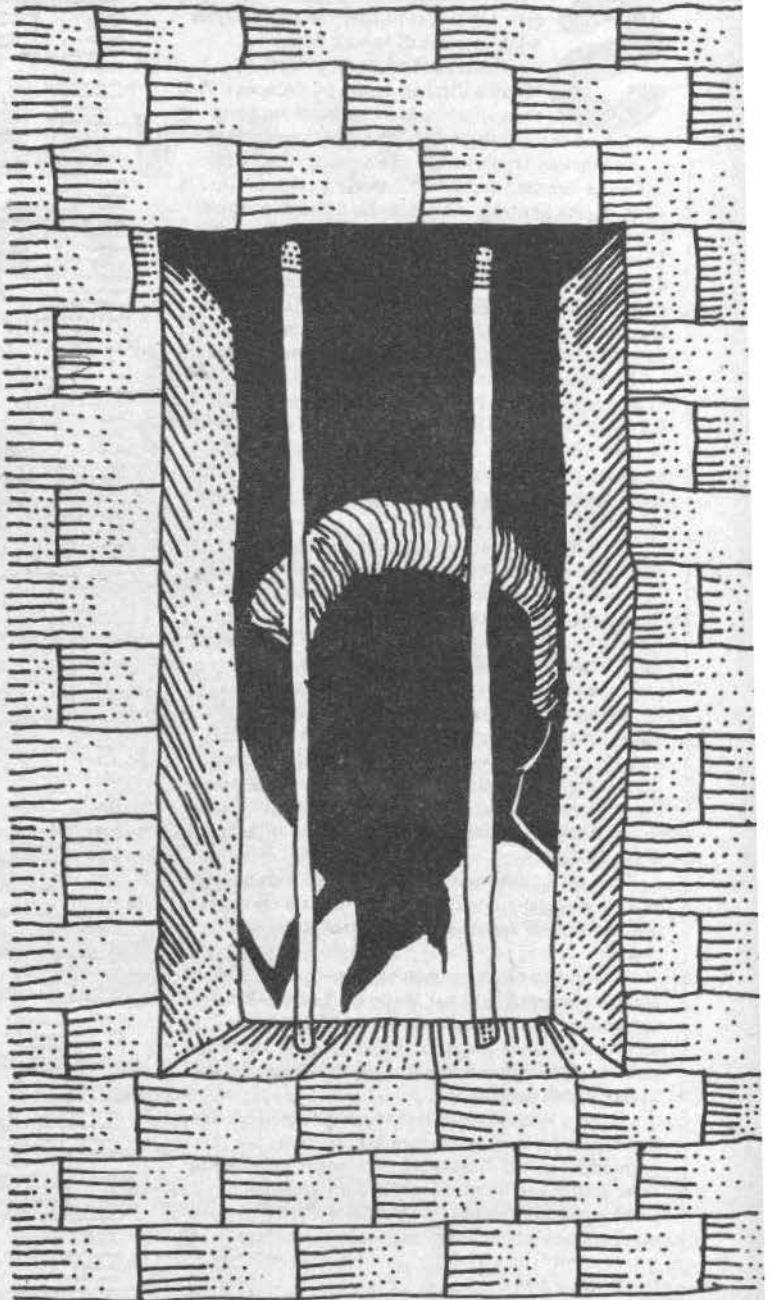
Because the arrests were so wide-ranging, the Malaysian public just could not believe that they were all guilty "of threatening national security". The public was convinced that many of those arrested were innocent. There was no justification for the arrests. The entire exercise seemed so arbitrary.

This is why a significant segment of Malaysian society now realizes that it is not the detainees but the Government that is guilty of committing a crime against the people, for it is wrong to detain innocent individuals. Every ISA detainee is innocent simply because none of them has been put on trial in an open court of law.

Aliran today honours that innocent ISA detainee. We salute all those who have been detained, all those who are still in detention.

As we honour the innocent ISA detainee with the 'Outstanding Malaysian' award, we also remember the families of all those who have suffered, of all those who continue to suffer the anguish and the ordeal of having their loved ones detained without trial. This award is also for them.

The great moral courage of the innocent ISA detainee and his or her family is what convinces us that the struggle must go on. It is their tremendous strength that sustains us in this quest for a just and humane society. ●



16 October 1988

RAKYAT MALAYSIA TERPUJI

Pengenalan: Sejak 1982 Aliran telah mengurniakan Anugerah Rakyat Malaysia Terpuji kepada individu atau institusi di Malaysia yang telah memberi makna kepada salah satu nilai atau prinsip yang diperjuangkan oleh Aliran dalam matlamatnya membina sebuah masyarakat adil.

Tahanan ISA Yang Tidak Berdosa

Sejak 1960 beribu-ribu rakyat Malaysia telah ditahan di bawah Akta Keselamatan Dalam Negeri (ISA). Mereka ditahan tanpa perbicaraan. Ada yang ditahan buat jangkamasa yang pendek. Ada yang ditahan bertahun-tahun lamanya.

Penahanan tanpa bicara adalah salah. Dakwaan-dakwaan kerajaan terhadap seseorang tahanan itu tidak begitu penting. Mungkin dia dituduh menjadi komunis, fanatik agama atau pelampau perkauman. Tetapi hakikatnya tuduhan-tuduhan itu tidak dibuktikan di mahkamah. Seseorang mangsa ISA adalah dihukum bersalah sebaik sahaja dia ditahan. Dan inilah ketidakadilan besar ISA. Kerana inilah ISA dikatakan sungguh tidak berperikemanusiaan.

Meskipun rakyat kita sudah lama mengetahui akan ketidakadilan ISA, disebabkan peristiwa 27 Oktober tahun lalu itulah maka mereka mulai insaf betapa zalimnya ia. Lebih 100 orang dari pelbagai gerakan dan pertubuhan ditangkap. Sekurang-kurangnya 27 orang yang ditangkap itu masih menderita di dalam penjara.

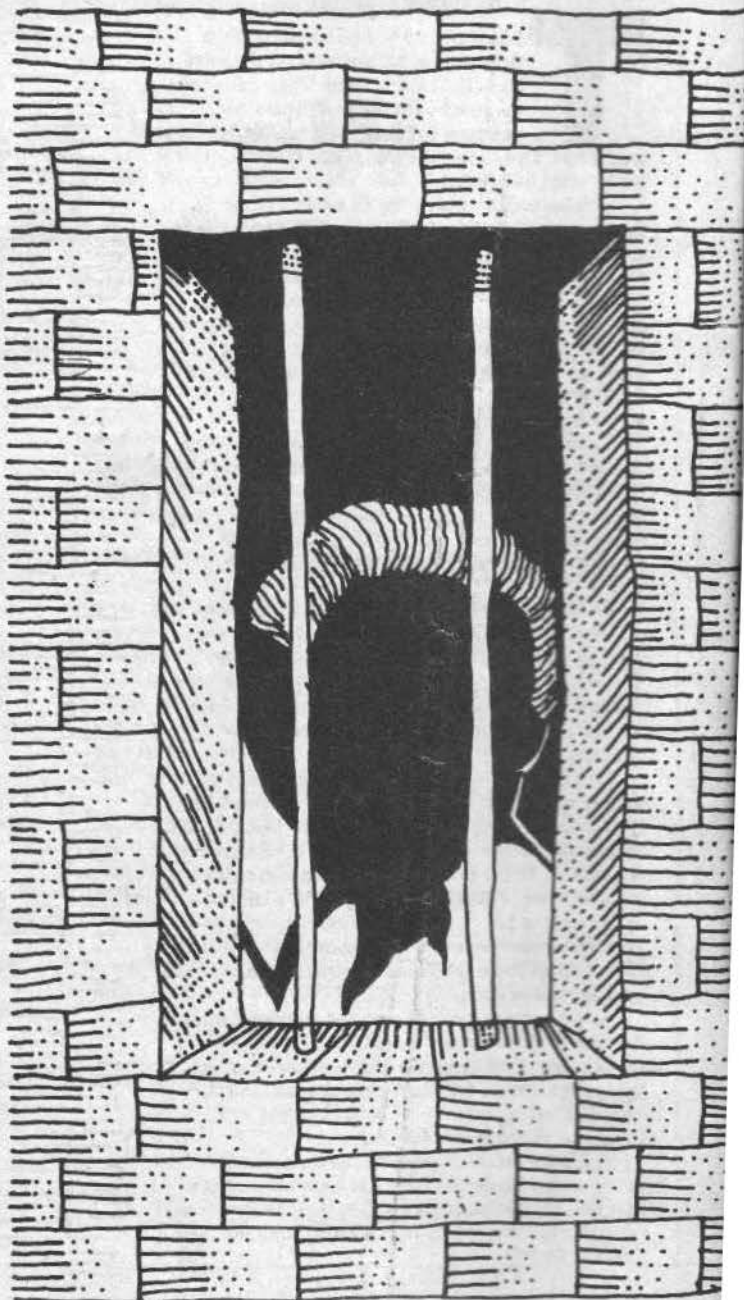
Oleh kerana orang-orang yang ditangkap itu berlainan latar-belakangnya, rakyat tidak mungkin percaya bahawa kesemua mereka bersalah "mengancam keselamatan negara". Rakyat yakin ramai yang ditangkap itu tidak bersalah. Mereka tahu tidak ada sebab-sebab wajar untuk membuat penangkapan yang sewenang-wenang itu.

Sebab itulah sebahagian besar masyarakat Malaysia kini menyedari bahawa bukan mangsa-mangsa ISA tetapi kerajaan sendiri yang bersalah kerana menzalimi rakyat, kerana menangkap orang-orang yang tidak bersalah. Setiap tahanan ISA itu tidak bersalah, kerana tidak seorang pun dibicarakan di mahkamah.

Hari ini Aliran menyuarakan penghormatannya kepada mangsa-mangsa ISA. Hari ini kita menabik hormat kepada mereka yang pernah dan masih ditahan.

Dan dalam menghormati mangsa-mangsa ISA ini dengan anugerah 'Rakyat Malaysia Terpuji' kita mengenangkan keluarga mereka yang telah dan sedang menderita sengsara akibat anggota keluarga tercinta dikurung tanpa perbicaraan. Anugerah ini adalah untuk mereka jua.

Namun ketabahan hati mangsa-mangsa ISA dan keluarga mereka meyakinkan kita bahawa perjuangan mesti diteruskan. Semangat keberanian merekalah yang memberi nafas baru kepada perjuangan kita bagi mewujudkan sebuah masyarakat yang adil dan berperikemanusiaan. ●



16 Oktober 1988

We publish below a message from former Prime Minister, Tun Hussein Onn, to the voters of Parit Raja. As readers are aware, a by-election will be held in that State Assembly constituency in Johor on 20 October 1988. The contest is among 7 candidates (namely the BN and 6 Independents). The semangat 46 or the UMNO asal group is backing one of the Independents, Hamdan Hj Yahaya. Tun Hussein is part of this group. His message, which deals with larger issues facing the nation, has been translated from Bahasa Malaysia.

Editor

We have to Act ...



Ladies and Gentlemen

First of all, I convey my sincere apologies for not being able to meet with all of you. The poor condition of my health does not allow me to do so. I hope you would accept this message as a substitute for my presence. Second,

I also apologize to you because the intention of this message is to persuade all of you to vote for the Independent candidate and not the UMNO Baru candidate.

I am taking this stand not because I want to break up the Malays. If there are people who say that the supporters of the Independ-

dent candidate and I no longer love the Malays, that is not true. If they say we will not struggle for the well-being of the Malays that is also not true.

We all support UMNO's struggle. We all love UMNO. We still want to remain UMNO members. But the party we support, love and wish to be associated with is the original UMNO — the UMNO formed in 1946 by my late father and championed by Yang Teramat Mulia Tunku, by the late Tun Razak, by myself and for a certain period of time, by Yang Amat Berhormat Dr. Mahathir himself.

But sad to say the present leaders have discarded altogether the original UMNO. They have no respect for the struggle and sacrifice of our elders. They have used the illegitimatization of the original UMNO as an excuse to form UMNO Baru. As you may well be aware, although UMNO Baru uses the name UMNO, its constitution and spirit are very much different from that of the original UMNO. More-

over, its leaders have plainly and deliberately refused to accept all members of the original UMNO as UMNO Baru members, for fear that their position and interests would be threatened. And our efforts to rectify this situation have failed. This is what saddens me and my friends most. This is why we cannot willingly and sincerely accept UMNO.

I am convinced, and so are my friends, that although the original UMNO has been declared illegal, it can still be revived — especially if the present leaders are truly sincere and love the party. Obviously, the present leadership, in order to safeguard its own interest, has taken advantage of the illegitimatization of UMNO by using it as an excuse to form UMNO Baru. At the same time, it is refusing membership to whoever it thinks could challenge and undermine its position. Its constitution has been changed in such a way that even those who are allowed to become members are unwilling to register themselves. Even if they register themselves, sooner or later they will realize the extent to which the spirit of UMNO Baru has deviated from the spirit of the original UMNO. They will then withdraw from UMNO Baru.

In short, first we are denied membership in UMNO Baru. Second, even if we were to be accorded membership, we disagree with its constitution and style of leadership. Thus, we have no choice but to stay out and oppose UMNO Baru.

We all want unity. But what is happening now is the worsening of disunity. What is even sadder, is the disunity among ourselves. We want to compromise. We want to reconcile. We want to forget all differences. We want to return to the right path. But as you all know, all efforts towards unity have failed. Those in power don't pay much attention to our suggestions. They have turned a deaf ear to our advice. We can all see how anyone who advises, has a misunderstanding or disagrees with those in power concerning whatever policy will be condemned, suspended or sacked from their positions.

All efforts from within have failed. That is why we now have to act from outside — as Independents. Thank God, we succeeded in Johor Baru. And God willing, with your support, we will succeed in Parit Raja.

It is not our intention to ascertain who is stronger. If we win — thank God. It will prove that the present style of leadership is not wholly accepted by the people. We will not be arrogant or big headed as a result of our victory. We will not seek revenge. Even if we were to lose we shall not be disheartened, for our aim is to stop or at least check injustice from spreading. It is entirely up to you to decide.

No doubt the present government has done much for the people. It is their duty and responsibility to do so. But it is also undeniable that they have committed many forms of injustices, or at least have allowed them to happen. Apart from amending, on a significant scale, the original UMNO constitution they have also made far-reaching changes to the nation's Constitution in order to strengthen their position and guarantee their personal interests.

Former leaders, including myself, have amended a number of Acts. But it was done to safeguard public interest and not for personal interests. We have always respected individual rights and the rights of organizations in this country. We have always respected the rule of law.

Never in the history of our nation has the Lord President been dismissed and five Supreme Court Judges suspended on vague, concocted accusations. The mass media — newspapers, radio and television — have been so shackled that they are forced to side with the government on whatever matter. They are totally afraid to expose — not to mention criticise — the shortcomings of government policies and implementation. Those who have the courage to speak up, criticise and oppose will be hounded relentlessly. Many among us are forced to remain quiet although we know the situation in the country is uncertain

and difficult. Many have also become 'Yes men' in order to safeguard their own rice-bowls.

I want you to realize that one by one our freedoms and fundamental rights are being restricted. And is it for the sake of our nation? No, it is for the interests of a handful of people.

We have seen how wrongdoings such as BMF, UMBC, EPF-Makuwasa and the North-South Highway contract have been allowed to happen without further action being taken. The people's plea for accountability on these matters has been ignored. Many questions remained unanswered. If such a situation is allowed to continue, and with the emergence of various forms of restrictions and violations on our freedoms — be it the freedom of the press or judiciary — sooner or later there will be nothing to stop the authorities from covering up any of their present or future wrongdoings. The newspapers will not dare publish them, government officers will not dare expose them and if brought to court, the Judges will not dare decide against the Government. Are we prepared to let such things happen?

As for me and my friends, the answer is obvious — we are not. We have to act, and act immediately. Since we are unable to do something from within, we have no choice but to put up an Independent candidate. I too have no choice but to support the Independent candidate. And I appeal to all of you to understand and truly realize the happenings in our country and support the Independent candidate.

Finally, let us pray to Almighty God for His Blessings for all our actions. Let us ask for His Help and Guidance and may He open our hearts to enable us to differentiate between right and wrong and may we all be given the strength to uphold the truth. ●

Yours sincerely
Tun Hussein Onn

Kuala Lumpur
4 October 1988

Sacking of Judges: Bar Dismayed

We carry below the full press statement of the Bar Council of Malaysia on the report of the Tribunal which sacked 2 Supreme Court Judges and reinstated 3 others. The statement was made by Bar Council President, Raja Aziz Addruse Editor

The Bar Council is dismayed at the recommendation of the Tribunal that Y. A. Tan Sri Wan Suleiman and Datuk George Seah be removed from office on grounds of alleged Judicial misbehaviour.

On a preliminary reading of the Report and the legal arguments made on behalf of the Judges, the Bar Council is of the opinion that the recommendation of the Tribunal is unsustainable as against Tan Sri Wan Suleiman and Datuk George Seah.

The Bar Council finds it shocking that the Tribunal failed to deal with and consider the most obvious question before it, namely that the representation against, inter-alia, the two Judges was made by Y.A.A. Tan Sri Abdul Hamid, the Acting Lord President who was then a Respondent in the proceedings brought by Tun Salleh Abas, and that this factor would disqualify him from participating in any matter connected with the proceedings involving Tun Salleh Abas.

It is a basic principle of law that a litigant should not appoint the Judges to decide a case in which he is involved.

In this regard the Bar Council finds inexplicable the reasoning of the Tribunal that Tan Sri Wan Suleiman should have contacted the Acting Lord President and should have asked "that he be excused from going to Kota Bharu". The Tribunal's conclusion that "this would have been a valid

excuse for staying away from Kota Bharu" defies accepted norms that a litigant should not be consulted about any matter relating to his own case.

In the same vein, the Tribunal's finding in respect of Datuk George Seah is equally unsustainable. The Tribunal had concluded that Datuk George Seah ought to have given priority to the Acting Lord President's directive to remain in Kota Bharu instead of the directive from Tan Sri Wan Suleiman that he should return to Kuala Lumpur to attend an anticipated urgent sitting in connection with the Tun Salleh matter. The Tribunal had ignored the fact that it would have been clearly wrong for Datuk George Seah to comply with the directive of the Acting Lord President because it was coming from a litigant who was involved in the likely proceedings in Kuala Lumpur.

The matter is compounded by the glaring omission of the Tribunal to decide on the proper interpretation of Section 9 (i) of the Courts of Judicature Act, 1964. This was the crux of the whole matter, and it was incumbent on the Tribunal to come to a decision on the interpretation of this section before they could determine whether or not the judges were wrong to have acted as they did under that provision of the law.

It should have been manifestly obvious to the Tribunal that the Acting Lord President became unable to act to schedule a sitting on

the Tun Salleh case by reason of his being a Respondent in that case. It follows that the power naturally devolved on Tan Sri Wan Suleiman under Section 9 as the next senior most Supreme Court Judge, since the Chief Justice of Borneo was also a Respondent in the Tun Salleh proceedings. The Tribunal took the stand that "it is not constitutionally empowered to interpret Section 9 (i) authoritatively" and "that function belongs to the Supreme Court alone". In failing to give a decision on the proper interpretation of Section 9 (i) the Tribunal failed to answer a question that was crucial to the whole case. Thus the tribunal misdirected itself when it thought it was not empowered to give an interpretation to Section 9 (i). In this regard they had misjudged or avoided the significance of Section 9 (i). It is surprising that having come to the conclusion that the view taken of Section 9 (i) by the Judges was "not unreasonable", the Tribunal should yet find the two Judges guilty of judicial misbehaviour for staying away from Kota Bharu and convening the sitting in Kuala Lumpur. It is trite law that where there are two possible interpretations to any provision of law, the one more favourable to the Respondent must be adopted.

In this context it is even more surprising that the Tribunal could have come to the conclusion that Tan Sri Wan Suleiman did not hold the honest belief that he could cancel or adjourn the proceedings

in Kota Bharu. The Tribunal referred to Section 39 (2) which says that. "the Lord President may cancel or postpone any sitting of the Court" and went on to state that the language of Section 39 (2) is unambiguous.

It is obvious that the Tribunal had overlooked its earlier conclusion that it was not unreasonable for Tan Sri Wan Suleiman to have taken the view that he could exercise the powers under Section 9 (i). Surely the right to exercise the power under Section 9 (i), in the circumstances, where the Acting Lord President was disqualified on account of being a litigant in the proceedings would include the right to exercise the functions under Section 39 (2), namely, the right to cancel or postpone a sitting of the Supreme Court. Therefore the finding of the Tribunal that Tan Sri Wan Suleiman could not have held the honest belief was untenable and unjustified.

At this juncture, the Bar Council can only confine its comments on the above aspect of the Tribunal's Report. It will issue a further statement after it has obtained all the evidence and documents on which the Report has been based.

In view of certain specific findings of the Tribunal and on evidence presently available to it, however, the Bar Council feels compelled to make the following observations in respect of the representations made by Tan Sri Hamid Omar, the Acting Lord President, to His Majesty the Yang Di Pertuan Agong on July 5, 1988.

It is plain from the evidence that the representations were factually inaccurate in a number of respects. The representations were hastily drafted and omitted relevant facts.

In his representations the Acting Lord President stated that Tan Sri Wan Suleiman had failed to leave Kuala Lumpur for Kota Bharu together with Datuk George Seah and Datuk Harun Hashim even though he had been booked on the same flight. However, the evidence of Datuk Harun Hashim clearly showed that as early as June 30, 5 days before the representations were drafted, Tan Sri Wan Suleiman

had arranged to take the later evening flight.

In paragraph 4 of the representations, the Acting Lord President stated that he was informed of Tan Sri Wan Suleiman's absence on Datuk Harun's arrival at Kota Bharu on the morning of July 1. The evidence shows that Datuk Harun only informed the Acting Lord President of Tan Sri Wan Suleiman's absence in the evening at about 5 p.m.

These discrepancies are indicative of haste and failure on the part of the Acting Lord President to properly verify the facts which formed the basis of his serious allegations against the five Judges.

In his representations the Acting Lord President said that he "never allowed or was informed or had any knowledge of the sitting convened by Tan Sri Wan Suleiman" on July 2. The evidence of Encik Haidar, the then Chief Registrar, shows that as early as 8.30 a.m. on the same day the Acting Lord President had anticipated the possibility of Tun Salleh's counsel making urgent application to the Supreme Court and had instructed Encik Haidar that the Registry of the Supreme Court was not to take any action on any such application without first taking directions from him. Later at about 12 noon, upon being informed by Encik Haidar that an urgent application had been made to the Supreme Court, the Acting Lord President instructed him that the Court staff should not be involved and the Court room be not made available to the five Judges. Tan Sri Hamid bin Omar further expressly instructed Encik Haidar to keep the Supreme Court seal under lock and key. In this light it would seem that it was less than forthright on the part of the Acting Lord President to state that he was "never allowed or was informed or had any knowledge of the sitting convened" when he had not only anticipated the sitting but also taken steps to obstruct the said sitting of the Supreme Court.

In his representations the Acting Lord President seems to have employed phraseology which gives the impression that the five

Supreme Court Judges had given a final order as opposed to an interim order prohibiting the Tun Salleh Tribunal from giving His Majesty the Yang Di Pertuan Agong its Report.

Contrary to the allegation that the Judges "took the seal from the Supreme Court Registry even though the office was closed and the officers had gone home" the evidence before the Tribunal established that the Judges in fact had never gone into the Registry or in any way handled the seal.

The Acting Lord President further gave the impression that Tan Sri Wan Suleiman's personally signing the Order was improper. Clearly this was designed to indicate bias on the part of Tan Sri Wan Suleiman towards the Applicant. However, it is widely accepted that in urgent cases, it is normal for judges to do so. In this regard, even the allegation that the convening of the Supreme Court within half-hour was improper reflects poorly on Tan Sri Hamid as it is a fundamental and obvious principle of law that matters of urgency must be dealt with expeditiously.

It is apparent that the grounds upon which the Acting Lord President relied to found the allegation of conspiracy were misconceived. Even giving the worst possible construction to the facts, there could be no basis to support such an allegation.

Paragraph 7 of the representations also contained reference to rules of procedure in relation to Appeals which were alleged to have been breached. It did not mention that the sitting was in response not to an appeal but an urgent application. This representation was, therefore, not only incorrect but also insufficient as it failed to refer to the relevant rules in relation to urgent applications.

On the face of it, it is clear that in making the representations, Tan Sri Hamid failed to exercise the caution and prudence expected of a holder of high judicial office.

As already mentioned, the Acting Lord President was a litigant in the application before the Supreme Court and that despite this, having

anticipated the application, he took active steps to obstruct the due process of law.

The Bar Council also notes that in the Tribunal, Tan Sri Hashim bin Yeop Abdullah Sani disqualified himself on the ground of likelihood of bias, thereby adding weight to

the Bar Council's objection to Tan Sri Hamid's involvement in the proceedings concerning Tun Mohd. Salleh bin Abas.

In the circumstances it is the view of the Bar Council that Tan Sri Hamid's continued presence as a member of the Bench is unhealthy

and seriously compromises the integrity of the Judiciary. The Malaysian Bar reaffirms its call for Tan Sri Hamid to immediately resign his position as Acting Lord President, Chief Justice and Judge of the Supreme Court of Malaysia.

SINGAPORE ALLEGATIONS FULFILLED

One of the complaints about CCA (Christian Conference of Asia) made by the Singapore Government to justify expelling CCA early this year was that CCA News carried articles about liberation theologians like Gustav Gutierrez.

The current editor of CCA News had not had the chance to write about liberation theologians but now, having met Fr Gutierrez at the Lambeth Conference of Anglican Bishops, is quite proud to do so.

If the Peruvian pastor, frequently criticised for being 'Marxist', tried to indoctrinate the largely conservative gathering he did so in a most peculiar way.

"I don't believe in liberation theology," he said. "I believe in Jesus Christ."

He said he was a Christian before liberation theology and he hoped to be a Christian after liberation theology. He was more concerned for the liberation of the poor and for the presence of the Gospel in the historical process than he was for liberation theology.

Moreover, he insisted on the spiritual content of liberation theology and rejected claims it was Marxist. Liberation theology never insisted people use Marxist analysis, he said, but social science was needed to know social reality.

He ridiculed some people's ignorance of both Marxism and social science.

He said he had never read in Marxism about the Holy Spirit acting in history.

For some people, he said, to deal with social questions was Marxism. "If you think when we speak about social justice and poverty we are Marxist, you have a greater appreciation of Marxism than we do."

He said he knew Freud better than Marx but nobody accused him of being Freudian.

Even when saying the poor had the right to reflect and think - it was one expression of their right to live - he was critical of "illiterate theology". He said people could not deal with the Bible only from their own experiences.

To be committed and organise solidarity was the first question but beside that people must reflect on their own lives, he said. A good theory was a very practical question. It was necessary to keep together orthodoxy and orthopraxis.

And behind all his comments about the struggle for justice and the use of prophetic language - clear, he said, in the Bible and in the Christian view - was his plea to discover and accept the gratuitous love of God.

from *Christian Conference of Asia, Hong Kong CCA News.*

July 1988
Vol. 23 No. 7

THE ECONOMY

THE POLITICS OF ECONOMIC

After two years of unprecedented economic decline in 1985-86, the Malaysian economy appears to have recovered remarkably in 1987 and 1988.

The prophets of doom who saw no prospect for a recovery in the midst of the decline and those critics who blamed Mahathir exclusively for the recession have had to eat their words.

Yet just as those who were completely negative two or three years ago were wrong, those who are now singing songs of praise to the politicians claiming responsibility for the recovery had best watch their words.

Indeed, one of the ironies of the current situation is that the more sensible members of the government probably privately acknowledge the fragility of the recovery far more than some of its flatterers. Why then the sudden recent spate of flattery?

Cyclical Recovery

Clearly, there has been a significant recovery of sorts. The more cynical might say that after 1985-86, there was no way the economy could go, but up.

Nevertheless, there is an undisputed recovery in growth of 4.7% in 1987, and possibly even up to 9% before this year is out.

Where has this recovery come from? Three sources mainly:

- * Improvements for most Malaysian primary commodity prices from late 1986.
- * Significant increases in volume outputs of major exports, including non-renewable natural resources.
- * An upsurge in manufacturing export activity.

After so many traumatic experiences with primary commodity export prices, especially in the eighties, no one seriously claims that the price improvements can provide for the basis for sustained economic recovery.

Although not quite as volatile, prospects for manufacturing exports are generally viewed as similarly vulnerable.

In general, export prospects reflect Malaysia's comparatively excessive trade vulnerability, offset mainly by the diversification of this dependence since from the colonial mainstays of rubber and tin.

Yet, successful as this diversification has been, it was not enough to overcome the 1985-86 collapse.

Perhaps most ominously, natural resources — petroleum and timber mainly — have led Malaysia's export commodities in the eighties. Clearly, this raises fundamental doubts about the sustainability of Malaysian economic growth in the not too distant future as our petroleum and timber resources run out.

Source: Bank Negara Malaysia, *Quarterly Bulletin*, Vol. 3, No. 1, March-June 1988

Year	Rubber			Tin			Saw Logs			Sawn Timber		
	Volume ('000 tonnes)	Value (\$m)	Unit Value (sen/Kg)	Volume (tonnes)	Value (\$m)	Unit Value (\$/tonne)	Volume ('000 cubic metres)	Value (\$m)	Unit Value (\$/metre)	Volume ('000 cubic metre)	Value (\$m)	Unit Value (\$/cubic metre)
1979	1,650.5	4,481.8	271.5	72,113	2,315.6	32,111.2	15,965.8	2,876.8	108.2	3,314.2	1,334.3	402.6
1980	1,525.7	4,618.0	302.7	66,498	2,505.3	36,048.7	15,156.2	2,618.2	172.7	3,245.2	1,344.1	414.2
1981	1,485.3	3,713.1	250.0	66,437	2,138.1	32,182.2	15,923.3	2,476.2	155.5	2,907.8	1,118.9	384.5
1982	1,378.1	2,655.1	192.7	48,584	1,483.9	30,543.1	19,297.8	3,382.1	175.3	3,116.4	1,164.6	373.7
1983	1,563.0	3,663.6	234.4	57,140	1,718.2	30,070.5	18,726.0	2,806.9	149.9	3,437.6	1,349.7	392.6
1984	1,590.6	3,671.5	230.8	39,600	1,162.3	29,351.15	16,939.4	2,806.1	165.7	2,872.8	1,175.7	409.3
1985	1,497.4	2,872.2	191.8	57,400	1,648.0	28,711.4	19,630.5	2,771.2	141.2	2,780.1	1,136.8	408.9
1986	1,516.1	3,182.7	209.9	40,380	650.0	16,086.5	19,054.2	2,872.7	150.8	2,999.3	1,305.0	435.1
1987	1,620.5	3,915.4	241.6	49,613	838.8	16,907.2	23,000.5	4,285.5	186.3	3,921.7	1,769.8	444.2
June 1988			372.0			18,180.0						

MIC RECOVERY

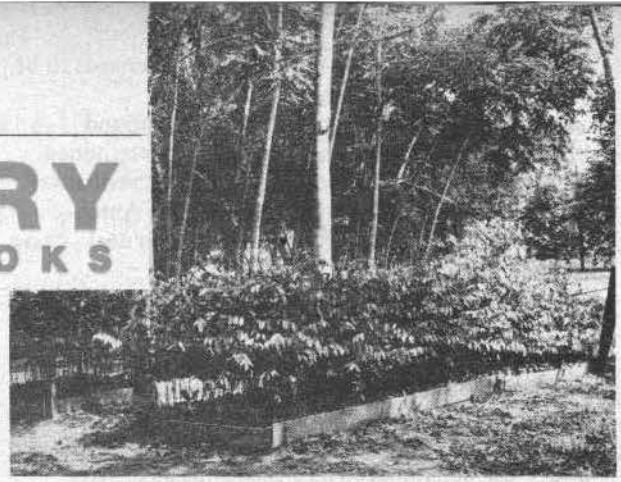
JOMO K S

Meanwhile, Malaysia's manufactured export growth success has been exaggerated by not accounting sufficiently for the high import content, growing foreign dominance, technological dependence, poor domestic linkages and the misleading effect of 'transfer pricing' on manufacturing statistics.

At the same time, the prospects for domestic-oriented industrial growth are being frustrated by the government's clear preference for export-led growth, foreign investment and lower real wages, which constrain the expansion of domestic spending, and hence, the domestic market.

Another worrying development has been the decline of investments in the eighties. Although foreign investments in the ASEAN region have picked up and the government has bent over backwards to deregulate, privatise and otherwise induce new investments, the results have fallen well short of even the most modest projections, despite rosy pronouncements and wishful thinking to the contrary.

Perhaps out of frustration with the lukewarm foreign response after years of trying, since the events of October 1987, the government has made some efforts to reassure mainly Chinese domestic investors, partly by officially adding Taiwan to the pantheon for 'Look East' emulation and foreign investment.



However, growing unresolved ethnic, political and cultural tensions over the years and unprecedented economic difficulties in the eighties have exacerbated the twin problems of 'capital flight' and 'brain drain', though the official cult of secrecy and the difficulty of measuring such trends makes accurate estimation of the extent of the problem almost impossible.

Here, the ruling politicians are caught in a bind of their own making. While realising how crucial it is to resolve the ethnic problem — to induce growth and investment if nothing else — they cannot effectively restrain ambitious politicians seeking to advance their careers through ethnic agitation and mobilisation, and must indeed play to the ethnic galleries as well for fear of losing their credibility of support.

Yet, despite the tenuous nature of the current recovery, the foreign business press appears to be grudgingly extolling Prime Minister Mahathir's and Finance Minister Daim's economic agenda.

Palm Oil			Petroleum, crude & partly refined			Total Major Exports		Period
Volume ('000 tonnes)	Value (\$m)	Unit Value (\$/tonne)	Volume ('000 tonnes)	Value (\$m)	Unit Value (\$/tonne)	Value (\$m)	Percentage of total exports	
1,899.9	2,470.6	1,300.4	12,034.5	4,213.5	350.1	17,769.2	73.0	1979
2,258.2	2,603.1	1,152.7	11,226.9	6,709.1	597.6	20,397.8	72.4	1980
2,506.8	2,835.5	1,131.1	10,143.2	6,921.4	682.4	19,203.2	70.8	1981
2,817.2	2,742.3	973.4	11,973.9	7,694.2	642.6	19,122.2	68.0	1982
2,948.8	2,994.9	1,015.6	14,224.0	7,871.0	553.4	20,404.2	62.3	1983
2,982.0	4,546.5	1,524.6	16,497.4	8,737.4	529.6	21,089.2	57.2	1984
3,232.0	3,963.1	1,226.2	16,701.3	8,697.9	520.8	21,089.2	55.5	1985
4,334.6	3,019.5	696.6	18,791.9	5,400.9	287.4	16,438.8	46.0	1986
4,067.2	3,262.5	802.2	18,039.0	6,289.9	348.7	20,361.9	45.1	1987
	1,150.0							



Clearly, the undisputed economic upturn needs to be acknowledged and explained.

But that in itself cannot explain the newfound enthusiasm for Mahathir and Daim. Their determined overtures to foreign investment and the 'reconciliation' with the West, especially Britain — with the Antah-Biwater 'aid' package and the £1 billion arms deal — have almost certainly helped.

However, a careful examination of the recent songs of praise suggests that the enthusiasm is essentially ideological. While the US, Britain, World Bank, IMF, Asian Development Bank and others have had to virtually blackmail many governments to conform to the new 'monetarist-supply side' economic gospel of the eighties, the Malaysian government appears to have voluntarily adopted much of the package without much arm-twisting.

The Malaysian government's virtual abandonment of the principal tenets of the seventies has been — rightly or wrongly — closely associated with Daim's appointment to the Treasury in 1984.

It is unclear, however, whether this is merely coincidence. On the one hand, the early Mahathir years (with Tengku Razaleigh at the Finance Ministry) saw continued public sector growth, state intervention, unprecedented massive foreign borrowings and state-sponsored non-financial public enterprises and heavy industrialisation.

Yet, the austerity campaign (*dasar jimat cermat*) was announced in June 1982, right after the April general elections. Similarly, in an August 1988 speech, Mahathir hinted at World Bank pressure from 1983, while the IMF advisers often also refer to 1983 as the turning point.

While Tengku Razaleigh's replacement by Daim in

1984 may — or may not — have been all that significant, it is clear that the new policies introduced from 1982 had a deflationary effect on the Malaysian economy, exacerbated by the global downturn of the mid-eighties.

Rather than cushion the impact of the recession on the Malaysian people, especially those worse off, the government cut taxes on the rich as well as public investment and spending, adversely affecting employment, social services and other transfers to the disadvantaged. In half a decade, the official unemployment rate doubled from 4.6% in 1982 to 9.1% in 1987, while real incomes went down.

Of course, the reduction of state intervention and the growth of a public sector primarily serving the interests of the politically influential has not been unwelcome to a population sickened by government abuses, corruption, arrogance, waste, luxury and other excesses.

After this devastation and with a more favourable international environment, there was virtually no way for the economy to go but up. Ideologues and advocates of the new economic conservatism have shamelessly sought to claim credit for this improvement, thus hoping to gain official favour to accelerate the implementation of their agenda as government policy.

To a great extent, they have been successful, especially since they have encountered few effective, coherent and persuasive counter-arguments due to the repressive environment and the nature of much of the current dissent in Malaysia, dominated as it is by ethnic, factional and personal rivalries, rather than by alternative conceptions of what is in the national good ●

Our guest writer is a Professor at the Faculty of Economics and Administration, University of Malaya.

G S P Blues

In mid-1988, the cabinet saw fit to try to restrain its more enthusiastic academic flatterers by issuing a directive to the Universities to prevent those who have been claiming that Malaysia will soon achieve NICdom from continuing to do so.

This is, of course, only one of many sad reflections of Malaysian economic vulnerability to the global economic vicissitudes, in this case, US economic favour in the form of its GSP (Generalized System of Preferences).

It is a pathetic statement of our national condition when the director of the reputedly CIA-connected and Cold War-inspired AAFLI (Asian American Free Labor Institute), notorious for encouraging and supporting

pro-US labour 'leaders' eager to collaborate with employers and governments, effectively champions the cause of Malaysian labour, securing the release of DAP MP and MTUC Secretary-General V David (unjustly detained with many others without trial) and forces the government to announce that the almost hundred thousand electronics workers in the country will be allowed to form unions after almost two decades of the industry's existence.

Since then, David has threatened to 'report' the Labour Ministry to the AFL-CIO (American Federation of Labor — Congress of Industrial Organizations) if the electronics factory workers are not allowed to form a national union.

ARMS

Malaysia's \$4.6 billion Arms Deal Another Step Towards Militarism?



The announcement on September 26 by Prime Minister Dr. Mahathir Mohamad that the government has sealed a one-billion-pound deal with Britain for the supply of various armaments over a 10-year period has shocked peace-loving Malaysians. The implications of the arms deal, itself shrouded in a cocoon of secrecy, have yet to be fully appreciated and certainly the local media has so far provided scant analysis of this giant step towards militarism by a self-professed non-aligned Southeast Asian which has continued to exhort its neighbours to bring into reality a Zone of Peace, Freedom and Neutrality (Zopfan) in the region. Hence the present essay.

Too easily and too unquestioningly have third world leaders imbibed the ideology of "exterminism", in E.P. Thompson's phrase, which has trapped them into the erroneous belief that armaments are always necessary for "national security." There is only one country, Costa Rica (which abandoned its armed forces 40 years ago) and even precious few genuinely neutral and non-aligned states which have eschewed the military

option of war to attain national objectives. Ironically, Japan's "peace constitution" which forbids it to have offensive forces was forced upon it by a country which is now indisputedly the largest arms trader and the perpetrator of many "third world wars" — the United States.

Now, to return to Malaysia, what is the basis and rationale for the present 4.6 billion dollar armament deal? I propose to examine this in this short essay and show how the reasoning behind the purchase may not only be fallacious but has grave implications for the pursuit of peace in the region.

The main rationale given by the Prime Minister for the deal is that it will upgrade Malaysia's defence system besides improving its border patrols along economic boundaries. (*New Straits Times*, Sept. 27, 1988). The Memorandum of Understanding and subsequent official clarifications revealed that the purchases include the following:

1. a squadron (16-18) of the Tornado Interdictor-strike aircraft built by British Aerospace, Messerschmitt-Bolkow-Blohm and Aeritalia of Britain, West Germany and Italy respectively.

2. Anti-aircraft missile batteries.
3. a \$460 million communications package.
4. howitzers and 105mm guns.
5. a reconditioned Oberone-class submarine. (This class of submarines was commissioned by Britain between 1960 to 1967 and cost between \$10.6 to \$15.8 million each).
6. ground-to-air missile launchers.

(Various newspaper reports)

The question is, does Malaysia really need this new and reconditioned weaponry? Who are these imaginary enemies threatening Malaysia today? And were some or any one of them to descend upon us with the full force of their/its might, would the level of armaments and defence arrangements with outside powers be adequate anyway? I suspect that the government and the most high ranking armed personnel in the country may not even agree on, or have the "right" answers to, all these questions.

Even if one admitted — unlike Costa Rica's Nobel Peace Laureate President Oscar Arias Sanchez — that a modicum of military forces is necessary for a sovereign state, does not Malaysia's present military strength suffice for its 16.6 million population?

The Military Balance published by the International Institute of Strategic Studies, London, lists an armed forces strength of 110,000 of regulars (army — 90,000; navy — 9,000; airforce — 11,000). The navy has four frigates and many fast attack crafts but no submarine, which position is consistent with present needs involving mainly the patrolling of our territorial waters and economic zones and preventing intrusions from pirates and unauthorised foreign fishermen. Some upgrading of patrol crafts and equipment may be warranted but an Oberone-class submarine seems superfluous at this juncture.

The Air Force is perhaps more problematic. Malaysia's two squadrons of McDonnell-Douglas A-4 Skyhawks seem more inclined to crash than to fly. After the fifth Skyhawk, purchased from a stock that was mothballed for years in the Arizona desert and refurbished in Singapore, plummeted seawards within days of another crash, the Defence Ministry has decided to ground the remaining 33 and have a full scale inquiry. Since 1957, 23 of RMAF's ill-fated aircraft have unceremoniously met the earth or sea, a record that no airforce can be proud of, particularly when it has never faced a real war. Given the hypothesis that aircraft bought may be technically imperfect, there is some argument for new purchases. However, rushing into Tornados is another matter, especially when no full-scale study or inquiry is made about the technical status and airworthiness of present RMAF planes. It was a similar unconsidered decision to purchase the obviously faulty Skyhawks that has got us into the present mess. Our neighbours — Singapore and Thailand — seem to prefer the American F-16s, hitherto touted as state-of-the-art. Is buying the European Tornados a matter of one-upmanship?

The government has so far not made it known that a serious and systematic mapping of defence needs has ever been carried out. As far as the public is concerned, there has been none. This is as good a time as any — given the Skyhawk crashes and the intended arms purchases — to have a moratorium on buying of all arms until a full scale (even Royal) commission is conducted to assess in a logical and rational manner Malaysia's defence needs towards the 1990s. Given the nature of the Memorandum of Understanding and the 10-year duration of the deal (although details have not been revealed), this option is not entirely foreclosed.

The overall implication of Dr. Mahathir's arms deal is that Malaysia which has been cutting back on arms spending since 1984 has done so purely for economic reasons. Some of us were hopeful that the salutary effect of recession on the defence budget was permanent. But this is obviously not to be so. It should be of interest that Malaysia ranks amongst the highest in defence expenditure as a percentage of GDP. At a glance, again from *The Military Balance*, its comparison with a few selected Asian countries on this score in 1985 was as follows:

Singapore	—	6.8%
Taiwan	—	6.6%
Malaysia	—	5.6% (For 1981, it was 8.1%)
South Korea	—	5.2%
Thailand	—	3.9%
Burma	—	3.3%
China	—	2.9%
Indonesia	—	2.7%
Philippines	—	1.4%
Japan	—	1.0%

Malaysia's present arms deal will likely push it to number one spot among these countries but the wider implication is that much of the economic gains from the much touted economic recovery spurred by upward trends in commodity prices will be soaked up in the future by the arms deal. It is not entirely clear what are the real benefits of the counter-trading clause in the Memorandum of Understanding. If there are no caveats (again the public is in the dark) on rising commodity prices, Malaysia might even be the loser in such a deal.

The gravest implication of Dr. Mahathir's arms deal with Britain is that, our country has behaved unimaginatively and typically like the average third world country. It has been conned by the abysmal logic of a war-mongering, capitalist world system, which makes all arms makers of the developed world and their military-industrial complexes the winners and poor third world countries hooked on "national security", the losers.

More than this, the new high profile that Malaysia has created for itself militarily in the region — and already there is much flak from our arrests of 49 Filipino fishermen on disputed economic zones — will make nonsense of our espousal of Zopfan.

Our guest writer is Associate Professor of Political Science at Universiti Sains Malaysia.

JETTY TRAGEDY

WAS PPC NEGLIGENT?

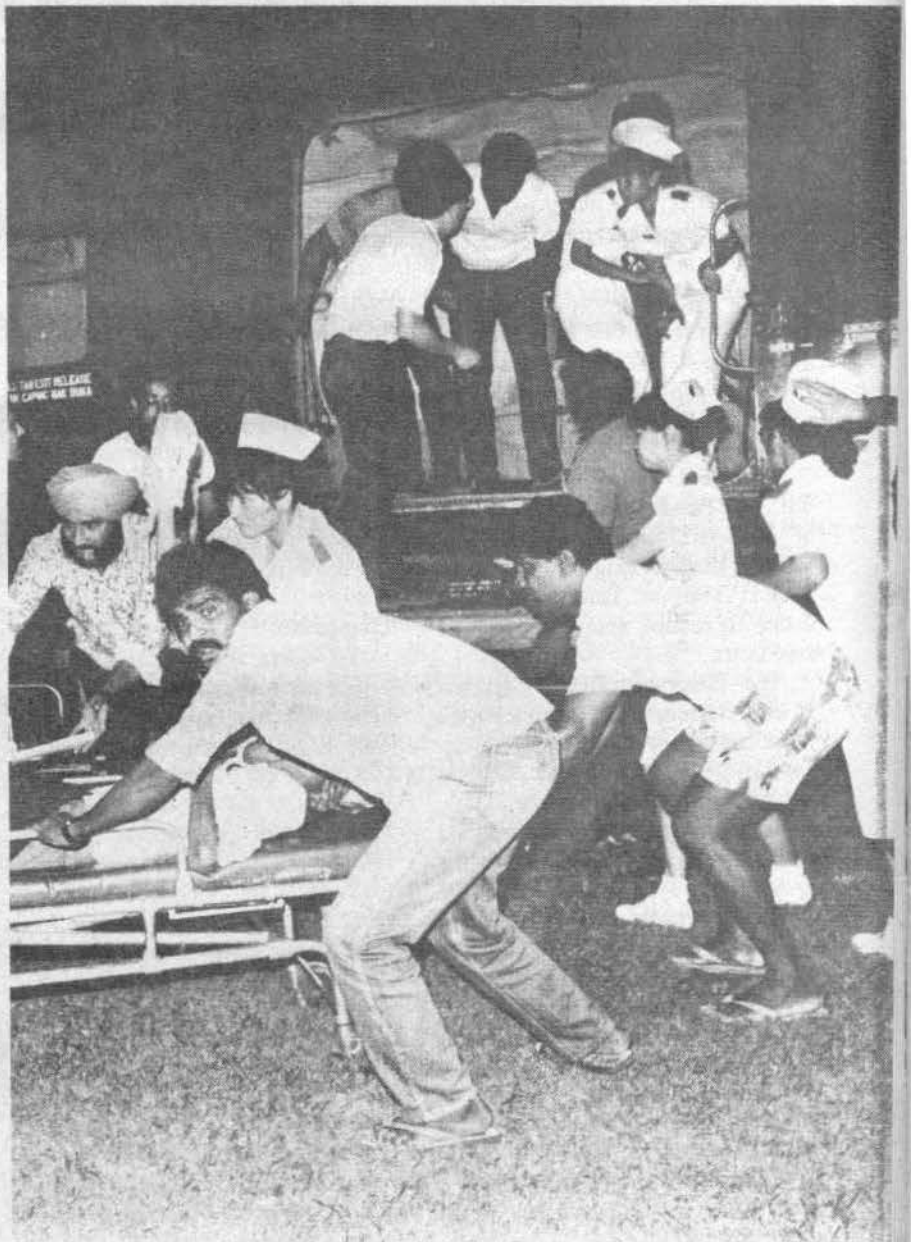
The Butterworth jetty tragedy shocked the nation. Here, lawyer S. KANAWAGI, an ex-employee of PPC reveals a blow-by-blow account of how successive and extensive renovations to the original structure led to disaster, killing 32 and injuring hundreds.

As an ex-employee of the PPC, I would like to relate some factual history behind the recent collapse of the ferry passenger Platform which has resulted in a major national tragedy.

Sometime in 1956, the PPC commissioned a passenger-cum-vehicular RO-RO (Roll on - Roll off) ferry service. To facilitate this service, two new RO-RO Terminals were built, one on the mainland in Butterworth and the other on the island. The ground structure of the two Ferry Terminals were concrete reinforced with a steel meant to cater only for vehicular traffic. The 1st floor of the Terminals, located about 25 feet above the ground floor, catered and still caters only for passenger traffic.

The first floor Platform is built on a suspension system, meaning that the Platform hangs from the roof. It has no supporting pillars below to hold it in position nor does the Platform stand on any pillars from the ground. This means that the suspension system of the Passenger Platform is sensitive to loads and overloads.

Originally at the Butterworth Terminals, the passenger path consisted of a side staircase located just beside the old Mitchell Pier which led to the first floor and the first floor comprised the abovementioned Platform from which passengers boarded the ferry via a liftable steel gangway. The present concrete viaduct leading to the Butterworth Railway Station and



The tragic end to PPC's list of ill-considered decisions

the concrete viaduct leading to the Bus Terminal were constructed and joined to the Passenger Terminal later. At the Island Terminal, two sloping gangways at either side of the Pier building led passengers to the 1st floor Platform from where passengers boarded the ferry via a liftable steel gangway.

Initially at the Butterworth Terminal, the Passenger Ticket Counters were located on the ground floor so that –

- (i) the weight of the ticket counters, the personnel thereof and the equipment used in the office were located at the ground level;
- (ii) if there was an excessive crowd trying to embark the ferry, the ticket-sellers could stop selling tickets and thereby prevent too many passengers from boarding the Ferry Passenger Platform; and
- (iii) those passengers shut out from purchasing tickets would have to wait on the ground floor.

Over time the PPC made changes to the original plans, the most significant ones in the last few years.

Change No. 1

The PPC decided to do away with the Passenger Ticket Counters at Butterworth Terminal and to retain a single selling Counter at the Island Terminal. This was done in order to reduce manpower and to save costs.

The Passenger Ticket Counters at the Butterworth Terminal were therefore removed. The cost of tickets issued at the Island end was doubled with a small rebate that is, while formerly the passengers paid 20 cents for one way or 40 cents for both ways, under the new system passengers paid 35 sen (now 40 sen) for a return trip.

Change No. 2

At the Island Terminal, originally there were two gangways leading to the entrance/exit of the Passenger Platform that is one at the north side and one at the south side. The Passenger Ticket Counters at both the entrances were located at the ground floor.

Subsequently due to the increase

of vehicular traffic and passengers getting on/off at the northern entrance, this entrance became a hazard to both passengers and vehicular traffic. Consequently the PPC closed down the northern entrance and diverted all the passenger traffic to the southern entrance.

Change No. 3

However at the southern entrance there were only two Ticket Counters for passengers which were crowded most of the time especially before office-hours in the morning.

To overcome this problem, the PPC decided to increase the number of Ticket Counters and to relocate the passenger ticket-selling counters onto the 1st floor of the Ferry Terminal. As a result, about 8 new Passenger Ticket Counters were built on the 1st floor.

Change No. 4

As time passed the vehicular as well as passenger traffic kept on increasing and at the height of demand the PPC had about eight passenger-cum-vehicular RO-RO ferries in service.

Owing to the increase in the frequency of the ferry service, passengers were taken off the Platform at a faster rate thus reducing stress on the suspension system.

Change No. 5

To cater for the increase in vehicular traffic, the PPC adopted a new all-vehicular RO-RO system. Two RO-RO Terminals were built, and bigger and faster double-decked all-vehicular ferries were deployed. This system was completed in 1977.

As from the operation of the all-vehicular Ro-Ro ferries, the PPC reduced the number of trips of its old passenger ferries because motor vehicles were going over to the new ferries and passengers were not taking up space in the old ferries. Manpower, fuel and maintenance costs were saved.

The reduction in passenger trips meant that the number of passengers waiting at the Terminal for embarkation increased. Consequently additional stress was placed

upon the Platform's suspension system which by 1977 was over 20 years old.

Then the Penang Bridge was built and commissioned, and the Highway Authority who manage the Penang Bridge decided to locate their one-way toll collection at the mainland end. To harmonise the collection of fares, the PPC also decided to transfer their passenger ticket-counters to the Butterworth Terminal. If this had not been done, motorists would have obtained a free ride to the island using the ferry and return free to the mainland via the Penang Bridge.

Change No. 6

The PPC decided to locate their Terminal in Butterworth on the suspension system itself. In order to do that, the PPC expanded the Platform at the Butterworth Terminal. Extra steel structures and hardwood planks were used to make this extension.

Change No. 7

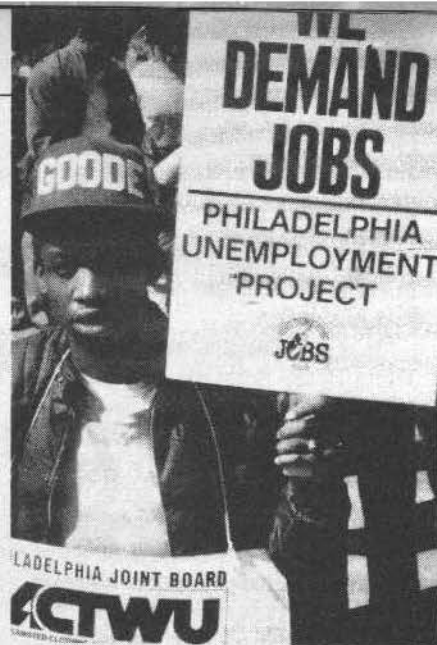
PPC also decided to reduce their manpower by mechanising their passenger fare collection service. Automatic ticket-selling machines were placed at the Butterworth Passenger Terminal on the 1st floor Platform about 30 metres from the ramp. This resulted in additional stress on the suspension system.

The Ferry Department which was then on the concrete first floor of the Island Terminal was also relocated to the abovementioned Butterworth Passenger Terminal. Moreover, stalls, canteens and shops were built on these Butterworth Passenger Terminals, thus adding greater load and stress to the Platform.

Probably the original planners of the terminal never contemplated the magnitude of stress which the Platform was ultimately subjected to, and which may well have led to its collapse.

Finally one must also question the quality of the managers and other professionals employed by the PPC service as from mid-1970s who allowed the abovementioned state of affairs to develop until its ultimate tragic conclusion. ●

REAGAN'S BLEAK LEGACY



Rising US poverty gives the lie to Washington's claim that its policies have restored prosperity. JONATHAN FRIEDLAND reports from Washington.

Most mornings US state department officials arriving at work from the Washington suburbs have to pick their way through a mass of ragged, sleeping bodies on the grass – and in the winter, on the steam grates – surrounding their offices.

The numbers of homeless in the US have grown substantially in the past five years, during which time the Ronald Reagan administration has slashed federal spending on subsidised housing by 78 per cent.

At Washington's city hall, health and social workers were recently told that local infant mortality rates – a basic indicator of poverty the world over – are rising. City officials say that the amount of tax dollars available to provide care for mothers and nutrition for their infants has been falling. "We thought we had managed to hold the line," says one exasperated health worker.

On street corners of the capital of the world's richest country, there are growing numbers of beggars, many of them mentally ill, standing for hours with cups or cigar boxes extended, looking for

some change to tide them through the day.

These stark images, which are repeated throughout the country, contrast with President Reagan's claims that his aggressive free market policies have produced the longest and most powerful economic recovery since the Second World War and a renewal of the long-cherished vision of prosperity for all Americans.

According to the Centre on Budget and Policy Priorities in Washington, the number of families below the poverty line remains significantly higher than 10 years ago. In addition, the income division between rich and poor has further widened and, worst of all, the number of children who are considered poor has continued to rise rapidly.

"Economic recovery has failed to reduce poverty to pre-recession levels, in part because the gains of the recovery have been unevenly distributed and have benefited the rich much more than the poor," says Robert Greenstein, director of the non-partisan research group.

Part of the reason for this is income distribution and the administration's policy towards it, he

says.

Income distribution through federal spending programmes, a feature of Washington policies since the 1930s, became an integral part of the US economic and social landscape in the 1960s and 1970s. However, since coming to office in 1980, Reagan has sought to cut away at the social safety net concept that became a reality as a result of President Lyndon Johnson's war on poverty during the 1960s.

The conservative movement argued that welfare spending and Johnson's policy of federally backed compensatory programmes made the poor worse off by encouraging them to become dependent on government handouts.

This has been the overriding philosophy at work during the Reagan years. Federal transfers to state and local governments for welfare programmes have been slashed by US\$114-billion since 1981 as the administration has sought to cut the US\$200-billion national budget deficit.

Administration policymakers argue that the poor no longer have sufficient incentive to work because

their welfare benefits pay them either as much, or almost as much, as any job they would likely qualify for. And they have argued that vulnerable groups, such as the elderly, the mentally ill and children of single-parent families, can best be cared for through a combination of minimal government spending and private charity.

In a confidential report to the White House domestic policy council last year, senior Reagan aide Charles Hobbs argued that "the current national welfare system, although aimed at assisting poor people who cannot meet their own needs, provides unneeded benefits to many people who are not poor, reduces incentives for work and self-reliance and discourages strong family and community ties."

In its tug-of-war with congress, however, the administration has not succeeded in systematically dismantling what it caustically refers to as the welfare state — partly because of the work of such senators as Edward Kennedy and Daniel Patrick Moynihan, both northeastern democrats, and partly because there is still strong populist support for helping the poor.

Administration critic and prominent civil rights lawyer Joseph Rauh says: "The net worth of the Forbes 400 (the richest individuals in the US) went up in one year almost 20 per cent, compared with a 2.7 per cent rise in the country's gross national product. While this was happening, the real hourly earnings for production workers were going down and the percentage of people living in poverty was rising."

Along with a worsening of income distribution, the Reagan era has also been marked by a demographic shift in poverty. Increasingly, the poor are concentrated in the depressed inner cities of the mid-west and the northeast. The number of poor blacks and hispanics has also risen steadily since 1980.

And these trends, at least in the short term, seem likely to continue. According to a study prepared by the joint economic committee of congress, of the 8-million new jobs

created during the recovery, more than half paid less than US\$7,000 a year.

With employment patterns shifting from highly paid industrial jobs towards low paying service work, and with poverty increasingly centred on non-whites, liberals argue that the Reagan administration's policies have helped to create a permanent underclass.

But a return to the so-called great society days of income redistribution through entitlements does not appear to be on the cards after seven years of conservative control of government.

Proponents of a greater government role in solving poverty, including those who believe in the classic liberal solution of trying to achieve full employment and creating special job training and public service employment programmes in the inner city, do see some hope on the horizon.

"The brief national fling with policies encouraging personal greed at the expense of the public good cannot obscure the powerful vein of idealism just below the surface," says John Jacobs, president of the National Urban League. "We have weathered the worst." ●



"No amount of tinkering can fix up the present international system . . . the future prospects of the human species depend upon internalizing an essentially religious perspective, sufficient to transform secular outlooks that now dominate the destiny of the planet".

• RICHARD FALK

APARTHEID

IT'S EVERYONE'S BATTLE

Excerpt of a coherent plea against apartheid as embodied by the South African regime by Commonwealth Secretary-General SIR SHRIDATH S. RAMPHAL in his key address at the Third ISIS World Affairs Lecture in February 1988 in Kuala Lumpur.

I want to begin this Lecture with some words that were spoken in the Parliament of Malaya over a quarter of a century ago and I quote,

"Are we going there just to talk platitudes with a country whose hands are stained with red blood of innocent human beings? . . . Are we to stand by and say nothing, and do nothing? I think not – and I intend to speak out . . ."

Those who rule South Africa today . . . do not conform to our Commonwealth ideas and ideals of human rights and justice, and I am beginning to think whether a country like South Africa has any right to be within this family of nations . . ."

The date was April 26, 1960. The Speaker, Malaya's Prime Minister Tunku Abdul Rahman. The occasion, a debate in the Dewan Ra'ayat (House of Representatives) on a motion put down by the Prime Minister expressing abhorrence at the violence used in pursuance of apartheid. The Tunku was to attend his first Commonwealth Prime Ministers Meeting in a few weeks time in London.

At London later in May 1960, the Malayan Prime Minister spearheaded an assault on apartheid which was altogether unique in the history of Commonwealth meetings. The Tunku, as the newest Prime Minister, was chosen to respond to Prime Minister Harold Macmillan's opening speech of welcome. It was a moment of growing up for the Commonwealth. Eschewing platitudes, the Tunku challenged the Commonwealth – the old Commonwealth in particular. He said,

"I have come away from Parliament almost directly, armed with a resolution which compels me to speak about it here. I must say that for the first time all the parties in our Parliament were united and unanimous in giving me the mandate to take up the issue of apartheid, first in South Africa's relations to the

coloured people in that country, secondly in her relations with the non-white members of the Commonwealth . . ."

The Tunku had indeed spoken in a simple way; but, as a direct result of his plain speaking, nothing would ever be the same again for South Africa or the Commonwealth. The issue he raised was to lead a year later, at the next Commonwealth meeting held in London in March 1961, to South Africa's withdrawal from the Commonwealth. In his authoritative survey of Commonwealth affairs, J.D.B. Miller writes of how great was "the personal element of these meetings" and he singles out Tunku Abdul Rahman as among those who "figured in significant episodes which might have turned out quite differently if other men had been there in their places".

Another point to be made concerns the timelessness of the issue of apartheid and the universal concern to which its perpetuation must give rise. Apartheid is the modern version of the same curse of 'otherness' that has stained the pages of every civilisation and which any nation acquiesces in at the peril of its own moral values. But that acquiescence does more; it panders to the worst instinct within every society to make class, or colour, or creed, or tribe, or ethnic origin, or any form of 'otherness' the basis of bias and prejudice in the human heart or outright discrimination and oppression under law. That is what slavery was 200 years ago and race has been a primal reason for 'otherness' – with the white race all too often as enforcers and the black race as victims.

But, it is not always so, and race is not the only basis for human bondage. It may be religion and it may be class. The Nazis perverted Darwinism to justify the persecution and enslavement of the Jews; and today, in a strange paradox, what else is it but 'otherness' that unjustly denies a homeland to the Palestinians? All this is why apartheid is everybody's business. None of us should forget those moving words of Pastor Niemoeller – himself a victim of the Nazis – when he wrote:

"First they came for the Jews and I did not speak out – because I was not a Jew.

Then they came for the communists and I did not speak out – because I was not a communist.,

Then they came for the trade unionists and I did not speak out – because I was not a unionist.

Then they came for me – and there was no one left to speak out for me."

Have no doubt, the bell of apartheid tolls. For the struggle to end it is a struggle that involves every one on this planet.

Violations

Even so, two questions are asked. First of all: Why South Africa? Why single out South Africa from the number of countries where human rights abuses take place? Are we not being selective in our application of morality?

First, it is South Africa, because in that country, and that country alone, a minority racial group clings to power seeking to entrench itself, forever, on a basis which denies every fundamental right and freedom to its overwhelming non-white citizens even to a point of stripping millions of citizenship itself and forcefully removing many to arid wastelands. Denied freedom of movement, of assembly, and of speech, denied equality of opportunity, and subjected to arbitrary arrest, torture and detention, 25 million people are kept in a state akin to slavery.

The world, therefore, does not single out South Africa for special displeasure and concerted condemnation. That, South Africa does for itself. And daily it reinforces the moral outrage of the world.

A further question posed is: 'Why is the Commonwealth in the forefront of the international struggle against apartheid?' I have no doubts whatever about the answer or its rightness. The Commonwealth itself represents the supremacy of community over otherness. It is the negation of both dominion and racism. Apartheid is the embodiment of both. Minority white dominion is sustained by doctrines of racial superiority and systems designed to both reflect and entrench racial inequality. Apartheid is the very antithesis of the fundamental values of the Commonwealth and, as such, poses a challenge to governments and peoples throughout the Commonwealth.

In acting against South Africa, no one condones the human rights abuses of other states. These are, and will continue to be, a cause for condemnation. The Commonwealth was the first to move against Amin's Uganda when his abuses became so gross. But gangrenous infections like apartheid must be removed before our body politic can effectively resist other blemishes, not only because of its order of magnitude but because the persistence of racism actually diminishes our moral authority to uphold human dignity anywhere.

Why does apartheid persist; why do the power-brokers of the world allow it to persist? Why, in particular, do Western countries whose economic and other relationships have so largely underpinned South African state power, and who themselves have a just pride in democracy for themselves permit apartheid to persist? It is to these questions that I should like to turn because it seems to me increasingly that what sustains this abhorrent system and emboldens Pretoria to even further excesses is the sense of reassurance and security which South Africa derives from the policies of major Western countries.

But since I shall speak mainly of the West, let me

make it clear at the outset that there are among Western countries some who had lived up to their own high moral and political traditions in the stand they have taken against apartheid South Africa. We must acknowledge their contributions and recognise the moral fibre of their governments and people in making that stand.

All these must be acknowledged and remembered. The world is not made up of black governments and white governments. It is still a world of people; and, in democracies, people will ultimately prevail.

But that is the long run. In the shorter term, governments are the decision-makers and the decisions of major Western countries on apartheid South Africa are the ones that matter now to those overborne in South Africa, and in Southern Africa generally, by the evil power that emanates every day from the apartheid fortress.

Worsening abuses

As the struggle against apartheid intensifies within South Africa, and as the regime's record at home becomes more brutal, flagrant and indefensible, such perceived Western identification with Pretoria inevitably becomes more offensive and more unacceptable. But, most serious of all, the linkage becomes more inseparable. It is one thing to be ambivalent about a great wrong; it is quite another when that wrong becomes a gross and palpable abuse against humanity. There is a point when to abstain is to condone. That point has been reached in relation to apartheid.

In underlying what I know to be the state of opinion in Southern Africa I do not overlook other opinions. I know that some question, with sincerity, the effectiveness of sanctions. It is international consensus as a whole which closes the ring; it is the opting out of the strongest, much more than the impotence of the weakest, that diminishes any sanctions effort and gives apartheid a free ride.

I have ventured to speak as I have done because I believe that there is still a chance to regain that higher moral ground and to reinstate the West in the friendship of Southern Africa. For this chance to be taken, the West must be seen to be clearly and unequivocally on the side of the anti-apartheid struggle. It is not now so seen; most important of all, it is not now so seen by Pretoria and Pretoria, therefore, is emboldened.

It is almost exactly two years ago that the Commonwealth Group of Eminent Persons (EPG) set out on their *'Mission to South Africa'*. The EPG won the confidence and the co-operation of black South Africa within and beyond its borders — and of at least a part of white South Africa. Their mission ended in the early dawn of 13 May 1986, when South African military aircraft attacked targets in Lusaka, Harare and Gaborone. That was the day the EPG was to receive from The South African Government Ministers in Cape Town their answer to the *'Negotiating Concept'* the Group had put before them after the most comprehensive consultations for the ending of apartheid and the start of negotiations for a democratic South

Africa that had ever been undertaken. That act of aggression was Pretoria's answer delivered in apartheid's language of crude violence. White South African was not prepared to undertake the journey of peace.

Why does Pretoria feel so emboldened? The answer surely lies not only in the nature of the evil that is within South Africa, but also in the virtual acquiescence in it that comes from without. It is a **seeming** paradox that as world opinion reaches a high point of mobilisation against apartheid (at the level of both Governments and people), we witness simultaneously more open gestures of support for Pretoria from small but influential groups around the world. In truth, it is not a contradiction: it is merely that as the struggle intensifies the lines become more clearly drawn.

The Commonwealth, through the EPG, succeeded in reaching the black community because of the wide range of countries and individuals associated with that exercise. Three meetings with Nelson Mandela himself in Pollsmoor Prison, lengthy discussions with every significant political element within South Africa, long meetings with the African National Congress (ANC) and with Front-Line Governments, led the commonwealth Group in its Report (*'Mission to South Africa'*) to assert that:

Negotiations leading to a fundamental political change and the erection of democratic structures will only be possible if the South African Government is prepared to deal with leaders of the people's choosing rather than with puppets of its own creation.

President Botha's recent statement expressing his determination to 'break' the ANC bode ill for the country's future. There can be no negotiated settlement in South Africa without the ANC; the breadth of its support is incontestable; and this support is growing. Among the many striking figures whom we met in the course of our work, Nelson Mandela and Oliver Tambo stand out. Their reasonableness, absence of rancour and readiness to find negotiated solutions which, while creating genuine democratic structures would still give the whites a feeling of security and participation, impressed us deeply. If the Government finds itself unable to talk with men like Mandela and Tambo, then the future of South Africa is bleak indeed."

How right they were in that judgement. Exactly a week ago the world awoke to the almost unbelievable news that Pretoria had taken a still further step down the road of repression with the banning of political action by 17 organisations, including the UDF, COSATU and the Committee for the Release of Detainees. What Pretoria has now done is to criminalise peaceful protest and dissent.

So, let us see developments for what they are, a vindication of the EPG's conclusions that South Africa is not willing to negotiate change in any meaningful way, and a reiteration of the question they asked in the conclusion of their report: Will the world now **"take concerted action of an effective kind? . . . action (that) may offer the last opportunity to avert what could be the worst bloodbath since the Second World War."**

Action

Let me end, with some suggestions for immediate action in the weeks ahead: a global five-point response to Botha's *'crackdown'* on peaceful change in South Africa —

1. Action at the **international level**, preferably through the Security Council, to secure a widening, tightening and intensification of economic and other sanctions against South Africa; sanctions designed not so much to punish the evil doer, as to end the evil.
 2. Action at the level of **Third World and other countries** which have applied a comprehensive range of sanctions against South Africa, to examine, preferably jointly what action they can take, separately or together, to encourage others to apply sanctions — especially countries whose abstention from international sanctions undermines the sacrifices made by those who do apply them.
 3. Action at the level of **Africa**, preferably through the Organisation of African Unity (OAU) to refuse transit and over flying rights to airlines flying to South Africa.
 4. Intensified action at the level of **people**, in Western countries in particular, through consumer boycotts and demands on their governments and corporate sectors to force curtailment of trade with, and investment in South Africa; and
 5. A concerted international demand on Pretoria for action on the lines of the EPG's *'negotiating concept'*: for an end to the violence of apartheid, the release of Mandela and other political prisoners and genuine negotiations with the true leaders of the black people in South Africa for political freedom in the context of an end to the apartheid system.
- We cannot only talk of *'crisis in South Africa'*. We have to act to end it or accept the tolling of the bell for everyone: black and white alike in South Africa, and ultimately for everyone, everywhere. ●

ETHNIC GROUPS IN SOUTH AFRICA

The native Africans (Blacks) constitute approximately 73 percent of a total population of 33 million. The Whites make up 16 percent, Coloureds (mixed race) 9 percent and Indians 3 percent. The Blacks include several different ethnic groups, such as the Zulu (27 percent), Xhosa (26 percent), Tswana (11 percent) and Sepeta (10 percent).

The Whites consist of the Boers (60 percent) who speak Afrikaans and the other 40 percent speak English. The Coloured group comprise mixed races born of the Coloured and local Africans, but they also include Malays who were brought there as indentured labour, and the Khoi Khoi and the San. Most of the Indians originated from immigrant labour from South Asia who came to work on sugar plantations, the railways or coal mines in the late 19th century.

APARTHEID

The Nationalist Party, which is the Afrikaans' party, came to power in 1948 and since then it has established apartheid (which in the Afrikaners language means 'separation') as part of the legal and social system. Discrimination against the native Blacks and the Coloureds was perpetuated by a series of laws passed since 1948 to institutionalise apartheid. Among the worst of these measures are:

- The Group Areas Act – for residential segregation.
- Separate Representation of Voters Act – for the removal of the Coloureds from the common voting roll.
- The Separate Amenities Act – which validates every type of government-approved discrimination in the facilities provided for different racial groups.

Under apartheid, living areas are segregated, with the Whites who make up 15 percent of the total population having a monopoly over 87 percent of the land. 54 percent of the Blacks have been officially expelled to the so-called "Homelands," comprising 13 percent of South Africa, mostly deserted and remote areas. Black women, children and aged people, who are categorised as not being useful for White society, live there. A substantial proportion of the Blacks are living in townships which are outside the Homelands and close to 'White' areas. Blacks are permitted in White areas only as temporary sojourners and on licence for the purpose of fulfilling the requirements of the White-run economy.

Another basic feature in the theory of apartheid is race classification. Under the Population Registration Act of 1950 every person at birth has to be classified in one of four racial groups: White, Indian, Coloured or Black.

Worse, the Black population is subject to further classification. Under the Promotion of Bantu Self-Government Act 1959, Blacks were classified into 10 separate 'Bantu' peoples linked to native reserves of "homelands", the purpose of which was to lay the basis for the policy of constitutional separation of the African population.

Under the subsequent Bantu Homelands Citizenship Act 1970 every Black person in South Africa was declared to be a citizen of one of the homelands. It is the government's policy that all "self-governing" homelands become "independent" states. As a result,

sections of the Black population are now foreigners within South Africa and possess passports. And ultimately there will be no Blacks who are citizens of the Republic of South Africa.

The Black population had no right by law to own land or to reside in or to enter into urban White areas, except for employment. The presence, movement and residence of Blacks in the rural areas of 'White' South Africa is subject to control by the authorities. Africans have no right to tenure or occupation of farm land. They can only be present there as farm labourers or as their dependents. Trespass – entering or remaining on property without the owner's consent – is a civil matter, but not in South Africa where it is a criminal offence. In 1984, for example, more than 90,000 Blacks were arrested for alleged trespass.

In order to sustain the system of apartheid, South Africa has been forced to function as a police state and at any given time, not less than 400,000 Whites are fully engaged in administering the various institutions of apartheid.

IMPRISONED UNDER PASS LAWS

Each year many thousands of Blacks are prosecuted in special courts for Blacks known as "commissioners court". They are either convicted, fined or imprisoned under special "pass laws" which seek to control the residence and movement of the Blacks.

A majority of Blacks imprisoned under the pass laws are subjected to cruel, inhuman and degrading treatment, or made available as cheap labour to white farmers, where they will be treated just like their forefathers were treated two hundred years ago – like slaves.

Pass laws can be traced to the mid 18th century and to the control of imported slaves, where slaves wishing to travel within the settlement must apply for a pass. Beginning with the Bantu Pass Law of 1967 in the Cape of Good Hope, different laws and ordinances in the various provinces laid the basis for the modern system of control of Blacks through documents and criminal laws.

The imposition of this system of passes was strongly resisted by the Blacks. Strikes, civil disobedience, and demonstrations against passes were vigorously suppressed by the State, culminating in the Sharpeville Killings in 1960 when 69 Blacks were shot dead by the police.

CURRENT COMMENT

A record of Aliran's complete press statements made in the preceding months

ALIRAN BRANCHES

ALIRAN applied to set up branches after its Annual General Meeting in December 1986.

Up till now ALIRAN has not received any response from the Registrar of Societies. Setting up branches is a fairly straight forward matter and does not involve complications.

Public interest societies have a right to set up branches as stipulated in the Societies Act.

ALIRAN does not understand why there is such a long delay. Since ALIRAN now has members in all the States in Malaysia it is important that branches are established to facilitate the work of spreading social awareness.

ALIRAN urges the authorities to expedite the approval of our application to set up branches if the authorities want to live up to their professed commitment to democratic rights.

14 September 1988 Hamima Dona Mustafa
Secretary

The above statement has not appeared in any daily — Editor

MALAYSIA DAY

September 16 is Malaysia Day, the day when Sabah and Sarawak officially became part of the new Federation of Malaysia in 1963.

On this occasion, Aliran wishes to remind Malaysians of the significance of our federal system of government in which relations between the component States and the central government are clearly defined by written laws. It is important for the people to bear in mind that State rights and powers viz a viz Federal rights and powers must be faithfully maintained in accordance with the spirit of a Federation.

In this respect one must note with regret the recent attempts by the Federal Government to curtail

by legislation the agreed rights of individual States. In particular we refer to the amendments to the Federal Constitution passed in March 1988 which provide unprecedented powers to the Federal Government at the expense of State rights over land situated within each State.

16 September 1988 Gan Teik Chee
Exco Member

The above statement has not appeared in any daily. — Editor

THE GLORIFICATION OF POISON-PEN LETTERS

ALIRAN is astonished that an important Minister in the Federal Cabinet can suggest that a Centre be established for poison-pen letters. He has even suggested that the Centre be housed at the Muzium Negara or the National Archives.

Agriculture Minister Datuk Seri Sanusi Junid is of the opinion that a Merdeka Day exhibition of these poison-pen letters is worthy of consideration. The letters could, he has proposed, take the form of a book.

It is wrong to glorify poison-pen letters in this manner. By the very term that is used to describe these letters, it should be obvious to anyone that they are despicable, contemptible pieces of work. Their place is in the waste-paper basket, not in the archives or in the nation's museum.

If by making such a bizarre suggestion, Datuk Seri Sanusi hopes to shame poison-pen letter writers and dissuade them from pursuing their vile mischief, it is quite likely that he'll fail. For public odium will not affect poison-pen letter writers. The only way to curb their activities is by eliminating the conditions and circumstances that breed poison-pen letters.

Poison-pen letters flourish when elites become secretive and conduct the affairs of the nation on the basis of cliques and loyalists. There is, besides, a close correlation

between the rise of poison-pen letters and the decline of an open, democratic media.

In order to tackle the problem of poison-pen letters, then, the Minister of Agriculture should persuade newspaper editors and Radio and Television authorities to be truly democratic. If there is frank and forthright exchange of views in the mass-media, there will be less need for — and even lesser interest in — poison-pen letters.

At the same time, Government leaders should be fully accountable to the people. It is quite conceivable that if they practised genuine accountability, the relationship between the Government and the people would improve considerably. Even if some of the political foes of the Prime Minister resorted to poison-pen letters, they would find that they have no market.

To kill poison-pen letters, therefore, what Malaysia needs are one, a democratic media and two, a leadership that practises democratic accountability. Glorifying poison-pen letters is a non-solution. Worse, it will only aggravate the problem.

29 September 1988

P Ramakrishnan
Exco Member

4.6 BILLION RINGGIT ARMS DEAL!

ALIRAN is deeply concerned about the allocation of 4.6 billion ringgit for the purchase of military equipment from Britain over a period of 5 to 10 years.

The Prime Minister has argued that this colossal purchase is "to replace old weapons". It is part of the process of modernising our armed forces. According to the memorandum of understanding signed between the Malaysian and British governments the purchase will include:—

- 1) Tornado interdictor-strike aircraft
- 2) Anti-aircraft missile batteries
- 3) A 100 million pound (about 460 million ringgit) communication package
- 4) Air defender radars
- 5) Howitzers and 105-mm guns
- 6) A reconditioned Oberon-class submarine and
- 7) Ground-to-air missile launchers

Since it is the duty of citizens in a democracy to question the government on public expenditure

— especially when the amount involved is astronomical — ALIRAN would like to know whether there is a compelling need at this point in time “to replace old weapons”. Are we to believe that our navy and air force in particular are equipped with such obsolete arsenal that the moment there is a slight economic recovery the government has no choice but to commit 4.6 billion ringgit for the purchase of tornados, ground-to-air missile launchers and submarines? Is equipping the armed forces with modern, sophisticated weapons a more urgent task than overcoming the serious unemployment problem in the country, or reducing our huge external debts or easing the congestion in our schools and hospitals? For it goes without saying that by allocating such a massive sum of money for the purchase of military equipment, other sectors of society which have been badly hit by the economic recession, will be deprived of much-needed financial support.

Surely, lowly-paid workers in both the public and private sectors — who have been looking forward eagerly to wage increases in view of the economic recovery — should have priority over arms. By the same token, it would have been much better for the well-being of the rakyat if some of the 4.6 billion ringgit could be allocated for developing the food-production sector of the economy. Similarly, if a small portion of the money that is going to be spent on weapons could be used for scientific and technological research geared towards industrialization, the nation as a whole would benefit tremendously.

Military expenditure of the type the government has embarked upon will impede economic growth and development. It is the sort of expenditure that will not result in the creation of new jobs or generate productive economic activities. Only a small group of people at the elite stratum of society will benefit directly from the transaction. As it happens so often in arms deals elsewhere, kickbacks and commissions may well proliferate.

Apart from these negative consequences for society, one should also ask how this massive arms purchase fits with the Government's professed commitment to ‘a zone of peace, freedom and neutrality (Zopfan) in Southeast Asia? After all, isn't Zopfan a crucial ingredient of both Malaysia's and ASEAN'S defence and foreign policies? If we are serious about creating Zopfan shouldn't we — in consultation with other

ASEAN States — seek ways and means of reducing military expenditure in the region? As it is, Malaysia's military budget, on a comparative basis, surpasses those of most other ASEAN States.

For all these reasons, ALIRAN would urge the Malaysian Government to seriously re-consider its arms purchase from Britain. Since the memorandum of understanding signed with the British Government is “similar to a letter of intent” and does not commit us irrevocably to the purchase of military equipment from Britain (according to the Malaysian High Commissioner in London), Prime Minister Dr. Mahathir Mohamad should ask the Malaysian Parliament to re-evaluate and re-appraise the entire deal.

ALIRAN hopes that the Malaysian Parliament will revoke the memorandum of understanding.

29 September 1988

Chandra Muzaffar
President

The above statement has not appeared in any daily. — Editor

RELIGIOUS PROPAGATION: PROTECTING ISLAM?

In the course of the last 6 months or so almost all the State Assemblies in Peninsular Malaysia have adopted laws aimed at controlling and restricting “the propagation of non-Islamic religious doctrines and beliefs among persons professing the religion of Islam.”

ALIRAN has always maintained that the systematic, organized propagation of any religion in a multi-religious society like ours will, in the end, cause more harm than good to our people. What this means is that while non-Islamic religious doctrines should not be propagated among Muslims, neither should Islam be propagated among non-Muslims. Organized propagation whether it is by the State or by a private religious institution or by a private group or even by a single individual, should not be allowed in the interest of inter-religious harmony.

By organized propagation, one means any conscious endeavour to persuade, encourage or influence another person (or persons),

True Religion

This, and this alone
Is true religion
to serve the people

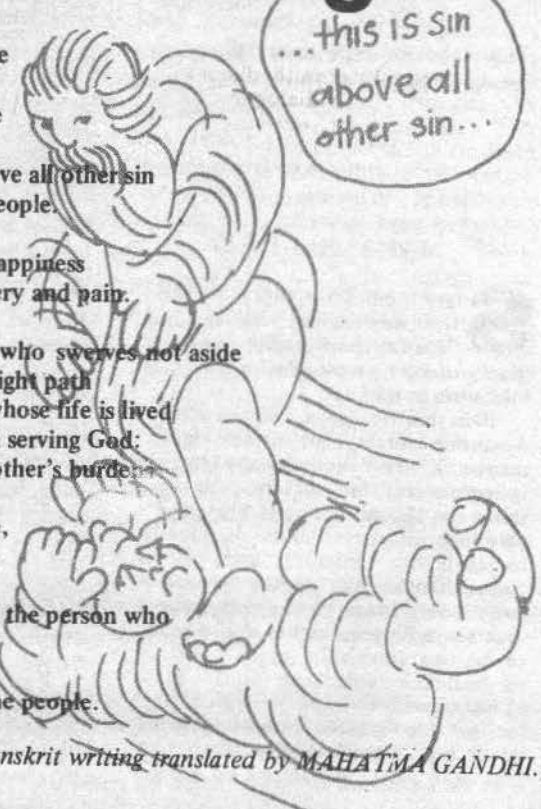
This is sin above all other sin
to harm the people.

In such a faith is happiness
In lack of it is misery and pain.

Blessed is he who swerves not aside
From this straight path
Blessed is he whose life is lived
Unceasingly in serving God:
by bearing another's burden
And so also
Is life, true life,
to be attained.

Nothing is hard for the person who
casting self aside
thinks only this.
How may I serve the people.

(A 16th century Sanskrit writing translated by MAHATMA GANDHI.)



through whatever channels of communication, to forsake his or her religion and to adopt some other religion. Religious propagation, as an activity, is often carried out in a systematic manner, with clear objectives, over a period of time. An isolated meeting or publication, even if proselytization is its goal, would not be considered as organized propagation.

While religious propagation is harmful for a society like ours, ALIRAN recognises the right of a person to seek, of her own volition, information on some other religion, other than her own. A person must also have the right to embrace another Faith, provided the person is above 18 years of age. For minors who want to change their religions, the written consent of their parents would be necessary. These rules should apply equally to adherents of all religions.

Unfortunately, the laws passed by the various State Assemblies which we referred to a while ago, offer protection only to Muslim minors. This is not fair and is clearly against the spirit of Islam. Non-Muslim minors should also be looked after. The law should prohibit the conversion of non-Muslim minors to Islam, without the written consent of their parents.

Even more serious are the implications of the new laws for inter-faith communication. By making it an offence to subject "the Muslim to any speech on or display of any matter concerning a non-Islamic religion," the various State Governments have restricted the scope for inter-faith dialogues. For any inter-faith dialogue, involving Muslims or attended by Muslims could be construed by the authorities as subjecting Muslims to non-Islamic religions. Such dialogues would invariably require people from the non-Islamic religions to talk about the "tenets, teachings, characteristics, fundamentals, observances, rites, rituals, virtues" of their religions, to Muslims and non-Muslims alike who may constitute their audiences.

In a multi-religious society like ours, it is crucial that dialogues and meetings are encouraged among followers of the different faiths. Islam as a philosophy does not prohibit Muslims from knowing about other spiritual traditions. Right through history Muslim scholars have studied other religions. Courses and even whole Faculties on comparative religion have existed in different parts of the Muslim world for hundreds of years. In the last few decades Muslim governments and Muslim groups in Libya, Algeria, Egypt, Morocco and Indo-

nesia have organized numerous dialogues between Muslims, on the one hand, and Christians and the followers of other religions, on the other.

The new laws on the propagation of non-Islamic doctrines among Muslims contain yet another prohibition which does not do any justice at all to the spirit of Islam. A person is prohibited from using certain words and expressions listed in Schedules to the laws to describe "any fact, belief, idea, concept, act, activity, matter or thing of, or pertaining to, any non-Islamic religion." Among these words and expressions are Allah, Illahi, Rasul, Nabi, Injil, Ibadah, Allahu Akbar, Insyallah, Masyaallah, etc. It is obvious that the authorities regard these words and expressions as the monopoly of Islam.

From a linguistic point of view, all these terms are part and parcel of the Arabic language, the language in which the Quran was conveyed to the Prophet Muhammad. A number of these terms, it is undeniably true, were already in general usage before the Quran was revealed to the Prophet. For instance, some Arab Christian groups, including those who lived in the Arabian Peninsula during the Prophet's time, were known to use the term 'Nabi' to describe the Prophets of the Old Testament.

In present-day Arab society, Christians of different denominations will tell us that nearly all the terms which have been proscribed by the new laws, are found in their religious Scriptures. Similarly, Indonesian Christians have been using words like 'Ibadah' and 'Mubaliq' in their discourses.

What this shows is that Islam, as a religion, has never sought to exercise 'exclusive rights' over

certain words and expressions. Indeed, no Muslim community anywhere in the world has ever attempted to establish a monopoly over linguistic terms.

Perhaps this linguistic exclusivism in our country is motivated by a desire to protect the religion, to prevent Muslims from getting confused by the use of expressions in non-Islamic religions which may be similar to what are found in Islam. If this fear is the motive force behind the recent legislation, it has no justification.

Apart from the fact that Islam as the official religion of the Malaysian Federation enjoys a constitutional and political status which makes it strong and secure, it must also be remembered that most Muslims in most places do not easily forsake their Faith — whatever the threats, whatever the blandishments. Even when almost every Muslim community on earth was under the mighty heel of some non-Muslim Colonial power or other, very few Muslims abandoned Islam to embrace the religion of the ruling class. Some of these Colonial powers were actively involved, directly or indirectly, in proselytization — as was the case with the Spaniards in the Philippines. And yet the Muslims of Mindanao remained Muslims. In our own country, in spite of a certain degree of bias on the part of the Colonial State towards Christian denominations reflected in the alienation of choice lands for the construction of churches and in the broadcast of church services over the Radio, hardly a handful of Muslims embraced Christianity during the British period. On the other hand, there are instances to show that non-Muslim conquerors of Muslim lands — like the Tartars in an earlier phase of history — in the end



Muslims at prayer.

Dictatorship is like drug addiction. Once caught in it there is no way of escape. This is not something new. We saw what was happening all around us with dictatorial rule — first with Soekarno, then Marcos and then Ne Win — they all had to go the hard way out of office.

TUNKU ABBUL RAHMAN, Bapa Malaysia

adopted the religion of the conquered!

As far as Muslims in present-day Malaysia are concerned, there is no threat to their religion from non-Muslim groups. The vast majority of Christian, Buddhist, Hindu, Sikh and Bahai groups in the country have scrupulously observed the Constitutional provision against the propagation of non-Islamic doctrines among those professing Islam. Mainstream Catholic and Protestant church groups — contrary to what some misinformed Muslims believe — have not been involved in converting Muslims. Even some of the fringe Christian Evangelical groups which may have sought to propagate their religion among Muslims

have had very little impact.

The laws passed by the various State Assemblies only go to show that the authorities have a tendency to overact when it comes to religious matters. Through their overreaction they have not only injured inter-religious ties but have also demeaned Islam — a Faith which exudes confidence because of its own inner vitality. The diffidence and insecurity of a segment of the Muslim community in Malaysia has, unfortunately, prompted it to defend the 'uniqueness' of Islam by destroying the integrity of Islam.

1 October 1988 Chandra Muzaffar
President

THE SACKING OF TWO SUPREME COURT JUDGES

ALIRAN is deeply saddened by the removal of Supreme Court Judges Tan Sri Wan Suleiman Pawan Teh and Datuk George Edward Seah Kim Seng.

Though by "staying away" and therefore "failing to perform their duties at the Supreme Court hearing in Kota Baru", the two Judges may have erred in a strict technical sense, there was no justification at all for such harsh action against them. The argument about the importance of maintaining "judicial discipline" used by the majority of the Judges in the Tribunal that investigated the conduct of these two Supreme Court Judges and three of their colleagues, has no basis to it. Tan Sri Wan Suleiman and Datuk George Seah acted in good faith to defend justice and to prevent a grave injustice from being done to the head of the Judiciary himself. That injustice outweighed the minor consequences of their failure to sit in Kota Baru which in any case "did not result in a miscarriage or perversion of justice."

The Tribunal should have looked at their decision to stay away from the Kota Baru sitting within the larger context of what was happening to the Judiciary. It was a Judiciary under siege, a Judiciary which was the target of a brutal assault by a powerful Executive. Indeed, given the eagerness of the Executive to transgress the limits of its authority vis-a-vis the Judiciary, the Tribunal should have been concerned not about "Judicial discipline" but about "Executive indiscipline". The Tribunal's report shows no understanding at all of the larger issues involved in the crisis facing the Judiciary or of the root causes of the conflict between the Judiciary and the Executive, which prompted Tan Sri Wan Suleiman and Datuk George Seah to act the way they did.

The only redeeming feature in the report is the dissenting view of one of the members of the Tribunal. He has shown, through a number of persuasive arguments,



Tan Sri Wan Suleiman Pawan Teh and Datuk George Seah sacked : for the Mahathir regime, 2 steps closer to total control of the judiciary.

why there should not have been the recommendation for the removal of Tan Sri Wan Suleiman. He has also presented an equally cogent line of reasoning in regard to one of the charges against Datuk Seah.

Now that two more Supreme Court Judges have been removed (Tun Salleh Abas, the former Lord President was dismissed on 8 August 1988), the Mahathir regime has moved two steps closer to imposing total control over the Judiciary. It is not inconceivable that the 3 existing vacancies in the Supreme Court will be filled by individuals who are more amenable to the wishes of the Executive. Within the next 11 months there will be at least two other vacancies since Tan Sri Wan Hamzah and Tan Sri Eusoffe Abdoolcader, who were both reinstated, will be retiring in December this year and September next year respectively. Their places, it is not unlikely, will also be filled by Judges who would want to ensure "harmonious relations with the Executive"

This then is one of the tragic consequences of the sacking and suspension of the Judges and the curbing of Judicial independence as a whole. It is going to breed sycophancy. The entire episode will have the effect of making our Judges more submissive and more subservient to Executive power than they have ever been before. Even those rare Judges who are prepared to assert their independence may, in the end, decide that caution is better than courage. A timid Judiciary, which shuns the truth and justice, may be firmly established by the end of this decade.

7 October 1988

Chandra Muzaffar
President

The above statement has not appeared in any daily. — Editor

ISA DETAINEE FREED

ALIRAN is happy to note that the Kuala Lumpur High Court yesterday freed ISA detainee Joshua Jamaluddin. The Presiding Judge, Justice Anuar Zainal Abidin was of the opinion that his detention was illegal as it was against the Constitution and outside the purview of the ISA.

Justice Anuar's decision shows that the ISA cannot be used, or rather abused, for any and every



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purpose. This is how the ISA has been abused in the last so many years. Even passport forgerers and religious deviationists have been arrested under the ISA.

Though the Judge has not defined the actual scope of the ISA, he has made it clear that the ISA should not be used against a person who is exercising "his right to profess and practise his religion, and subject to Clause (4), to propagate it."

This in itself is an important constitutional principle which must be upheld in a multi-religious society like ours. Joshua Jamaluddin, as it is obvious from his affidavit, embraced Christianity "out of a genuine and sincere belief in the Christian faith." It is the right of a human being to choose whatever religious belief he wants to profess. There should be no coercion in such matters. Islam forbids coercion in matters of religious faith.

At the same time, however, ALIRAN reiterates its opposition to religious proselytization. Proselytization carried out by any religion, within another religious community, will sooner or later, create inter-religious tensions.

8 October 1988

Chandra Muzaffar
President

The above statement has not appeared in any daily - Editor

THE TRUTH PLEASE

Aliran urges the Malaysian Government to give accurate figures on its arms deal with Britain.

British newspapers like the Sunday Times say that Britain has won a 1.5 billion pounds arms contract, while Malaysian newspapers and Malaysian leaders have been talking in terms of 'about 1 billion pounds'. There is a huge difference between the two figures - 1 billion pounds translated into ringgit would be about 4.4 billion but 1.5 billion pounds would work out at 6.6 billion ringgit.

British newspapers also carry other details which have not appeared in our media. They say that the value of the arms order "could double over the next few years". A high-ranking Malaysian army official is also quoted as saying that "Malaysia will build a large military base at Gemas".

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The contributors to this volume comprise prominent legal experts, leaders of political parties and public interest societies, journalists and scholars.

It is hoped that this book will be of much interest to those in power and those not in power, to specialists and laymen, and to all concerned citizens of Malaysia as well as foreigners interested in Malaysian issues. Price: \$12.00

The Government should provide accurate, complete information to the Malaysian public on the arms deal with Britain and on defence expenditure. The public has a right to know since what is involved is the rakyat's money. This is what public accountability is all about.

It is sad that since the October 27 crackdown on democracy, accountability has declined even further.

10th October 1988

Executive Committee

The above statement has not appeared in any daily — Editor

SPORT AID OR "BAND-AID"?

Not long ago Malaysia participated in an international charity effort, the Telethon Sport Aid 1988. It was staged as a major media and social event and provided ample opportunity for certain persons who answer to the titles "Datuk" and "Datin" to display their charitable instincts as well as the casual chic of designer sportswear.

Millions were supposedly collected for which I suppose, the needy should be grateful. Yet one cannot but feel that there are more serious issues to consider once the flurry and hurry of thousands of

runners die down and the dust settles again on shanty towns, ghettos and slums around the world. What are the governments of various countries really doing for the poor? Besides such band-aid efforts (rock concerts, sports, walkathons, etc.), what has been done to eradicate poverty? Do economic policies only favour the middle-class and the very rich?

In almost every major city today, the disparity between the rich and the poor strikes our eyes in the surrealistic juxtaposition of mansions (a la Camelot) and shacks. In the financial districts of the world where billions are made or lost, wander shadowy figures who scavenge for food from garbage bins. And we avert our eyes from them. We prefer to think of the poor as a faceless, nameless lot whom we can be charitable to in such moments as an international media event like Sport Aid. If the governments of the world are sincerely dedicated to eradicating poverty, then they should be thinking less of buying arms and more of fair economic policies and just public expenditure programmes.

Are we really dedicated to giving the poor a place in the sun? Or, are we merely salving our conscience by staging charitable events and therefore avoiding the heart of the matter? Tolstoy had put it well: The rich will "help" the poor so long as they are still on the backs of the poor and there is no danger of these hungry hordes ever getting on top or even up the chest level. Posterity will indeed condemn us for our callousness.

11 October 1988

Wong Soak Koon
Exco Member

The above statement has not appeared in any daily — Editor



SLEEPING OUT: we avert our eyes from them.

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