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THE HUDUD LAWS

Debate has brought about tension

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THE HUDUD LAWS

Debate has brought about tension

Aliran notes with increasing concern that the debate on Hudud Laws has turned into a form of political brinkmanship played by certain political leaders with the hope of gaining political capital. Implementing Hudud laws in Kelantan concerns every Malaysian who has a stake in the future of this nation.

Aliran calls upon the Kelantan government to seriously reconsider its decision to implement Hudud laws in Kelantan as a detailed study concerning the implications and consequences of such laws have yet to be undertaken by the state government.

The sanctity of Islam is not necessarily guaranteed by the implementation of Hudud laws. On the contrary the image of Islam will be eroded seriously if such laws are implemented without much thought. The sanctity and dignity of Islam can be enhanced by implementing Islamic values which are universal and are found in other religions and by having a just economic system that will cater to the needs of all irrespective of ethnic background and religious differences.

Aliran feels that the present debate on Hudud laws has brought about tension in Malaysia. Politicians attacking the Kelantan government's decision on Hudud laws should be cautious in their criticism as they are hardly able to distinguish between criticising the Kelantan government's implementation of Hudud laws and Islam itself. Many Muslims have felt uneasy about the lack of distinction between criticising Hudud laws and Islam.

Political leaders who feel that they have to comment on the issue should exercise some caution and temper their criticism with good judgement so as not to alienate Muslims who may have no sympathy for PAS but are committed towards defending their religion against unfair comments. □

30 April 1992

Ariffin Omar



Hudud Laws Controversy: Chronology of Events

April 9

The Terengganu Bukit Payong state by-election campaign started after nominations today. One of the major issues raised by Pas was its intention to introduce hudud laws in Kelantan as promised when it first assumed office there in 1990.

April 10

Agriculture Minister Datuk Seri Sanusi Junid campaigning in Terengganu said that Malaysia had become a model of success among Islamic nations because of the progressive efforts by the government to raise the living standards of Muslims in the country. "Our efforts are unlike those of another party which claims to be Islamic but can only talk and oppose programmes introduced by Umno and BN component parties to help the Malays".

The Terengganu government announced that it had told gambling outlets to venture into alternative business as it would not renew their licenses any more. An Umno Terengganu leader said that the decision "was fully supported by BN component parties, particularly the MCA".

MCA president Datuk Seri Dr Ling Liong Sik rejected a DAP suggestion that DAP, MCA and Gerakan jointly oppose the implementation of hudud laws. He said the DAP should be bold enough to face the issue on its own since it had supported Pas and Semangat 46 in the last general election. MCA deputy-president Datuk Lee Kim Sai and other MCA leaders voiced similar opinions.



HAD1: Kelantan will proceed with the hudud laws plan.

April 12

Datuk Seri Dr Ling reiterated the same point in Penang. He said that the DAP should now go to talk to their best friends in Pas "to make sure that the hudud laws are not introduced. the DAP cannot absolve itself by just making one or two press statements when they have actively supported Pas".

Law Minister Datuk Syed Hamid Syed Albar, commenting on what was termed Pas' strategy of politicising the hudud issue at the upcoming Bukit Payong by-election said that "Pas could not implement the hudud law, instead they lay the blame on the Federal Government for not doing it".

April 13

DAP chief Lim Kit Siang urged the MCA to discuss with UMNO whether the proposed hudud laws can be applied on non-Muslims. He said that non-Muslims had the constitutional right not to have any



PM: Will amend the Constitution if necessary.

Islamic law imposed on them.

April 16

Prime Minister Datuk Seri Dr Mahathir Mohamad declared that the Federal Government would not obstruct Kelantan from introducing hudud laws. He would also not stop the Kelantan government from applying the hudud laws to non-Muslims as well if this was what the PAS state government wanted. "If there are any provisions in the Federal Constitution which hinder their intentions, we will amend them accordingly". He said he had decided to give Kelantan the green light as PAS would have exploited the issue for political mileage if the Federal Government had turned it down.

Umno's deputy information chief, Nakhaie Ahmad claimed that Pas leaders had not thought of solving the basic problems first, such as the introduction of the Islamic Penal Code, appointment of judges who are well versed in Islamic laws



MULTI-RACIAL MALAYSIA: The PM said he would not obstruct the Kelantan government even if the hudud laws were applied on non-Muslims.

and determining the type of sentences, based on the seriousness of the offences. "To solve all these basic problems, Pas requires an institution where Islamic intellectuals could congregate to come out with a workable draft, which ultimately will become an Act which the legal profession could refer to...I don't see how Pas could introduce the **hudud** laws within the next three years or even 10 years".

April 17

Kelantan MB Nik Aziz Nik Mat welcomed the PM's statement that the Federal Government is ready to amend the Constitution to enable Pas to implement **hudud** laws in the state. A working paper on the issue was being prepared by a committee headed by Pas deputy-president Haji Abdul Hadi Awang, to review the state's constitution. He also said non-Muslims need not worry. Their interests would be protected and the **hudud** laws would not affect their religious and private affairs. He said the law had been in the Quran for more than 1400 years and could not understand why the

issue was being raised now.

Dr Ling Liong Sik reiterated that the MCA would hold the DAP responsible for the "dangerous political development" in Kelantan where non-Muslims will be subject to **hudud** laws.

Lim Kit Siang declared it would oppose the Kelantan Government in court if it introduced **hudud** laws for non-Muslims. He criticised the PM for saying the Federal Government was prepared to amend the Constitution to allow **hudud** laws to be imposed on non-Muslims in Kelantan. He asked whether the MCA, Gerakan, MIC and SUPP ministers supported this policy.

April 18

Pas deputy-president Abdul Hadi Awang said that the Kelantan government had been advised to proceed with its plan to introduce **hudud** laws.

Kelantan Semangat 46 chief Rozali Isohak said the party was not involved in the State Government's efforts to adopt **hudud** laws. He said that as a component member of Angkatan Perpaduan Ummah

Semangat 46 was prepared to accept Pas' moves on religion as long as they benefitted the **rakyat**.

Kelantan MIC information chief P. V. Veloo said his party opposed the implementation of **hudud** laws in Kelantan if they also covered non-Muslims. But Umno Gua Musang youth chief asked the state government to expedite the process of implementing the **hudud** laws since the Federal Government had indicated that it is willing to amend the Constitution for this purpose. Meanwhile MCA chief Dr Ling reiterated MCA's opposition to the **hudud** laws and instructed the Kelantan MCA to keep other state branches informed of developments.

DAP deputy-president Karpal Singh said the DAP would challenge any move by the Kelantan Government to introduce **hudud** laws for non-Muslims in the state. The DAP would also take the Federal Government to court if it attempts to amend the Constitution to allow for such an eventuality. He said the MCA President was misleading the people that the DAP was responsible for the "dangerous political development" in Kelantan.

April 19

Dr Mahathir left for an official visit to Vietnam

Gerakan chief Datuk Seri Dr Lim Keng Yaik said in Penang that his party was "categorically against the **hudud** laws". He clarified: "However we feel the Pas government should be allowed to implement it. With the implementation, the **rakyat** will eventually have an opportunity to compare the new system with the moderate one upheld by the BN".

MIC deputy president Datuk S. Subramaniam said in Taiping that the MIC will protest strongly and take legal action if the proposed **hudud** laws are enforced on non-

Muslims. He said he agreed with the PM "that the Federal Government would not obstruct the Kelantan Government from proceeding with its plans but such laws must not be implemented on non-Muslims".

Semangat 46 president Tengku Razaleigh Hamzah said in Kuala Terengganu that his party agrees with Pas' proposal to implement the **hudud** laws, not only in Kelantan but in other states. However, he said its implementation "must not violate the religious rights of non-Muslims as agreed between Semangat 46 and Pas during the run-up to the 1990 general election". He admitted that Semangat 46 had not been invited to participate in the discussion on the draft of the **hudud** laws. He clarified that Pas had informed Semangat 46 when they formed the Kelantan government that they intended to implement the **hudud** laws "but we did not go into details then". He believed that the DAP's plan to take the Kelantan Government to court was because the DAP "was not well informed on the matter".

Kelantan MB Nik Aziz said his Government would not hesitate to write to the Prime Minister if there was a need to amend the Constitution. He was confident that "the **hudud** laws would be able to eradicate poverty as the poor would not become poorer if their properties were well guarded" He slammed critics of the **hudud** laws saying they did not know what they were talking about.

April 21

Bukit Payong by-election

April 22

The BN triumph in the Bukit Payong election.

Terengganu MB Tan Sri Haji Wan Mokhtar Ahmad declared that



ORANG ASLI GRANDFATHER AND CHILD: Tengku Razaleigh agreed to the **hudud** laws move only if it did not violate the religious rights of other communities.

"the people have now seen through Pas' politics of fear in using Islam to scare voters into supporting them". These sentiments were also expressed by other BN leaders. MCA deputy-president Datuk Lee Kim Sai and Malacca Chief Minister Tan Sri Abdul Rahim Tamby Chik also said that it was a rejection by the people of Pas' move to implement **hudud** laws.

April 23

In Ho Chi Minh City, the Prime Minister expressed surprise and disappointment that the Kelantan MB "had found it fit to make use of **gedebe** (gangsters) to carry out punishments under the Pas Government's proposed **hudud** laws".

The Terengganu MB regretted that the Kelantan Government was seeking an agreement in writing from the PM before implementing the **hudud** laws. He declared that the Premier's verbal assurance was enough. He further added that the "hasty decision by the Kelantan Government without proper plan-

ning...would only scare the people away from the religion".

Kelantan Umno deputy chief Annuar Musa said that the PM's recent statement "that the Federal Government would not obstruct the State's move to implement the **hudud** law was very clear". He further stated that "the matter was first discussed in the Cabinet before Dr Mahathir made the statement".

April 24

Dr Mahathir, upon his return from Vietnam, stated in Subang that the Federal Government would not give a written agreement to the Kelantan Government. There was "no such need because the Federal Government was prepared to adopt measures to enable the Pas-ruled state to carry out its intentions".

DAP chief Lim Kit Siang claimed that Pas' defeat in the Bukit Payong by-election was a rejection by Malay voters of its stand on **hudud** laws. He further urged Pas to respect the constitutional rights and religious sen-

sivities of non-Muslims and declare that **hudud** laws would not be imposed on non-Muslims.

The Kelantan deputy MB said that the royalty would not be exempted from **hudud** laws. He said that the move to implement the law was not based on the demand from any quarters including Pas but it was required by Islam. The matter would be thoroughly discussed in a seminar in August. He clarified that the MB Nik Aziz had been misquoted to say that he was willing to engage "gangsters" to implement **hudud** laws.

April 25

Kelantan Semangat 46 MB II Rozali Isohak said there was no need to rush into the implementation of **hudud** laws as many aspects, including the ability to implement the laws, needed to be studied first. He also urged consultation with all quarters including non-Muslims. He also said that the position of the Sultan in relation to **hudud** laws should not be discussed openly, as it is a sensitive issue. He said there were also other pressing matters including development programmes which needed as much attention.

Umno deputy information chief Nakhaie Ahmad said that the Kelantan government did not have courts and judges capable enough to handle the implementation of **hudud** laws. He said that if the state government went ahead with its plans, it would affect the strength of the laws as well as the image of Islam.

April 26

Gerakan secretary-general Datuk Chan Choong Tak declared that his party would take legal action against the Kelantan Govern-



ETHNICALLY-MIXED UNDERGRADUATES: Alex Lee condemned the Pas move because it would defeat the creation of a Malaysian society.

ment if the **hudud** laws it proposed to implement violated the constitutional right of non-Muslims. Deputy National Unity Minister Alex Lee condemned the Pas move as extremist and against the creation of a Malaysian society.

April 27

In Kota Baru, Kelantan Deputy MB Abdul Halim Abdul Rahman said it was premature for political parties and communities representing the non-Muslims to attack the Kelantan government since "they were unfamiliar with the **hudud** laws and their implementation". "The committee entrusted with preparing the draft on **hudud** laws and Islamic **syariah** has yet to complete it. Once it is completed, we will proceed with our programme to explain the laws and then only should the political parties representing the interests of non-Muslims make a stand on whether to take court action against its implementation".

Kelantan State Mufti urged all quarters to stop the debate on **hudud** laws which he said could tarnish the image of the Islamic **syariah**. He further said that the laws were "sacred and should not be tarnished by wild comments which were aimed at frightening the people and by making criticisms which amounted to blasphemy".

April 28

In the Dewan Rakyat Opposi-

tion leader Lim Kit Siang called on the BN component parties to state their stand on the Kelantan Government's proposal. This was necessary he declared since "the Prime Minister had stated that the Federal Government would amend the constitution to allow the implementation of the State Government's proposal". He reiterated DAP's opposition to Pas' proposed move and claimed that it had "created fear and disunity among the people".

April 29

MCA deputy president Lee Kim Sai stated that the Cabinet had decided after several rounds of discussion over the Kelantan government's proposed move, that all BN MPs would be allowed to vote according to their conscience if there is a proposal to amend the Constitution to allow **hudud** laws to be implemented. "MCA MPs will not vote for the amendment...for **hudud** laws to be implemented on non-Muslims. If the **hudud** is implemented on Muslims, MCA MPs will vote according to their conscience, either oppose or abstain".

Gerakan president Dr Lim Keng Yaik said he had asked Dr Mahathir not to propose the amendment himself so as not to fall into the "political trap" of Pas. The initiative should be taken by Pas itself.

Leaders of the Federation of Chinese Assembly Halls and the Malaysian Consultative Council of Buddhism, Christianity, Hinduism and Sikhism announced after a meeting that it would initiate joint efforts to uphold the religious rights of all Malaysians.

Pas deputy leader Abdul Hadi Awang said in parliament that the implementation of **hudud** laws would help to curtail criminal ac-

tivities and benefit both Muslims and non-Muslims.

April 30

In a statement contradicting the PM's 16 April declaration (that he would amend the constitution to allow the Kelantan Government to implement **hudud** laws in Kelantan), Deputy Premier Abdul Ghafar Baba now declared that the BN government would not table such an amendment. Pas would have to take the initiative itself. BN backbenchers would be allowed to vote on their own free will. He clarified that Umno was not against Islamic laws. "We are only against the Pas method of implementing the laws. Furthermore, timing must be suitable...Pas has made a big mistake by causing non-Muslims to be apprehensive about Islam".

In Kota Kinabalu the Premier said his party was prepared to study the Pas proposal should it be presented as a motion in parliament. Umno was even prepared to support the amendment if it was generally acceptable and "really in accordance with the teachings of Islam". He clarified that no decision had been made by the Cabinet on the matter as it had not received any proposal from Pas.

MIC president Samy Vellu declared "We will object to any motion tabled at the Parliament calling for the implementation of **hudud**". He said he would instruct MIC MPs to vote against any such move.

Pas Youth leader Mohamad Sabu said that Pas had set up a committee to study the Federal Constitution with a view to amend it in line with its intention to enforce **hudud** laws in Kelantan. The committee headed by legal bureau chief Wan Mutalib Embong would identify provisions of the Constitution requiring amendments and prepare the motion. Once prepared, the draft would be made available to

Semangat 46 leaders for their views. The motion would be tabled at the next parliamentary session.

May 2

Dr Mahathir, after chairing an Umno Supreme Council meeting in KL said that "Umno's stand is that the **hudud** laws cannot be implemented in Malaysia because it is a multi-religious and multi-racial country". He said that he would not try to stop Kelantan from implementing the **hudud** laws if the Kelantan government could show that it was doing so to uphold Islamic teachings and not solely for political interests. "But we have reason to believe that Pas is not sincere...and is instead trying to gain political mileage through it".

MCA secretary-general Datuk Dr Ting Chew Peh claimed that businessmen and foreign investors were losing interest in Kelantan in the wake of the Pas government's proposal to introduce **hudud** laws.

Upon returning from abroad, MCA president Dr Ling Liong Sik said in Subang that DAP leader Lim Kit Siang should be in Kelantan "to put out the fire which he had started".

DAP deputy-chief Karpal Singh said that his party would oppose any move to amend the Constitution to include **hudud** laws that will also apply to non-Muslims. "The DAP has right from its existence opposed the setting up of an Islamic State in the country". He denied that the DAP was responsible for the present situation as claimed by Dr Ling.

Semangat 46 president Tengku Razaleigh Hamzah said the party would support the **hudud** laws if it did not infringe the rights and religious freedom of non-Muslims. He said that this was the standing agreement between the two parties.

Parti Rakyat president Dr Syed Husin Ali advised Pas not to implement **hudud** laws without first

studying its implications on the social, political and economic set-up of the country. If Pas wanted to implement the laws, it should apply it only to Muslims and not force it on non-Muslims. Pas should also educate the people on **hudud** because many Muslims and almost all non-Muslims in Kelantan were ignorant of the laws.

May 3

Kelantan MB Nik Aziz said his government will not bow to pressure in the implementation of its proposed **hudud** laws. He said that his government would accept whatever help Umno wanted to offer. He would explain the laws to the people and was willing to meet non-Muslim religious teachers to discuss the matter. He clarified that the **hudud** laws would apply to all regardless of religious or ethnic origins.

May 4

Kelantan MB Nik Aziz met representatives of the Malaysian Inter-Religious Consultative Council in Kota Baru. He said that the **hudud** laws should be applicable to all although certain exceptions are given to non-Muslims. He clarified that the **hudud** laws would not be applicable to a non-Muslim if there is a punishment for the same offence in his/her religion or customs. But where the religion or customs do not prescribe a punishment, the **hudud** laws would be applied. The representatives of the Council said that they did not object to the implementation of **syariah** and **hudud** laws if they were applied to Muslims. However, they maintained that the laws as stipulated under the Federal Constitution were adequate for non-Muslims. □

This chronology has been compiled from reports in the New Straits Times, Star, Utusan Malaysia and Berita Harian.

HUDUD - an explanation

Hudud are offences for which a specific punishment is strictly applied. The mode of punishment is regarded as mandatory. Hudud offences are one of the three main categories of offences in Islamic criminal law. Islamic criminal law is part of Shariah. Though the Shariah encompasses spiritual values and ethics, rituals and observances and even courtesy and good manners, it is best to describe the Shariah as Islamic law.

Now, Hudud laws, which are integral to the Shariah, have often been regarded as divine. They are perceived as laws rooted in the Quran. Since the Quran, for the Muslim, is the Word of God, Hudud laws they conclude, are also from Allah.

However, if we examine Hudud laws carefully, we will discover that not all of them can be traced back to the Quran. Of the six Hudud offences (which most jurists agree

upon), only four are directly linked to the Quran. The six are *sariqa* (theft), *haraba* (rebellion or highway robbery), *zina* (fornication), *qadhif* (unproven accusation of fornication), *sukr* (intoxication) and *ridda* (apostasy from Islam).

Only for the first four offences are there specific punishments "strictly prescribed by the clear and definite text of the Quran". For intoxication and apostasy the Quran does not prescribe any punishment, though both are condemned in no uncertain terms.

Even in the case of fornication (*zina*) the punishment of stoning to death when committed by a married person is not from the Quran. It is based on the Sunna (the example of the Prophet Muhammad s.a.w). The Quran specifies "one hundred lashes for zina, without reference to the marital status of the offender."

It is important to emphasise that not everything in Hudud can be

linked to the Quran because there is the widespread belief that the whole of Hudud is sacred, is divine. Indeed, most Muslims believe that the Shariah, in its entirety, is divine. This is not true. The "Shariah is not really divine law in the sense that all its specific principles and detailed rules were directly revealed by God to the Prophet Muhammad. Rather it [the Shariah] is the product of a process of interpretation, and logical derivation from, the text of the Quran and Sunna and other traditions."

In order to show what the Shariah really is, we carry below an excerpt from an article by the well-known Islamic scholar, Abdullahi Ahmed An-Naim. An-Naim, a Sudanese, is the author of *Towards an Islamic Reformation* and numerous other works on Islamic law. ♦

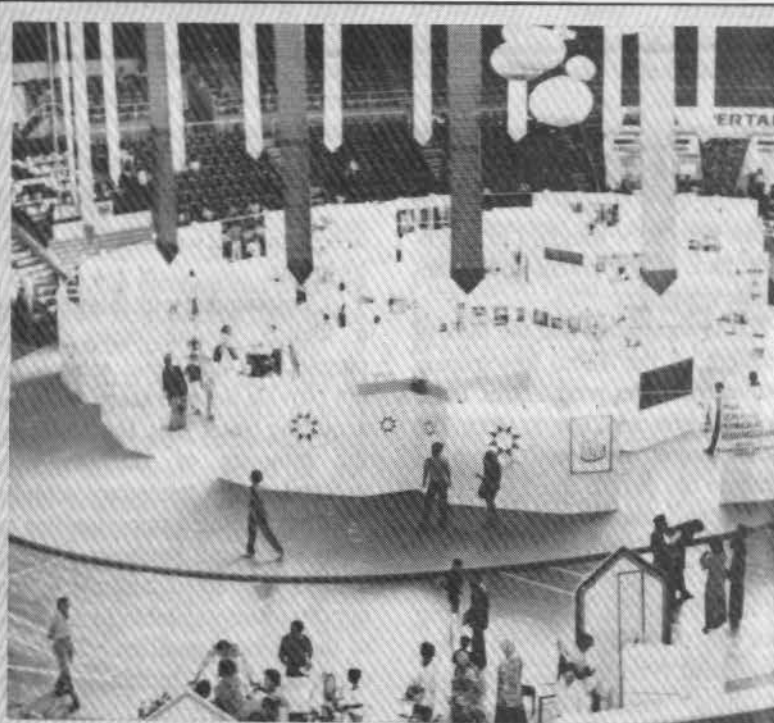
SHARIAH

The systematic analysis of the nature and actual development of Shariah clearly establishes the obvious fact that Shariah is not the whole of Islam but rather the early Muslims' understanding of the sources of Islam. The basic sources of Islam are the Quran and Sunnah (the living example of the Prophet's own life in accordance with the Quran). When we look more closely at the process by which these two basic sources were used to develop Shariah we find the following significant facts.

First, the Quran itself was revealed in two distinct but overlapping stages, the earlier stage of Mecca between 610 and 622, and the latter stage of Medina between 622 and 632. The existence of these two stages is beyond dispute because the text of the Quran itself indicates which chapters and verses were revealed in Mecca and which were revealed in Medina. Also beyond dispute is the clear difference in the nature and content of the two sets of revelations. While the earlier texts tended to be of general religious and moral content, the latter texts were clearly more

specific and legalistic. This difference in the nature and content of revelation reflects the difference in the nature of the Muslim society and the role of the Prophet in the two stages. Following the statement of the basic underlying religious and moral norms of the Mecca stage, the Prophet set about establishing the first Muslim political state in Medina. In this way the Quran in theory, and the Prophet in practice, had to respond to the concrete realities of establishing an Islamic state in seventh century Arabia. This process did not need to exhaust the whole of the religious and moral principles of Islam as established in the Mecca stage. Seen in this light, the Medina model of the Islamic state was obviously a specific model in response to a concrete situation.

The second significant fact is that while the text of the Quran was largely recorded during the Prophet's own lifetime and finally and authoritatively written by the time of his third successor, the Khaliffa Osman, the Sunnah was not recorded until well into the second and third centuries of Islam. Through an elaborate



Islamic Development Expo at the National Stadium, Kuala Lumpur, showing the various stages of the development of Islam.

process of authentication and selection, Muslim jurists established what they believed to be the true Sunnah of the Prophet by the third century of Islam. The majority of Muslims today accept those records as valid, although controversy continues as to the authenticity of some marginal traditions. The importance of noting this problem in relation to the second sacred source of Islam is not to raise doubt as to the authenticity of the recorded Sunnah but rather to appreciate that the process of authentication and selection itself must have been affected by the limitations of both the transmitters and the collectors. The transmitters must have tended to remember those aspects of the Sunnah which they understood best while the collectors must have tended to accept those aspects which seemed to be confirmed by their own perception of Muslim reality. The understanding of the transmitters as well as the acceptance by the collectors were in this way influenced by their own experience and circumstances. It would, therefore, follow that we should understand the available texts of authentic Sunnah in light of the actual process of its authentication and collection.

The third significant fact is that the Shariah, as a body of positive law, was developed by Muslim jurists in the second and third century of Islam. The raw material out of which Shariah was constructed was not, therefore, the pure Quran and Sunnah, but rather

the Quran and Sunnah as already understood and practiced by generations of Muslims. Muslims are now agreed that the sources of Shariah are not only the Quran and Sunnah, but also include ijma, consensus, and qias, analogy. The ijihad, independent juristic reasoning, of the leading companions of the Prophet and the early jurists, has thus become a formative force in the construction of Shariah.

To note these facts is not to imply that Shariah, as perceived in its own historical context, was distorted or misrepresented by the early jurists. On the contrary, it is my firm conviction that Shariah has developed in the only way it should, and could possibly, have developed in that historical context. Shariah is the law of Islam for the Muslim community and must, therefore, be stated and interpreted by the Muslims themselves. The early jurists, in my view, did an excellent job and succeeded in

servng the needs and aspirations of their community for centuries. By the same token, however, it should be open to modern Muslim jurists to state and interpret the law for their contemporaries even if such statement and interpretation were to be, in some respects, different from the inherited wisdom.

I say in some respects because I do not conceive of all aspects of Shariah as open to restatement and reinterpretation. Belief in the Quran as the final and literal word of God and faith in the Prophet Mohammed as the final prophet remain the essential prerequisites of being a Muslim. The prescribed worship rituals such as prayer and fasting, known as the five pillars of Islam, remain valid and binding on every Muslim. What is open to restatement and reinterpretation, I submit, are the social and political aspects of Shariah. Since both the social and physical environments have changed enormously from the time Shariah was developed, the law must also change in response to new circumstances. The basic requirement of such law reform is that it must be based on Islam's fundamental sources, namely the Quran and Sunnah. Otherwise, the proposed reforms would be secular and not religious. □

Source: Religious Minorities Under Islamic Law and the Limits of Cultural Relativism, Human Rights Quarterly 9 (1987).

The Tamil Press In Malaysia

In the third part of *AM*'s focus on the Malaysian press, K. Ramanathan, a lecturer in politics in Universiti Sains Malaysia, Penang, discusses the similarities and differences between the two Tamil dailies. He also stresses that they are threatened by dwindling numbers of Tamil language readers and by limited advertising revenue.

Malaysia has about 1.4 million ethnic Indians and they account for only 8 per cent of the nation's population. The majority of Indians are poor. The working class comprises some 70% of the population, the middle class about 20%, and the professionals and entrepreneurs about 10%. The Indians also lag behind in education, in skilled manpower and in the control of the economic pie.

Traditionally, the Indian society has felt that the child's education should begin in the mother tongue. During colonial times the emphasis had been providing the rudiments of language skills to the Indian plantation workers who formed the majority.

However, with the revamp of the education system after independence, the Tamil schools have been progressively converted into national-type schools. Tamil schools today number about 540 and about 80 per cent of these schools are located in the estates. Needless to say these schools suffer

from very poor standard of teaching, lack of equipment and inadequate staffing.

It is significant that the bulk of readers of the Tamil newspapers come from the products of these schools. In addition to this, the other more traditional group of readers are people mostly in their fifties and above who have had rudimentary Tamil education. To a certain extent it is true that the latter group maintains more endearing ties with their original South Indian homeland. (Perhaps this, more than anything else, explains why prominence is given to news items on India in the local Tamil newspapers, a topic we shall discuss later).

NO FURTHER OPPORTUNITIES

The Tamil schools as mentioned provide education to the plantation workers at the primary level. A substantial majority of these children never make it to the secondary school partly because they are recruited to work in the estates by their parents. Thus most of them end up as estate workers, or

at best, manual workers in the nearby towns.

Compounded with this reason is a feeling among many Indian parents that the Tamil schools do not provide the necessary skills for acquiring better jobs. Furthermore, the minority of students who proceed to the secondary schools have very limited opportunities to study the Tamil language further. This is in marked contrast to the opportunities available to students of the Chinese medium schools to continue their Chinese language studies uninterrupted.

In other words, a person studying in the Tamil medium school would have only completed six years of education in the language and that would be all for there is no provision for him to continue his education in the Tamil language at the secondary school level.

This raises an important issue for while there exist established educational institutions in the country to provide for the studying of Tamil at the primary level and at the University level (but only in the University of Malaya) there are no



Declining proficiency in the Tamil vernacular threatens the survival of Tamil newspapers.

opportunities whatsoever to do so at the secondary school level.

In other words, those who study Tamil at the university are students who have succeeded in retaining their limited proficiency in the language through informal study. No doubt this must affect an active literary culture.

Thus, the most serious problem the Tamil newspapers face is the continual decline in readership. As mentioned earlier, it is partly due to the nature of the education system which does not encourage the growth and development of the Tamil language, and consequently, lacked readers to promote viable newspapers. In spite of this difficulty the literary output of the small groups of Tamil educated Malaysians is rather outstanding. Indeed these small groups have been busy publishing newspapers, periodicals and literary magazines.

LONGEST SURVIVING DAILY

Tamil newspapers first appeared on the scene in the 1920s. One of these was *Tamil Nesan* which was established in 1924. Thus it ranks as the longest surviving Tamil newspaper, indeed one of the oldest surviving newspapers in any language in the country.

In the early fifties up to the mid-seventies there was a healthy competition between two dailies, namely, the Kuala Lumpur-based *Tamil Nesan* and the Singapore-based *Tamil Murasu*. However the restriction imposed on the distribution of the Singapore-based paper and the death of the owner of *Tamil Murasu* put an end to that.

Many periodicals have also been published locally. But they are handicapped by the sale of numerous magazines from South India catering for all segments of the Indian society.

Today there are only two Tamil dailies, i.e. the *Tamil Nesan* and the *Malaysia Nanban* to cater for the

dwindling Tamil vernacular readers. The former is owned by Datin Indirani, the wife of the MIC national president, Datuk Samy Vellu, while the latter is owned and operated by a group of supporters of Mr Pandithan, the former MIC Vice President who now heads the opposition All-Malaysian Indian Progressive Front. Let us now look at the contents of the two newspapers. We shall first focus on their similarities.

CONTINUING THE TREND

Both newspapers tend to focus on national news on the front page. As is the trend with all the other Malaysian newspapers the reporting of news is one-sided, in favour of the national ruling elite. In keeping with the trend in most other dailies, both these newspapers have also begun to use colour photographs in the front page. Apart from reporting international matters, both newspapers tend to emphasize issues and news pertaining to Tamil and Indian interests in Malaysia. For example, news pertaining to the state of Tamil education, and on how to improve it, appear almost daily.

Critics of the Tamil education are dealt with harshly and are often branded as traitors to the Indian cause. Currently there is much discussion in the news on Vision 2020 and on how the Indian community should strive to achieve this goal.

Apart from these more serious issues pertaining to the Indian community, both the newspapers also tend to highlight news, be it an accident, a crime or a fire disaster where Indians are involved. Presumably highlighting such issues and news help to sell the Tamil newspapers.

There are also regular news items on Hindu religious activities, for instance, the consecration of temples or the laying of foundation stones of new temples. The *Tamil Nesan* in particular tends to carry articles on the tenets of Hindu

religious teachings too. In addition to this, Indian cultural performances are also highlighted.

TAMIL LITERARY TRADITION

Apart from devoting more pages to entertainment and cultural affairs, the Sunday editions of both newspapers also carry short stories. These newspapers, therefore, also help to promote and preserve a Tamil literary tradition in Malaysia.

Indeed, there are columns for the publication of works of Tamil literature such as poems, prose, short story and literary comments in the daily editions too. It is also a practice for both the newspapers to carry a section focusing on the literary efforts of Tamil school children every Monday. Apart from the above, both the local dailies also carry two to four pages of news items about developments in India. Entitled "News from India" these pages, in fact, have been reproduced almost in toto from certain South Indian dailies. Such a practice must be a result of some prior arrangement with one of the South Indian dailies and must have been undertaken to make available news about India to the local Tamil readers.

Such reproduction in toto saves time and money for the local publishers. However, it has also contributed towards a group of older Indians developing more interest in Indian, rather than Malaysian affairs.

Moreover, since most of the South Indian dailies are biased, in favour of one or the other party or group, these biases tend to be passed on to the local readers too.

GORY AND SENSATIONAL

Some of these news items reproduced from the Madras-based newspapers tend to be rather sensational as well. For example, suicides of lovers with all the gory

details, including photographs, are published frequently. Another example would be the ongoing trial of a serial killer together with gory pictures of the murdered victims. Yet another example was the recent publication of photographs showing the torso and head of a young boy who was beheaded by his natural father after a tiff with his wife.

Finally, articles reproduced from the South Indian press tend to highlight news on film stars and of the goings on in the Tamil film industry in India. The Sunday editions of both the papers provide a list of gala events in the film industry.

PROMOTING OWNERS

The nature of the ownership of the Tamil dailies leads to a pattern of promoting the interests of the various owners and their supporters. For example, in a recent issue of the *Tamil Nesan*, the 56th birthday of the MIC president was given much prominence. On that day almost half the newspaper was filled with advertisements by his supporters felicitating him on his birthday. In fact *Tamil Nesan* serves as the mouth piece for the MIC president. His speeches are given prominence and there are commentaries on his proposals and on how best they could be achieved.

On the other hand, the *Malaysia Nanban* serves as a critic of the MIC president. The editorial staff of this paper tends to be more bold and usually carry the views of leaders opposed to the MIC president, whose failures are highlighted and openly criticised. The editor of the *Malaysia Nanban* who was previously the editor of the now defunct *Tamil Osai* has allowed his newspaper to become the mouth-piece of the group that challenged Datuk Samy Vellu in the last MIC election.

FEW ADVERTISEMENTS

Finally, it must be mentioned that the Tamil newspapers carry



Highlights on the glittering screen scene: Staple diet of the Tamil press.

very few advertisements. Those that appear announce sales in Indian saree stores, the availability of special goods from India in a particular shop, tours to India, an upcoming religious function, release of latest films and videos, and the latest films and their runs at the respective local cinemas. Noticeably absent are advertisements of the big companies. Thus the revenue that the Tamil newspapers reap

from advertisements is rather limited.

In conclusion, it may be said that Indian newspapers suffer from a serious lack of readership and advertisement revenue. As a result most of the reporting done tends to be done by part-timers. Furthermore the nature of Indian political schism tends to make the newspapers biased in favour of one or the other faction. Nevertheless, it

is to the credit of the owners of the newspapers and the small group of active writers and readers of the Tamil language that they have been able to keep a tradition going for so long. In fact, in a society of limited Tamil readership, one often wonders how, inspite of the odds, a small group of people have been able to maintain the Tamil newspapers for so long. ♦

The Malaysian Tamil Press Some Critical Comments

Right at the beginning I must say that the views expressed here are entirely personal - the reactions of an educated individual who is reasonably fluent in Tamil and also sufficiently interested in the ongoing socio-political and cultural developments of the Indian community.

My views may be idiosyncratic for I do not have a taste for party politics - particularly that of the Malaysian Indian Congress (MIC).

An Indian who is nonpolitical and an academic with a reasonable mastery of Tamil may be hard to find in Malaysia. There are many academics and professionals among Indians who unfortunately do not have a knowledge of Tamil good enough to read and understand the dailies.

I must emphasize these so that readers do not jump to the conclusion that my opinion represents the opinion of the general public who bothers to read the Tamil dailies. I have not done a proper survey of the different opinions that prevail, nonetheless, I have noted opinions similar to mine coming out from other people through casual conversations.

I shall raise a number of self-posed questions and give my opinions in the form of responses.

Q: Of the two dailies that are popular, Tamil Nesan and Malaysia Nanban, at the moment, why do I subscribe to Nanban?

Though technically *Nesan* is far superior to *Nanban*, there is an obvious defect in *Nesan* that puts me off immediately. In both papers there is intense politicking, and attempts to build up a hero cult

Dr. K. Loganathan Mutharayan

centering on the leading MIC politicians. *Nesan* does this for Datuk Samy Vellu and Datin Indrani, and *Nanban* does it for Datuk Subra and his associates.

There are manipulations in the choice of news, amount of space given, choice of page, photographic and other visual representations, size of letters for captions and so forth in order not only to capture the imagination of the reading public but also create an image of a hero who is worship-worthy among the general public.

Perhaps no media in the world does this more blatantly than the Tamil press here in this country. Every kind of euphony is thrown so freely that a political leader appears to be a superman of some sort. And this, *Nesan* does so blatantly for Datuk Samy Vellu and Datin Indrani that it offends my own intelligence, makes me feel such a fool and an idiot.

Obviously the editors and writers do not seem to exercise any moderation or independence of judgement, but rather function like the ancient court poets who composed eulogies at the command of the kings and chieftains. Such a cult, a peculiar cultural trait of Tamils, is so blatantly present in *Nesan* that I find it rather offensive to my critical mind. As one of my friends put it, it is not we who should pay for reading *Nesan* but rather Datuk Samy Vellu and Datin Indrani.

By this observation, I do not wish to belittle the political contributions of Datuk Samy Vellu or his superb mastery of the political machinery. No doubt he is astute, one may even say brilliant. By wiping



The Tamil press keeps the Indian cultural scene alive.

out so many challengers to his leadership in the recent past through unethical and sometimes cruel means, he has survived and the bulk of the Indian community are obviously quite happy about it.

He can in fact afford to be more moderate, more of a statesman rather than a party politician. He can help to raise the level of critical thinking of the Indian community. But, so far, we do not see any trace of this development in *Nesan*.

Nanban is more moderate though at times the editor is more vitriolic than necessary. There is more of confronting, battling, cutting each others' throats rather than cool reasoning of facts and drawing sensible conclusions.

In recent times we notice less heat but, nevertheless, I always feel that it is there submerged and ready to show its ugly head again at any time.

Q: Why do I bother to read the Tamil press at all?

The obvious answer is that the English press does not cater sufficiently for news items that are important for the Indian community, either local or international.

I am particularly interested in the numerous cultural activities, seminars, conferences, workshops and so forth organized by the Indian Cultural associations. *Nanban*, for example, devotes

one whole page for this purpose and frequently with many photographs. These are the kinds of news items that tell me what is going on in the cultural world.

As an individual who is frequently approached by various organizations to give talks on many educational and cultural issues, such information provides me with an idea of the cultural ethos of my audiences.

In the arena of international news the Tamil press gives more space to news from India, particularly, those of Tamil Nadu. This bias may account for the survival of the Tamil press in Malaysia.

I must also mention that the Tamil press gives a lot of importance to the development of Malaysian Tamil literature. In the Sunday specials there are short stories, serialized novels, modern poetry and so forth.

On the whole, the bulk of them are mediocre but, at least, they mirror adequately the current level of intellectual developments of Indian Malaysian community. This kind of information is important to me for it gives me an idea of the current situation so that I can reflect, criticize and give ideas for further growth whenever I get a forum or an audience. ♦

Dr K. LOGANATHAN MUTHARAYAN is a lecturer in the School of Educational Studies, Universiti Sains Malaysia, Penang.

Heart To Heart

Middle Class Malaysia

Self-centred and materialistic

Since coming back to Malaysia, after having been away for a few years, I have noticed certain traits about middle class Malaysia that seem to have become more prominent.

Middle class Malaysia seems to have become more self-centred, more self-conscious and more materialistic. It seems to be full of self-important people. They make a fuss over their hand-held phones, their expensive cars, latest hair-dos, designer clothes, and their "hole-in-one" golf talk. They speak with pride about what they do to acquire an array of proud possessions.

If one were to suggest to these self-important people the unethical ways in which their businesses may be conducted, they would justify it by saying it is hard work that has brought them their possessions. Usually, the most "convincing" accompanying argument is the reply that "if you don't do this, others will anyway".

They boast of how smart they have been in out-witting someone else, how sharp they were to have been able to take advantage of another's ignorance. Seemingly, there is nothing wrong in this. The right and wrong of their actions have little relevance compared to what they stand to gain.

A direct reflection of the attitude of cold self-centredness is of course, rude driving on the road. When one-upmanship becomes the rule of life, it is no wonder that one encounters, too depressingly frequently, drivers who think nothing of squeezing you into the drain and who horn to show their self-impor-

tance and impatience.

Why are we like this? How did we become this way? Is this all that our humanity is capable of? What kind of human beings will our children grow into when they have to grow up in such an environment?

Another thing I have noticed is the way many hawkers behave nowadays. They behave as though you, the customer, are a nuisance. They are not bothered to answer or even look at you when you try to make an order. "Sombong" is the word for it. Perhaps it has something to do with the suspicion that hawkers are the fastest growing sector in terms of wealth.

Yet it is clear that wealth does not make a person cultured or humane. Wealth is no measure of civilised humanity for if it were then any archaic barbaric tribe could lay claim to civilised existence simply from its plunder and looting of others.

I cannot remember coming across so many rude and crude, cross and crass people in such a short period of time. (I have been back less than three months.) I am extremely disappointed that the things once valued are rapidly being swamped. We are so easily impressed by the display of material wealth that we have mistaken this to be an indicator of a person's character and worth as a human being. For today, it is the wealthy person who gains automatic respect, not the person of integrity.

Before, the qualities that were held in premium were things like honesty, humility, kindness,

generosity or filial piety. But today, the premium description of a person may run like this, "Oh, she/he drives an Accord, worth \$80K; you can contact her/him through her/his hand phone; earns \$4-5,000 a month!" This, then, is how the worth of a person is seen today. I feel ashamed about this, and sad. Surely we have messed up in slaving before the altar of wealth and status which, in truth, can only be of the most fleeting significance in the total human endeavour. ♦

Daphne Goh Tai Hoon



EDITOR'S NOTE

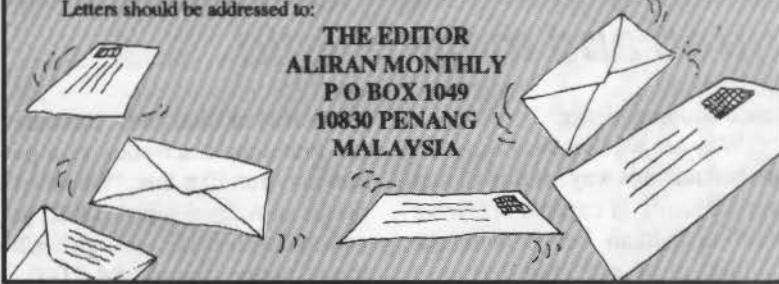
We invite readers to contribute to our "Heart to Heart" column. We publish short pieces on human-interest oriented experiences, especially on ethnic relations which would promote unity. The literary style to be used should be autobiographical and in the voice of the first person.

LETTERS

We welcome letters from readers. These letters may be edited for purposes of space and clarity. The views may not be those of 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 handwritten they should be legible.

Letters should be addressed to:

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ALIRAN MONTHLY
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10830 PENANG
MALAYSIA



"Did we do wrong in expecting from the holders of high judicial office in this country a standard of conduct beyond reproach? Rapprochement is possible but not until recognition and acceptance of the Bar's stand."

Manjit Singh before his 'about-turn'.

Manjit: How Can You Forget?

I'm deeply disappointed and distressed by the recent about turn of Manjit Singh. His reasons for the change of heart are totally unconvincing and a great let-down to many people who had such a high regard for the man as the brave standard-bearer of justice.

He was so steadfast and uncompromising in his views. He was so vocal and eloquent in the defence of the Bar with regard to its stand in the controversy involving the present Lord President.

Who could forget the stirring he caused in our hearts when he thundered:

"There is now a call to mend the breaches. Did the Bar cause a breach? Are we to be held responsible for all

that has happened? Did we do wrong in expecting from the holders of high judicial office in this country a standard of conduct beyond reproach? Rapprochement is possible but not until recognition and acceptance of the Bar's stand. But even then when all is said and done the injustice perpetrated will linger in the memory. The slate cannot just be wiped clean with a handshake. We must not forget. We cannot forget?"

But how can you forget, Manjit?

Justice Till The End
PENANG

Fallacious Analogy

The analogy made by Nik Abdul Aziz in Aliran Monthly 1992:12(2) between traffic regulations and the laws introduced by his government restricting the consumption of alcohol is quite fallacious. Traffic regulations apply to all motorists whatever their ethnic origin, religion or political stance. Otherwise there would be chaos on the roads.

On the other hand the question of whether one consumes alcohol or not is a private decision made by an individual. This decision is often though not always based on religion. The issue of temptation does not arise, since if you believe that drinking is wrong you won't drink. I regularly frequent hotel lounges and restaurants where alcohol is served, and sometimes I sit down with friends who are drinking. But I do not drink myself, because I have become a Mus-

lim, which was a voluntary decision. Were I to be tempted, then that would be my sin and I should have to answer for it on the day of judgement.

The ability to make decisions of this kind is what characterizes us as moral beings. When this freedom is taken away, then an important component of our humanity goes with it.

If on the other hand one considers that consumption of alcohol is a social evil and should be suppressed (there is a good deal to be said for this argument - similarly with gambling), then a prohibition law should apply to all the citizens of a territory without exception. Having one law for one lot of people and another law for a different lot simply does not make sense. It also serves to separate and divide the communities.

Hassan Abdullah
KUALA LUMPUR

Hypocritical Reactions To Algerian Crisis

First they cancelled the parliamentary elections in Algeria because the Islamic Salvation Front (FIS) was winning. Now they have arrested Abdelkader Hachani, the acting president of the FIS. Months before of course, they had arrested FIS leaders Abasi Madani and Ali Belhadj.

What will be next from the military junta and its collaborators?

People and organizations and governments the world over who say they cherish democracy, human rights and free elections must condemn what is happening in Algeria today. And eternal shame to those who choose, for reasons and interests best known to themselves and not entirely unknown to others, to make sickening and hypocritical justifications and easy-oozy, wily wobbles on the matter.

A few years ago Rabuka hijacked the result of the elections in Fiji. Then we had Burma, followed by Haiti. When is this disease of the hijacking of free elections going to stop? Why is the UN Security Council, which a year ago gave the green light for US to launch a murderous war which killed thousands of civilians in Iraq and is now making threatening noises

against the sovereignty of Libya, so quiet about this robbery of the rights of peoples to choose their governments? Is it too busy hammering out a so-called 'New World Order' which already smells foul?

Fan Yew Teng
KUALA LUMPUR

Give Senior Citizens More 'Credit'

It is an essential part of the Asian tradition to show honour and respect to age. Our Prime Minister has often stated that this is one of the eastern values which we should revere and preserve.

However, I was surprised to discover recently, that our senior citizens are not always held in high esteem. In fact, in certain official circles, the impression is given that as soon as the age of 55 is reached, the unfortunate individual is considered somewhat irresponsible and unreliable. I give two examples:-

Case 1

At 57 years of age, I earn a reasonable income from my business. Recently I wished to buy an item by hire purchase and filled in the very exhaustive forms, but my application was disallowed because I was over the retirement age. Not even the support of my bank would have made any difference, I was told.

Case 2

I went to MAS to buy an airline ticket on an internal flight. I claimed the discount rate being over 55, but when I wanted to pay by credit card, it was disallowed on the grounds that MAS does not accept credit cards for this kind of ticket.

I am new to this game; I have only just recently reached retirement age. Is this just the tip of the iceberg? Are there many other instances of discrimination against our older citizens, just because they have passed the arbitrary age limit of 55 years?

Perhaps the time has come to re-examine this paradoxical situation: it is pointless to pay honour and respect to the older generation for their wealth of wisdom and experience on

the one hand, and on the other, to not even entrust them to buy things on hire purchase or use a credit card.

Saij Astrel
KUANTAN

UMNO Baru Alone Cannot Decide

Recently UMNO Baru discussed some proposed amendments to the Federal Constitution relating to the monarchy. Nothing wrong in that - but if we are to realize Vision 2020, we should let all the ethnic groups which signed the Merdeka Declaration discuss major issues under the umbrella of the Barisan Nasional.

Somewhere down the line we will reach an equilibrium leading to the formation of one big multi-ethnic party without any ethnic differences. This will give Vision 2020 real meaning. It is pointless to have the Malays, Chinese and Indians still segregated by the time we reach the year 2020.

S.P. Johor
JOHOR BARU

Plantation Paradise? You Must Be Joking!

Thank you Aliran for featuring Saij Astrel's letter entitled 'Plantation Paradise' in AM:1992(1). It was rather fun reading it compared to the more serious and factual letters published by Aliran normally.

Saij's letter about the plantation industry is like looking at Ethiopia and saying the sand on the desert is beautiful and looking at Siberia's detention camp, and saying the snow is beautiful.

Bravo, Saij! He seems to be the first person after such a long time to say something good about the plantation industry. I just hope, he didn't write his letter from the manager's bungalow which provides everything from 24-hour water and electricity supply, servants, drivers, frequent bonuses, increments and others. The only shortcoming may be the shorts worn by the managerial classes.

I would just like to comment on points raised by Saij as follows:

*Saij said he saw the plantation industry's tremendous contribution to the nation but what he failed to see was that the same industry had enslaved the workers. The industry has in fact spent millions on new fertilizers and machinery but it has completely neglected the workers' welfare and their need for a dignified life. The industry simply gives more attention to trees than humans. For the industry, tapping trees is like tapping the worker itself. Perhaps this is what Saij meant by the unique relationship between man and nature.

*Saij also talked about the organization representing the workers and employers and the respect they had for each other. But at the same time he failed to mention the numerous strikes, slow-downs and court actions. Recently the Human Resources Minister also mentioned that the plantation industry had the most number of strikes.

*Another noted achievement of the plantation industry which Saij failed to mention was its success in reducing real wages. The workers today earn much less than 20 years ago.

*Ask any worker or his children why they left the plantations and inevitably they would talk about low wages and unpleasant working environment. But ask Saij and he would tell you that they left in order "to es-



Frustration: A reduction in real wages is common among plantation folk.

cape parental control". Perhaps Indonesians are emigrating to Malaysia also in order to escape parental control.

*Saij's argument that factory wages are no better than plantation wages is very true. But then the wage structure, working environment and others need to be looked into.

Factories give better annual increments, yearly bonuses and workers are paid monthly wages rain or shine. On the other hand, an estate worker who has been working 20 years gets the same pay as a newly recruited worker. The plantation industry also doesn't value the labour put in by the worker. A worker who works very hard for a whole month could get a lower pay just because the price of the commodity in the world market, which is beyond his control and understanding, drops. Besides that, even the weather can determine whether he eats meat or vegetables.

*Concerning houses in the estates which are in poor condition, housing is provided in the plantation just as a means to attract workers and not for the workers' welfare. It is a known fact that if workers have their own houses, they will definitely not leave the plantation.

But, why should there be poor housing conditions when there has been a housing act in existence since 1966? So who is to be blamed here?

- The industry which doesn't bother to implement the law?
- The government which doesn't enforce the law efficiently?
- The workers who have to live in these houses?
- Or Saij who justifies this exploitation?

*Estates do not provide adequate water supply ... we can blame it on the person who destroyed the catchment areas but it is also important to ask how adequate water supply is provided to the estate staff quarters and managers' bungalows. Why is it denied to the tappers, the weeders and the harvesters. Does Saij also blame these double standards on the people who destroyed the catchment areas?

*As much as I agree with Saij that the family unit is much stronger in the countryside than in the city, I don't see how this can be linked to the question of amenities. Is Saij saying that since the family unit in the

plantation is strong that means they can be denied the basic amenities which city folk enjoy? Is it right for rural folk to starve just because they have a stronger family unit?

*As for his comments on unsanitary conditions for plantation workers and the filth and pollution encountered by the urban worker, it is simply wrong for both industries to treat the workers like this.

Finally, as Saij prayed that the Malaysian plantation industry will overcome these latest challenges, I too pray for better living conditions for the poor plantation workers. My prayer for Saij is that he will try to understand the problem. It is easy to feel comfortable just by looking at the beautiful scenery of rubber trees along our modern highways, seated inside an air-conditioned car.

S. Arutchelvan
PETALING JAYA

Tun Hamid Should Step Down Gracefully

It is simple common sense that the best way to heal the rift between the Lord President and the Bar Council is the graceful resignation of Tun Hamid Omar as LP. Tun Hamid has become a figure of controversy. It would be quite ridiculous to say that 809 lawyers are out of their minds! Tun Hamid could bring relief and renewed trust in the judiciary amongst the rakyat if he were to step down gracefully right now.

Toward a truly independent judiciary by the year 2020!

May goodwill prevail.

K. Surendran
PENANG

Alliran Brain-washing the Public?

I wish to withdraw my subscription to your magazine. Although I read AM for the blind through St. Nicholas, they have been able to get an anonymous donor to sponsor the renewal of their subscription. This is done so that there is no disruption in the receipt of the magazine for the blind.

I wish to withdraw my subscrip-

tion because I feel that, during the Gulf War, there was a subtle form of brain-washing going on. Furthermore AM is for Unity. There are more important things to be done in this country as far as uniting the various ethnic groups is concerned. Let's try and solve the problems of our country before trying to solve the problems of the world.

Francis G.S. Lee
PENANG

Judicial Independence: Mahathir Totally Confused

Judicial independence is a concept derived from the doctrine of separation of powers and represents a key content in the rule of law as set out by jurists many decades ago.

It is a concept accepted by practice that allows the judiciary, the law interpreting organ of the Government, to function with absolute independence from its other counterparts, namely the Legislature and the Executive. In strict legal theory each of these three organs should be vested with individual powers to function independently without interference or dominance by another.

It seems that our Prime Minister requires some 'law lectures' following his confusion over the issue of judicial independence. As reported in *The Star* (16 March 1992), Mahathir had attacked the Malaysian Bar Council for intercepting judicial independence. He said, "Recently the council tried to interfere in the selection of members of the judiciary and they wanted to be consulted on the appointment of judges. This shows the council has no principles. The question remains - does the Bar Council respect the judiciary and regard it as independent?"

I could not understand how one can possibly categorize the Bar Council as something with no relation to the judiciary. Everybody knows that lawyers, the members of the Bar, are officers of the court just as ministers are officers of the Cabinet. The argument on judicial independence here by Mahathir is totally absurd. It is a case of exercising wisdom without the slightest sense of knowledge in

hand.

Judicial independence refers to the independent status of the judiciary from influences or dominance by the Executive (Mahathir and his cronies) and the Legislature (the Parliament). Independence here means that each of the three organs of the Government has individual jurisdiction to carry out its functions independently from one another and without external pressure or influence.

Certainly, independence here does not refer to the independence of the judiciary from the Bar Council. How can the judiciary be independent from the Bar when the Bar is a body belonging to the judicial system? How can Parliament be differentiated from MPs? Or how can the Cabinet be independent from the Executive organ?

If the Independence of the Judiciary is correctly interpreted, it will show that Mahathir and his cronies, in their capacity as members of the Executive, have no right to interfere with judicial functions. Here, the powers have been separated for a very fundamental reason: to dilute governmental power and make certain that no citizen shall face arbitrary action from authorities.

Why is it that our Prime Minister keeps putting the blame on the Bar Council when he is the actual culprit who is jeopardizing judicial independence in our country? If Mahathir wants the Bar Council to respect 'the other segment' of the judiciary, then as head of the Executive, he should set an example by respecting and not interfering with the judiciary as a whole in his executive actions. A good example of his 'busy body' behaviour is obviously none other than the case of the suspension of Tun Salleh Abbas, the former Lord President of Malaysia.

Mahathir also added that the Bar Council was influenced by the political ideology of the opposition parties. What has the Bar's reaffirmation of its 1988 no-confidence resolution against the Lord President got to do with opposition politics? If the Bar is indeed influenced by the opposition, then perhaps certain members of the judiciary are indirectly influenced by the Barisan Nasional!

As for Tun Hamid's press statement that no lawyer should appear

before him if they do not recognize him, Mahathir was quoted in the *New Straits Times* (18 March 1992), that the Lord President has the prerogative to do so. What Mahathir did not take into consideration is that when every lawyer goes to court, he is not carrying with him matters concerning himself but matters concerning the public. Therefore, if Tun Hamid is to deny any lawyer the right to a hearing just because that lawyer has no confidence in him as Lord President, then Tun Hamid is actually denying the public the right to a fair trial. This is contrary to the elements of the rule of law. And Mahathir is saying that it is the LP's prerogative! What absolute rubbish.

Mahathir's attempt to create his own definition of judicial independence is all based on nonsense. By his actions and speeches, he seems not only to have confused himself but has misled the public and created gross uncertainty on the issue of judicial independence.

Dear Mr. Prime Minister, I would suggest that you get yourself a copy of the *Holborn Law Tutors' textbook on Constitutional Law* and start reading the chapters on the Separation of Powers and the Rule of Law before you make any further public comments on judicial independence. The contents of the text is concise and I believe that a person of your calibre should have no problem in understanding it. By doing so, you can also spare yourself from unnecessary embarrassment and humiliation among judges, lawyers and law students.

Chan Kok Nung
KUALA LUMPUR

Thuraisingham, who was a vice-president of the IMP and not its president. For good measure, he did not preside over the inaugural meeting of the IMP, as stated by me on the same page; that was done by Tan Cheng Lock. However, a reading of the text does make it quite clear that Dato Onn Jaafar was the actual founder of this party. The second error concerns Onn Jaafar himself. 'KL Historian' quite rightly points out that the Member for Education was Thuraisingham, while Onn Jaafar was Member for Home Affairs.

As for the third error that it is claimed I have made, here I must plead not guilty. 'KL Historian' may well be right in stating that Chelvasingham MacIntyre stood as an UMNO candidate for Batu Pahat in the 1955 general election: my assertion that he was the MIC candidate is based on K.J. Ratnam, *Communalism and the Political Process in Malaya*, University of Malaya Press, Kuala Lumpur, 1955, p 197, where this is so stated. Furthermore, as in those elections the MIC was allocated only two seats, and the names of V.T. Sambanthan and S. Chelvasingham MacIntyre appear as the only Indian names amongst the list of successful candidates, it would appear that MacIntyre did stand on the MIC ticket at Batu Pahat. Ratnam also states that at this period Ceylonese Tamils, such as MacIntyre, were often classified as 'Indians'. (Ratnam, p 90).

So therefore, Mr 'KL Historian', I plead guilty to two careless mistakes and apologize for them, but rest my case on the third. I should, however, like to thank you for bringing these errors to our attention in the interest of more reliable history.

Muzaffar Tate
KUALA LUMPUR

History Book Errors: Author Clarifies

I refer to the letter entitled "Glaring Errors in History Book" by KL Historian in AM 1922:12(2) with regard to three factual errors in the Form 3 History book published by the Dewan Bahasa dan Pustaka.

As the three errors referred to occur in the chapters written by me, it behoves me to reply. I plead guilty to the first two mistakes mentioned. The first concerns the position of E.E.C.

Downright Injustice!

I wish to make a complaint through the AM Letters Column. I would like to inform you that after sending a letter to the Mayor of Kuala Lumpur (reproduced below), I took a copy to the *New Straits Times* office in Jalan Riong, KL to have it published under either "Hotline" or "Actionline". I was very disappointed and frustrated, when

the answer I got, was, that since the NST was a government paper, they could not publish it, as it sounded like a "very sensitive issue".

If they consider this letter of mine "sensitive" then, to whom can we turn to for justice? Here's a clear-cut case, where a certain community is given preferential treatment and let off lightly for their "wrongs", whilst other ethnic groups are taken to task.

The Letter to the Mayor

Sir,

On 12 February 1992, at about 10.45 am, after I had crossed Jalan Pahang in front of the main entrance to the General Hospital, Kuala Lumpur, without using the pedestrian overhead bridge there, on my way to the hospital for medical treatment/check-up for my heart condition, an Indian youth and I were detained by a City Hall enforcement officer for not using the overhead bridge. What incensed me was that this officer did not detain three other Malay youths who also crossed the road together with us, his reason being that he could not be expected to detain five persons at the same time, although he had another officer to assist him. What a ridiculous statement! If he could detain by order, two persons, there was no valid reason, why he couldn't detain all five. Although I explained to him that I was a heart patient aged 70 years, and provided documentary evidence of that fact, he still issued me with a *Notis Amaran* while the Indian youth was issued with a compound fine of \$30. In view of the government's efforts to promote ethnic integration and harmony, among the country's multi-ethnic communities, the blatant discrimination shown by a member of City Hall's enforcement division in the discharge of his duties is disgusting, to say the least. Hopefully, this is one of only a few such isolated incidents. Nevertheless, incidents of this nature should not be condoned, and I hope City Hall will take stern action against the officer concerned, after I have made a report, to ensure that such incidents do not recur. Thank you.

Downright Injustice
SEMENYIH, SELANGOR

The Monarchy and Mahathir: Another Crisis?

One can say that a particular sultan is in hot soup! He was accused of evading an import duty of \$2 million imposed on his luxury sports car. He has reportedly got a fleet of other luxury cars. I bet my last dollar that other sultans have a far larger fleet of sports cars, luxury cars, pleasure boats, palaces and untold of wealth.

It was the old UMNO (now illegitimate UMNO) that supported the monarchy in 1945. UMNO saved it. After the 1969 general election, special laws were enacted to protect them. Thus the amended Sedition Act came into effect shortly after the National Operations Council was dissolved.

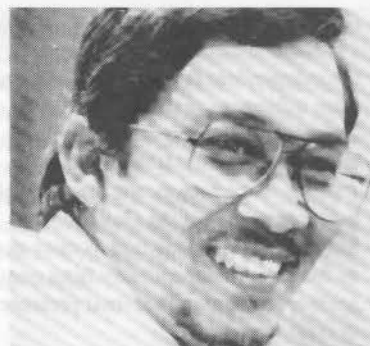
Everything went fine. Because it fitted into Mahathir's scheme of things. One member of the royalty was known to have a tendency to strike at citizens. How many have died through such actions was never disclosed.

Mahathir had wriggled out of the previous constitutional crises. This time things may be different. Firstly, whatever the action taken, the opposition state government has indicated that it will stand by the sultan. The people of Kelantan will cry foul because their sultan had been singled out.

Secondly, for 35 years or so our educational system has emphasized *Kesetiaan Kepada Raja*, Hang Tuah version. Sultans may be constitutional monarchies but the court language remains that of an absolute monarchy. And when it comes to a choice between Mahathir and Duli Yang Teramat Mulia Tuanku, Mahathir will surely lose.

Thirdly, Mahathir talks of dealing with the matter according to the law. What law is he referring to? Did he forget that the old UMNO had placed the sultans above the law? Or does he intend to change the law? If that is so, then any attempt to change the status-quo could be construed as reducing the power and privileges of their majesties.

As the law stands today, I am inclined to believe that there is no law which authorizes the Minister of Finance to levy customs duty on a car



**Finance Minister Anwar:
Overstepping his authority?**

imported by a sultan. If there is, then the sultans would not have imported foreign cars. The honourable Finance Minister has not quoted any piece of legislation. I cannot recall any such law having been passed by Parliament.

Further, the Minister quoted the decision made by the sultans at the Rulers Conference in 1972. Does this carry any legal weight in a court of law? Definitely not. It is a cardinal principle that taxes, customs and exercise duties, etc. can only be levied if there is an Act of Parliament. Otherwise it would be illegal.

If my contention is correct, then the Malaysian Royal Customs & Excise made a big blunder and owes the sultan a big apology. Likewise the Minister of Finance, who is not an accountant or a tax lawyer or an ex-JHDN (Inland Revenue Dept) officer or an ex-customs officer, ought to do the honourable thing - apologise and resign!

If the Rulers Conference had made a decision to limit the sultans' import of cars, then let the sultans deal with the matter. The Minister has no legal authority to impose customs duties and no authority to interfere. Has not the Minister of Finance overstepped his authority?

Meanwhile, what can federal officers do? They cannot act on some one who is above the law. Even the A-G says he has to study the laws.

What transpires next will be most interesting. Can Mahathir wriggle out this time? Will the Kelantan Sultan emerge as winner?

Matt Rossi
PETALING JAYA



Thinking allowed

TITLE CHASE

The Malaysian craze for a set or more of alphabets preceding or following one's name is easily (and fortunately) gratified by the numerous honours made available each year through the birthday of one sultan/governor/king or another. The title chase, unlike its slightly more noble cousin, the paper chase, has seen the untitled reaching desperate heights to convince the powers-that-be that they are worthy of a few letters of the alphabet - JP, PJK, PIS etc. This includes making lavish donations to charities and other causes best left unmentioned, and in the case of civil servants, being the ever obedient slaves who never question why but just do and lie.

It was also heard on the sour grapevine that even the undeserving can secure a title with the proper political, and in the opinion of Umno Baru, the proper royal connection. The sour grapes cited the case of a one-time underground boss, who had been previously detained for drug trafficking, but is now no less than a Datuk and rubbing his infamous shoulders with the less discriminating of the rich and famous. People like these are under the silly notion that the few extra alphabets to their names can erase their dubious past.

Lately though, those aware that they are unlikely to be titled in their lifetime have taken to stringing their fathers' titles to their own names. For instance, an Ahmad bin Mustafa whom one has known since childhood may suddenly become Ahmad bin Datuk Mustafa. This may later change to Ahmad bin Tan Sri Mustafa and even later as Ahmad bin Tun Mustafa as the case may be. Developments such as these may

either be interpreted as taking pride in papa's achievements or a pathetic advertisement of one's worst insecurities.

Anyway, this sour commentary was conceived following reports that the status-seeking in Selangor almost collapsed in epileptic fits over the Sultan's rejection of the State Government's list for title-fixing. One particular civil servant in line for a Datukship flew into a howling rage on finding that he was still stuck at being plain Mister. One can hardly blame him for feeling so wretched. After all, he had spent a great deal of money on printing five boxes of expensively embossed calling cards bearing the anticipated title. It is interesting

how we have sent our colonial masters packing but still cling to so many of their snobby traditions.

The majority of such honours have traditionally gone to civil servants in what is officially regarded as a tribute to their devotion to duty. But the truth (according to the sour grapevine again) is that the honours are useful instruments to keep many of them in line - much better results than whips. In the case of retiring civil servants, the honours have been found to be highly effective pacifiers to keep the retiring file-pusher from crying out in anguish on realizing that they have spent their entire adulthood doing little else but pushing files.

Even in Britain, where a good title is still much coveted, whether in business or marriage, there are those (typically those with none) who think the honours system is intrinsically ridiculous. They point to the MBE which stands for Member of the Most Honourable Order of the British Empire although the empire has been long lost to the restless natives. But not to worry, the tradition lives on.

• • •

BLIND BUYS

The Buy American campaign is spreading through the US like a wild forest fire. An immediate beneficiary of this outpouring of American sentiment was the US car industry. However, little did those rednecks responding to the rallying cry know that many of the so-called American cars are not as

American as they appear. The Wall Street Journal, in a recent survey, found that of seven models - a Pontiac, a Chevrolet, two Mercurys, a Honda, a Dodge and a Plymouth - only one of them was manufactured in the US. Guess? It was the Honda model that was built in the US.

• • •

POLISHING APPLES AT THE BBC

The Ministry of Information plans to improve the English of its Radio 4 announcers by sending them for English courses at the BBC training centre in London. The announcement by the Minister (who should try attending one or two courses himself apart from trying to remove whatever it is that appears to be lodged in his nose whenever he speaks) was received with great relief by Radio 4 listeners some of whom are still being treated for sore ears. It seems they had suffered greatly from listening to announcers who spoke American English (rolling their tongues into great r's even for words that did not contain the alphabet), in nasal Australian English and in plain bad English.

• • •

SHAKING HANDS & SHAKING LEGS

First, they gave themselves a fatter paycheck, then they shortened their workdays. We are talking about Parliament which will now sit four days a week instead of the previous five. The MPs' workday, by the way, starts at 2.30pm and ends at 6.30pm. The (short)change came following a request by the Government Backbenchers' Club to give MPs more time in their constituencies during the weekend. It appears that our MPs had been, until recently, grossly underpaid and overworked. Yes, yes, everyone knows what a trial it is making ends meet on \$50,000 a year when you have to jet from constituency to the capital and back again besides attending dozens of boring receptions a month.

For those MPs who hardly ever visit their constituencies, it can be safely assumed that the shorter working hours are to be happily equated with longer hours in the country club and golf courses. Our MPs' sorry tales of massive workloads and responsibilities leak like a colander given the way they have turned Parliament into a tiresome soap opera. And what do those who actually visit their constituencies do? They

talk out of both sides of their mouths while having their pictures taken beside clogged drains and piled-up rubbish, which strictly speaking, are the responsibility of Assemblymen or municipal councillors. Nevertheless, they are immensely pleased to see themselves in the newspapers the next day; posing next to drains and rubbish dumps. Most politicians, you see, do not believe they exist unless they read themselves in the papers.

An observant MP noted that parliamentary reports in the print media nowadays make up barely a quarter of what used to be reported about 30 years ago although the number of MPs and government departments have increased, budgets grown extremely complex and issues far more complicated. Reducing the time for debate as such would only compound the frustrations of voters who already feel that their MPs are treating issues dear to them much too carelessly. The bottomline is that legislation would be pushed through in even more perfunctory a manner than before.

If anything else, the reduced hours show how little faith and respect the government backbenchers themselves have for Parliament. Thanks to them, Parliament is even more of a rubber-stamp than ever. So rubbery in fact, that the Cabinet could easily use it for a quick game of squash on dull days. On the brighter side, it also means that most MPs would have less time to make fools of themselves in Parliament.

Come to think of it, it is unreasonable to expect so much of our MPs and our Ministers. The notion that they have been "democratically chosen" does not stand up to close inspection. Actually they are not so much "chosen by the people" as by their party divisions and bigwigs who nominate potentiates prior to the general election. The BN ended up with 127 of the 180 seats in Dewan Rakyat after the 1990 general election. Of these 127 MPs, a quarter were too old to be given Cabinet appointments and another quarter too young and green (not to be confused with love for nature). That left the ruling coalition with about 60 MPs to fill the 60-odd posts of Minister, Deputy Minister and parliamentary secretary. Effectively no choice at all. Yet, come to think of it, the leaders even had to dip into the depths of the unelected Dewan Negara to come up with a minister and another deputy minister. As such, it would be perfectly justifiable for each and everyone of us to feel anything less than contempt at times (or all of the time, if you like) for some of our leaders (or all of them, if you also like).

• • •

THE MAYOR'S HOMEMADE JAM

Elyas Omar, the Mayor of KL, has been reappointed to yet another two-year term. His immediate reaction on hearing the news was to give thanks to the ... boss (got you there!), who of course, is none other than Dr M. However, before the Mayor's head starts to swell, he should note that the PM announced in the same breath, that yet another consultant had been appointed to study the transportation system of the city which is sometimes known as the "Big Fruit" because it turns into such terrific jam.

In the decade that this suave civil servant, who mysteriously dropped his title of "Dr" somewhere along the corridors of the City Hall, has occupied the Mayoral office, traffic in the city has worsened to the extent that it has replaced the weather as the subject of the boring man's conversation. The Mayor admitted on the day his appointment was announced that pollution in the city had deteriorated and may reach danger levels in six years. But it was nice of him to give KLites ample warning to get out.

But, according to the grapevine, the Elyas' reappointment marked yet another round of the shadow-play between Ghafar's men and Anwar's boys. Those who sat through the torrent of words flooding the Umno Baru general assembly late last year would have been aware that Anwar's boys wanted Elyas replaced by somebody with whom they could have a "closer working relationship". Well, this probably means that Ghafar's men have taken this round.

Moreover, one could not help noticing how Tok Mat's precious RTM went overboard (or should we say over the air) in congratulating the Mayor, not once but many times, the following day. This happened over all the radio stations. The Radio Ibu Kota announcer, probably influenced by the silly love songs from Angkasapuri, went to the ludicrous limit of telling the Mayor that "We all love you!". Really?

• • •

ANWAR EATS HIS HAT

The Minister of Finance was noticed "eating his hat" the other day. Joining him at the table were a whole lot of foreign investors with gleaming spoons stuck in their grinning mouths. The Minister, who had announced in his maiden Budget address last year that foreign investors would no longer be pampered with generous tax breaks, was doing the back-step on the

policy because of the strong lobby from the industrial sector. Thus, it was back to spoon-feeding for our foreign guests, who we imagine, will nourish us into another Little Dragon of the East.

It was a humiliating episode for the former Malay Studies activist, who it is rumoured, is still grappling with a Sixth Form text dealing with macro and micro economics. However, he has promised that by January 1994, all the spoons will have to come out of those mouths, meaning that all export incentives would be abolished for all companies for the assessment year 1995. Such brave words. One would think that he enjoys the taste of hat.

But there are two ways of looking at how he may deal with his promises by 1994. First, by 1995, he may no longer be around, having been overcome by his detractors (of whom he is said to have no shortage). Second, he may have realized his ambition by then, that is, become Prime Minister and thereby, be in a position to keep his promise - or make even more extravagant ones.

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LAW OF THE JUNGLE

Important court documents and files were destroyed in a fire that swept through the registry of the lower courts in Penang recently. The fire took place at dawn and among the things found at the scene were 30 cooker fuel units and three empty fruit juice containers that stank of petrol. Chief crime-buster Zaman Khan promptly attributed the fire to arsonists paid by those desperate to remove certain files. Blazes in court are not new and past incidents have sometimes been linked to notorious lawyers and their shady clients although no evidence has ever been produced to substantiate these opinions.

Flocks of such black sheep are to be found in the Bar and quite a number are known to have underground links thanks to their noble defence of persons such as drug traffickers, rapists, child molesters, murderers, thieves and other low-life. One would be inclined to blame the court authorities for shoddy security since it is common knowledge what some people will do to escape trial and conviction. More than two million years may have passed since human walked on fours with hair all over their bodies but some of us have made little progress in walking upright.

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GIFT OF THE GAP

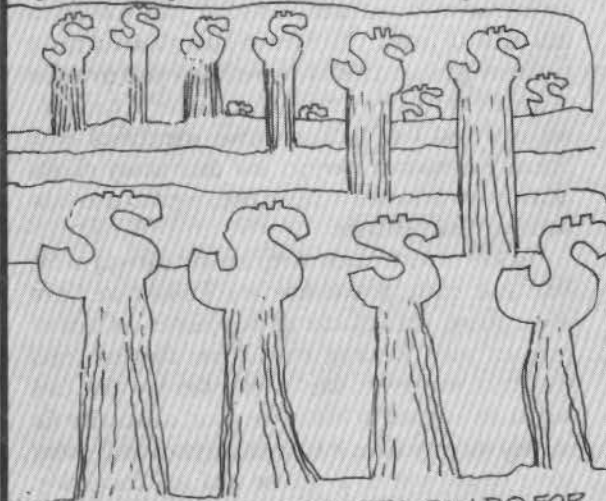
The rich are indeed getting richer and the poor poorer according to a New York Times report. The number of Americans living below the poverty line grew from 11.7 per cent in 1979 to 12.8 per cent in 1990. Analysts blamed the tax breaks delivered to the rich and the repression of minimum wage during the Reagan years. The situation is not unique to the US for the gap between the rich and the poor back home has also grown as big as a politician's mouth.

Government figures indicate that the mean household income of the top 20 per cent of Chinese was about 8.5 times that of the bottom 20 per cent while the disparity between the top and bottom income categories of Malay households was about 9.6 times. It would seem that the fruits of our robust economic growth has gone into lining the well-stitched pockets of the already wealthy. It also appears that the "towkay image" that used to be associated with the MCA may now apply just as well to the Barisan Nasional as a whole.

• • •

EARLY RAINFOREST SUNSET

The sun may set over the oldest rainforests in the world (it's right in our backyard) even sooner than expected. In fact, it will probably take place in the political lifespan of the Minister of Primary Industries



...NOT WHAT THE FORESTS CAN DO FOR YOU... BUT WHAT THE TREES CAN DO FOR ME !!!

THAT'S THE QUESTION?!



who had so dramatically announced the sunset of the tin mining industry not so long ago. A report by the Yokohama-based International Timber Trade Organisation has predicted that Sarawak would be cleared of virgin forests by 2001, while Sabah is expected to be logged out by 1995 or so. How shameful it is to be the destroyers of one of the world's most wonderful natural heritage.

In a way, we have only ourselves to blame for giving the mandate to the sort of politicians who continue to allow the desecration of the rainforests in the name of development. The development argument is largely for public consumption because the real reason is none other than greed and corruption for the paths from the receding forests lead right to the plush offices of the powers-that-be. It is common knowledge that a small group of powerful politicians control the timber trade in these two states and the family of a certain Sarawak minister owns some of the largest logging concessions in the state.

• • •

IN HOT SOUP

The Religious Affairs Department is lacking in public confidence because of the indifference and negative attitude of its officials towards those seeking their advice and services, the head of the Selangor branch said recently. He did not elaborate but women who have approached the department for help would be more than happy to do so. There is no shortage of Muslim women seeking advice for failed marriages who have been stunned by the male chauvinism of the department's officials.

For instance, a lady, whose marital problems had come to a crisis was told by one of these officials to go home and try to make her husband happy by showing him more attention such as making him a nice bowl of soup when he returned from work each day. Another was told that it was her fault if her husband sought sexual relief from a younger woman and proceeded to criticise the way she dressed. Others were lectured on the duties of a wife and the privileges to be enjoyed by the husband. In the words of a woman crisis counselling volunteer, who has heard more than her tolerable share of such stories, some of these officials seem to have stepped out from the dark ages.

...NOT A GOOD MAN!

...YOUR FAULT!



OH LORD, PROTECT US FROM AIDS ... AND THE MINISTER

Condoms are not a popular mode of attire among those who visit brothels, the Minister of Health declared recently. He said 80 per cent of men who sought their thrills in what he described as the low-class red-light areas of Jalan Chow Kit and Jalan Tiong Nam ventured forth unprotected. The Minister, who is said to have had difficulty telling the difference between being homosexual and homogeneous until recently, came to this curious conclusion based on "informal surveys", by which persons, he did not specify. He was also very careful to stress that the Ministry had "never conducted proper surveys in brothels" (which could also be taken to mean that whatever surveys which had taken place in brothels were of an improper nature).

So what is an informal survey? Is it merely observational, or is it based on the Minister's conversations with Cabinet colleagues, friends, acquaintances? Or did he get the impression from professionals of the world's oldest sort? Or could it be the residue of "men talk" in between Parliamentary sittings or even during the more boring moments of Parliament? The Minister's approach to the subject of safe sex is not unlike *coitus interruptus* - highly fallible and best attempted with fingers crossed. In fact, it is said that his views on Aids are only entertaining when repeated in the men's room.

...

LOVE BOAT II

Lee's Genes - not a brand of trousers but Harry's Grand theory on population engineering - has gone haywire in recent years. Not only are divorces in Singapore up (at 10 marital fallouts a day), but suicides have also risen alarmingly from 8.7 per 100,000 in 1970 to 14.6 in 1989, says a study by a Singapore professor. (Let's pray that he is not committing professional suicide in releasing these embarrassing figures knowing what you-know-who is like). From the coroner's court statistics, the professor found that one person commits suicide everyday in the Republic.

Ironically, suicidal citizens have been aided in their dramatic exits by the city's planners as the most popular way of ending life in Singapore was to leap from a tall building. One would think that Singaporeans would be more than willing to dwell longer in what has been described as the best-managed nation in the world instead of taking the express route

to the other world. As if all that was not enough, births are down and marriages are taking place even later than ever. Last heard, the island's official match-makers are busy repairing their capsized Love Boat to set it sailing again into the family way.

...

NATURE'S IRRESISTABLE CALL

Firemen responding to a call found themselves at a toilet next to the Bentong highway. Despite the high-tech engineering and computerised toll collection of the Malaysian Highway Authority (MHA), it was incapable of putting up a decent toilet for highway users. The toilet constructed over a fire hydrant near the Bentong toll plaza, although illegal and quite ir-



responsible, was a much needed facility for travellers. As all of us would know, the call of nature is one of the most irresistible of calls. One must respond or risk losing all, including one's face, and that was exactly what happened to the MHA. ♦

by NNP

(The above article was intended for publication in AM 1992:12 (3) but owing to space constraints appears in the present issue.)

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Bush And The United States

The War Crimes Tribunal recently found George Bush and others in his administration guilty of war crimes, crimes against peace and crimes against humanity in the war against Iraq. We carry below a press release by the COMMISSION OF INQUIRY FOR THE INTERNATIONAL WAR CRIMES TRIBUNAL.

A 20-member Tribunal representing the people of five continents concluded a day-long presentation of evidence in New York Feb 29 by unanimously finding George Bush and others in his administration guilty of 19 charges of War Crimes against peace and crimes against humanity for U.S. conduct regarding the war against Iraq.

The work of the Tribunal, begun by former Attorney-General Ramsey Clark and other anti-war activists a year earlier had reached a climax. But it was not an end. It was instead a beginning to pursue the struggle against wars of aggression.

The audience of 1,500 at Martin Luther King, Jr, auditorium had spent five hours watching the dramatic presentation of evidence. They broke into applause, cheers and cries of relief as panel member Deborah Jackson announced the final judgment:

"The Members of the International War Crimes Tribunal find each of the named accused Guilty

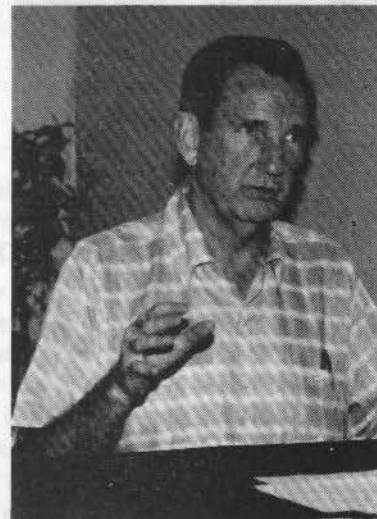
on the basis of the evidence against them and that each of the nineteen separate crimes alleged in the initial Complaint has been established to have been committed beyond reasonable doubt....

"The members urge the immediate revocation of all embargoes, sanctions and penalties against Iraq because they constitute a continuing crime against humanity.

"The Members urge public action to prevent new aggressions by the United States threatened against Iraq, Libya, Cuba, Haiti, North Korea, Pakistan or other countries or against the Palestinian people...."

Tribunals in 20 countries

Delegates and anti-war activists from 33 countries were present at the final tribunal. They represented 10 months of study and research into war crimes. Some had organized tribunals in their own countries. In all, people held such



Commission of Inquiry Chief Ramsey Clarke: Collected evidence across the globe over 10 months.

tribunals and meetings in 20 countries and in 30 US cities.

The Feb 29 Tribunal was a dramatic summary of the year's work. Organizers presented a multi-media exposure of US action in the Gulf. They used videos on three players, a photo exhibit, "The Gulf War through Iraqi Eyes", another of dozens of jailed US military resisters, and eyewitness and expert testimony from the stage.

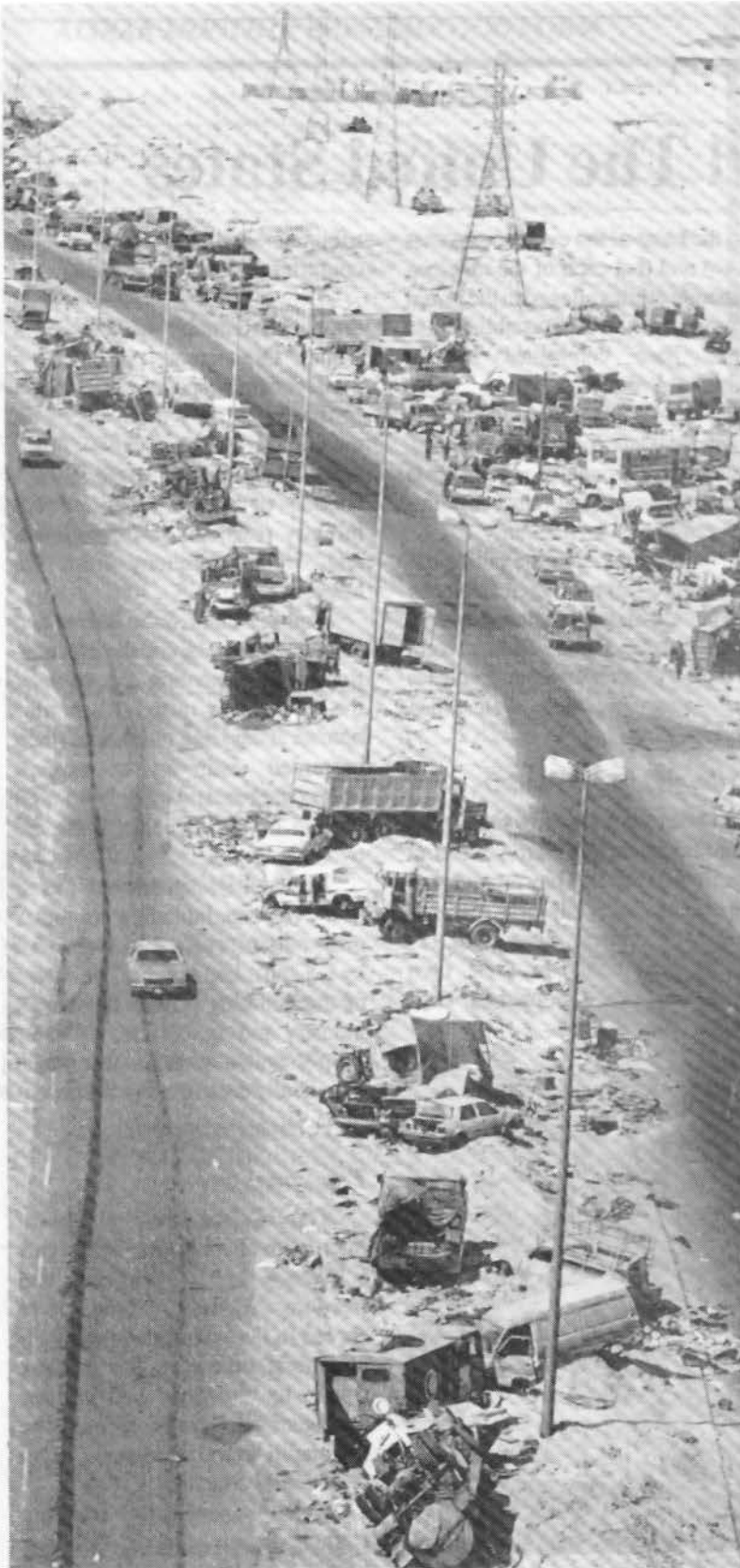
Ramsey Clark, Sahu Barron and Joan Sekler spoke for the prosecution, each presenting a portion of the 19 charges raised 10 months before. They and witnesses then presented testimony to support these charges. It was only a small portion of the evidence collected over 10 months.

Researchers presented some new evidence, including computer print-outs of every installation hit by US and allied bombs. The extent of the bombing proved that Iraq's industry and agriculture, its water supply and sewerage, were systematically destroyed by US bombing.

The Panelists

The Tribunal panelists included internationally known civil rights activists, legal workers and freedom fighters. Some have served in the governments of their countries; others in the prisons; some have done both. They reflected a diversity of cultures, nationalities and ideologies. (List of panelists attached).

Senior panelists included former deputy Prime Minister Sheikh Mohamed Rashid of Pakistan, Susumu Ozaki of Japan and Rene Dumont of France. Aisha



Highway of death: The Tribunal was presented with evidence of systematic US bombing of Iraq's industry, agriculture, water supply and sewage.

Nyerere of Tanzania testified on the suffering brought to East Africa by the Gulf War. Laura Albizo Campos Meneses of Puerto Rico described the US colonial role in her country. Olga Mejia of Panama told how the US demonization campaign against Gen. Manuel Noriega prepared the way for the bombing of the popular neighbourhood of Chorrillo in Panama City.

Other panelists came from Tunisia, Turkey, Egypt, Jordan, the Menominee Nation, Britain, Germany, Canada, Quebec and the United States. An Indian High Court judge was denied a visa. A renowned Malaysian participated in absentia. Labour unionists and community organizers assured the panel of working-class representation.

Tribunal background

The Feb 29, 1992, International War Crimes Tribunal was the culmination of one of the largest independent worldwide investigations into war crimes that has ever been undertaken.

Some tribunals have punished the losers in a war. Others have exposed aggression from afar. For the first time an independent investigating commission has brought charges of war crimes against the military victor and made those charges right from within the country responsible for the war. It did this while the administration that committed these war crimes is still in office and still sees the Gulf War as its crowning triumph.

As the Native speaker said in her welcome speech, just as US Cavalry massacres of Indian Villages a century ago were promoted and celebrated as gallant victories for "civilization", the US massacre of Iraqi people was presented as the triumph of good over evil.

In both cases, racism was a key tool used both to rationalize and justify the most ghastly war strategies, as well as to mask the real economic interests that

propelled the frenzied killing. One hundred years ago, important commercial and land holding interests wanted to steal the land of the Native peoples of North America. Today, US and western banks, oil monopolies, and transnational corporations want to completely

dominate the land, labour and the natural resources of the oil-rich Middle East.

The aim of the Tribunal is to demand the US government be held accountable for its actions and to stop future war crimes. Its goal is to arouse and organize anger and op-

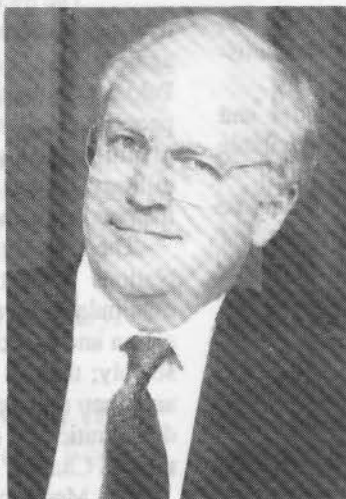
position to US policies, and as Tribunal national staff person Gavrille Gemma said, "to join this anti-US intervention movement to the movement of the working class." □

JUDGEMENT OF TRIBUNAL

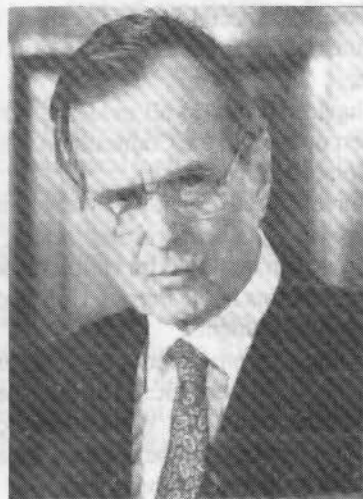
GUILTY!



Joint Chiefs Chairman Powell



US Secretary of Defense Cheney



US President Bush

The Members of the International War Crimes Tribunal, meeting in New York, having carefully considered the Initial Complaint of the Commission of Inquiry dated May 6, 1991 against President George W. Bush, Vice President Dan Quayle, Secretary of Defence Richard Cheney, Chairman of the Joint Chiefs of Staff Colin Powell and Gen. Norman Schwarzkopf, Commander of the Allied Forces in the Persian Gulf charging them with nineteen separate crimes against peace, war crimes and crimes against humanity in violation of the Charter of the United Nations, the 1949 Geneva Conventions, the

First Protocol thereto, other international agreements and customary international law;

having the right and obligation as citizens of the world to sit in judgement regarding violations of international humanitarian law;

having heard the testimony from various Commissions of Inquiry hearings held within their own countries and/or elsewhere during the past year and having received reports from numerous other Commission hearings which recited the evidence there gathered;

having been provided with documentary evidence, eyewitness statements, photos,



Captured Iraqi soldiers: The Tribunal finds the US and its allies guilty of "crimes against peace, war crimes and crimes against humanity."

videotapes, special reports, expert analyses and summaries of evidence available to the Commission;

having access to all evidence, knowledge and expert opinion in the Commission files or available to Commission staff;

having been provided by the Commission, or otherwise obtained, various books, articles and other written materials on various aspects of events and conditions in the Persian Gulf and military and arms establishments;

having considered newspaper coverage, magazine and periodical reports, special publications, TV, radio and other media coverage and public statements by the accused, other public officials and other public materials;

having heard the presentations of the Commission of Inquiry in public hearing on February 29, 1992 and the testimony and evidence there presented;

and having met, considered and deliberated with each other and with Commission staff and having considered all the evidence that is relevant to the nineteen charges of criminal conduct alleged in the Initial Complaint make the following findings:

Findings

The Members of the International War Crimes Tribunal find each of the named accused Guilty on the basis of the evidence against them and that each

of the nineteen separate crimes alleged in the Initial Complaint, attached hereto, has been established to have been committed beyond a reasonable doubt.

The Members believe that it is imperative if there is ever to be peace that power be accountable for its criminal acts and we condemn in the strongest possible terms those found guilty of the charges herein. We urge the Commission of Inquiry and all people to act on recommendations developed by the Commission to hold power accountable and to secure social justice on which lasting peace must be based.

Recommendations

The Members urge the immediate revocation of all embargoes, sanctions and penalties against Iraq because they constitute a continuing crime against humanity.

The Members urge public action to prevent new aggressions by the United States threatened against Iraq, Libya, Cuba, Haiti, North Korea, Pakistan and other countries and the Palestinian people and fullest condemnation of any threat or use of military technology against life, both civilian and military, as was used by the United States against the people of Iraq.

The Members urge that the power of the United Nations Security Council, which was blatantly manipulated by the US to authorize illegal military action and sanctions, be vested in the General Assembly; that all permanent members be removed and that the right of veto be eliminated as undemocratic and contrary to the basic principles of the UN Charter.

The Members urge the Commission to provide for the permanent preservation of the reports, evidence and materials gathered to make them available to others, and to seek ways to provide the widest possible distribution of the truth about the US assault on Iraq.

Charges of Other Countries

In accordance with the last paragraph of the Initial Complaint designated Scope of Inquiry, the Commission has gathered substantial evidence of criminal acts by governments and individual officials in addition to those formally presented here. Formal charges have been drafted by some Commissions of Inquiry against other governments in



An Iraqi mother holds her malnourished infant: The International War Crimes Tribunal urges the immediate revocation of sanctions and penalties against Iraq.

addition to the United States. Those charges have not been acted on here. The Commission of Inquiry or any of its national components may choose to pursue such other charges at some future time. The Members urge all involved to exert their utmost effort to prevent recurrences of violations by other governments that were not considered here.

• Done in New York this 29th day of February, 1992.

Serving on the International War Crimes Tribunal, New York Feb 28-29, 1992

• **Aisha Nyerere, Tanzania**

Practicing attorney and Resident Magistrate of the High Court in Arusha, Tanzania. Has researched the impact of the Gulf War on East Africa.

• **Olga Mejia, Panama**

President of the National Human Rights Commission in Panama (non-governmental), a delegated body representing peasants organizations, urban trade unions, women's groups and others. Ms. Mejia spoke on behalf of the Panamanian people to the European Community Parliament in 1991.

• **Bassam Haddadin, Jordan**

Member of Parliament, Second Secretary for the Jordanian Democratic Peoples Party. Member of the Parliamentary Committee on Palestine. Member of the Parliament Democratic Coalition.

• **Sheik Mohamed Rashid, Pakistan**

Former deputy prime minister under Zulfikar Ali Bhutto and Agriculture Minister in Benazir Bhutto's government. Long-term political prisoner during the struggle against British rule and renowned fighter for peasant and worker rights, now senior vice president of the Pakistan People's Party.

• **P.S. Poti, India**

Former Chief Justice of the Gujarat High Court. Former Advocate General for the state of Kerala and judge of the high court of Kerala. He has to his credit a record of human rights cases. In 1989 elected president of the All-India Lawyers Union.

• **Laura Albizu Campos Meneses, Puerto Rico**

Past President of the Puerto Rico Nationalist Party and current Secretary for Foreign Relations. She is the honorary President of the Peace Council, representing both Puerto Rico and Peru on that body.

• **Dr. Sherif Hetata, Egypt**

Medical doctor, author. Dr. Hetata is a member of the Central Committee of the Arab Progressive Unionist Party. Worked eight years with United Nations expert team in Asia and Africa. Served 14 years as political prisoner in 1950s and 1960s.

• **Dr. Haluk Gerger, Turkey**

Founding member of Turkish Human Rights Association and professor of political science, with specialty in International Relations. Dismissed from Ankara University in 1982 when military government restructured the universities.

• **Abderrazak Kilani, Tunisia**

Representing the Tunisian Bar Association. Former President of the Tunisian Association of Young Lawyers and President of the Lawyers Association of the Magreb. Founding member of the National Committee to Remove the Embargo from Iraq.

• **John Jones, USA**

Community leader in the state of New Jersey. Vietnam veteran who became leader of the anti-war movement during the US-led war against Iraq.

• **Opato Matamah, of the Menominee Nation of North America**

Involved in defence of human rights of indigenous peoples since 1981 as representative of non-governmental organizations at the United Nations. Represented the International Indian Treaty Council at the Commission of Human Rights at the

“...The Members believe that it is imperative if there is ever to be peace that power be accountable for its criminal acts...”

UN and the Working Group on Indigenous People.

• **Peter Leibovitch, Canada**

President of United Steel Workers of America, USWA Local 8782 and the Executive Council of the Ontario Federation of Labour.

• **John Phillipot, Quebec**

Attorney working with Latin American immigrants in Montreal. Member of Board of Directors of Movement Quebec for sovereignty. Organizing Secretary for the American Association of Jurists in Canada.

• **Susumu Ozaki, Japan**

Former justice, imprisoned 1934-1938 for violating Security Law under militarist government for opposing Japan's invasion of China. After the war Mr. Ozaki often represented labour unionists, defending them against management, and individual organizers against frame-ups.

• **Rene Dumont, France**

Agronomist, ecologist, specialist in developing countries. His book about the Gulf War and his visits



Serving on the Tribunal: Malaysia's Tan Sri Ahmad Noordin

to Iraq after the destruction, “This War Dishonours Us,” will appear this April.

• **Lord Tony Gifford, Britain**

Human Rights Lawyer practicing in England and Jamaica. Investigation and exposure of human rights abuses in British occupied Ireland. Member of the British House of Lords.

• **Dr. Alfred Mechttersheimer, Germany**

Former member of the Bundestag from the Green Party, spokesperson from Peace Committee 2000, for demilitarization and withdrawal of all foreign troops. Former Lieutenant Colonel in the Bundeswehr, current peace researcher.

• **Deborah Jackson, USA**

First vice president of the American Association of Jurists, a body of attorneys, judges and legal scholars from South and North America and the Caribbean. Former National Director of the National Conference of Black Lawyers.

• **Michael Rainer, USA**

Currently attorney and former director of the Center for Constitutional Rights, past president of the National Lawyers Guild Schell Fellow of International Human Rights at Yale Law School.

• **Tan Sri Ahmad Noordin bin Zakaria, Malaysia**

Former Auditor General of Malaysia. Known throughout his country for battling corruption in government. □

Save The Children In Iraq

A HUMANITARIAN APPEAL

A few days after Iraq invaded Kuwait in early August 1990, the United Nations Security Council imposed an economic blockade against Iraq. Resolution 661 of 6 August 1990 imposed mandatory economic sanctions against Iraq in an effort to end Iraq's invasion and occupation of Kuwait.

By late November 1990, the CIA reported that sanctions were having more than 90 per cent effect on the economy of Iraq. In spite of that, US President George Bush went ahead with his war against Iraq on 17 January 1991. The 42-day aerial bombardment of Iraq was devastating. Former US Attorney-General Ramsey Clark, who travelled extensively in Iraq during the war for a week, confirmed this.

Effects of the War

Ramsey Clark said, "The effect of damage to municipal water systems on health and safety is tremendous. In the hospitals, there is no heat, no clean water except limited quantities for drinking supplied in bottles, no electric light in wards and hospital rooms and inadequate medicine, even for pain alleviation, in the face of a great increase in critically and severely injured persons.

Many homes, schools, hospitals, transportation systems and other essential amenities were destroyed by the aerial bombings. More than a hundred thousand innocent civilians were killed or seriously maimed. Infant deaths have soared mainly due to the shortage of baby milk formula."

The Children

Tragically, although the war has ended, the economic sanctions against Iraq are still being continued.

The UN Under-Secretary General Martii Ahtisaari, experts from UNICEF, WHO, FAO, WFP, UNHCR and the UNDP have testified that millions of innocent civilians in Iraq have become direct victims of the economic sanctions. The Harvard study

team which visited Iraq about a year ago has warned that at least 170,000 children below the age of five could die in the following months.

The latest independent surveys from foreign teams stated that the death rate for children there has risen by 380 per cent since the war. At least 500 children die everyday due to lack of proper nutrition and medical care. As a result of the destruction by the war and sanctions, hospitals and clinics are actually short of medicines and medical equipments.

On January 1992, the Catholic Relief Services of America reported that the food situation in Iraq continued to deteriorate, with hunger and malnutrition reaching a desperate state.

International Campaigns

World public opinion is growing. Many caring people throughout the world have spoken out against the continuation of the inhuman sanctions against Iraq and they include:

- * Mr. Najmuddin Arbakan, President of the Turkish Prosperity Party;
- * Schiller Institute, Washington D.C.;
- * Mr. Gennady Navikitch, Deputy Minister of Foreign Economic Relations of Belarus, a newly independent state;
- * The Arab National Union Party of the Republic of Yemen and representatives from various organizations;
- * Malaysian Newspapers;
- * Parliamentarians and concerned professors, intellectuals, artists and journalists from India;
- * The Islamic Teaching Centre in Kenya;
- * The French League for Human Rights;
- * The Archbishop Milloslag Filck of Czechoslovakia;
- * Schiller Institute, Germany;
- * Pope John Paul II;
- * A delegation of American Doctors of Peace Organization;
- * Lawyers' Organizations from Tunisia, Libya, Jordan and Morocco;
- * Trade unions from Tunisia;
- * The Swedish Save the Children of Iraq Campaign;
- * US National Council of Churches;
- * Mr. Hans Koschlar, the Head of the International Progress Organization, Austria;
- * The Protect Iraqi Children Society in Austria;
- * Rallies and gatherings in Paris, Mali and Morocco;
- * And many other renowned International organizations and individuals.

Save The Children In Iraq

The international campaign will continue to work for the lifting of sanctions against Iraq. Meanwhile, an international campaign to save the children in Iraq has started. "Save The Children in Iraq" committees

have already been formed in many countries, including Germany, the United States, Sweden, Switzerland, Australia, France and Malaysia. The tragedy has prompted relief actions, and supplies of food, medicines and medical supplies to be sent to Iraq. □

An Appeal to all Malaysians

We, Malaysians, a humane and caring people, plan to save the children in Iraq. We fervently appeal to all Malaysians to generously support our non-partisan and humanitarian campaign. The vital principle of "first call" for children, adopted unanimously at the 1990 Special United Nations Summit for Children, attended by many heads of state, specifically demands that children should be spared the agony and consequences of wars and disputes of the adult world. This principle should also be applied to the suffering children in Iraq.

You can support the "Campaign To Save Children in Iraq" by donating money, medicines and medical equipment. Please send your contributions to:

**CAMPAIGN TO SAVE THE CHILDREN IN IRAQ
C/O MALAYSIAN MEDICAL ASSOCIATION
4TH FLOOR, MMA HOUSE
124 JALAN PAHANG
53000 KUALA LUMPUR**

With thanks and best wishes.

Chairperson: YBhg Dato' Dr. R.S. McCoy

Secretary: Fan Yew Teng

Assistant Secretaries: Yunus Ali

Edda De Silva

Treasurer: Mohd. Sidek Ahmad

Committee Members: Dr. Tan Chee Beng

Ms. Maria Chin Abdullah

Mrs. Yvonne H. Leong

Endorsed by:

ORGANIZATIONS

1. ABIM

2. Volunteer Voice

3. One Way Media

4. Society for Christian Reflection

5. MSRI (Malaysian Sociological Research Institute)

6. Malaysian Medical Association

7. ALIRAN

8. PAKAR

9. AWAM

10. SUARAM

11. Workers' Organization of Malaysia

12. ERA

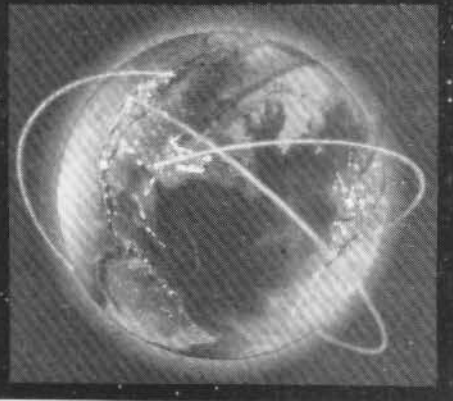
13. Malaysian Physicians for the Prevention of Nuclear Warfare

14. CAP

and 96 individuals ♦



CURRENT Concerns



Sanctions Against Libya

REALIZING that the sanctions against Libya on 15 April 1992 as a result of ten members voting in favour, whilst five members abstained from voting on Resolution 748 of the Security Council without first exhausting every possible means of peaceful action through negotiations, mediation and arbitration and also without giving ample time for the Third World, the OIC and the Arab League to undertake fresh initiatives to settle the Lockerbie case amicably without the use of any form of aggression;

TAKING NOTE that Resolution 748 which was sponsored by the West was orchestrated by the United States of America which has a proven record of practising **double standards** on issues of justice, peace, human rights, democracy and terrorism; of which the rights of small nations especially those which do not want to bow to US pressures have always been denied while at the same time, US allies are left freely to do whatever they deem fit without any concern for humanitarian issues;

VIEWING WITH DEEP CONCERN with regard to the 49 Security Council resolutions against the terrorist regime of Israel which persistently ignores these resolutions while intensifying persecution and killing rampantly the Palestinians since 1948 without the US, which claims to be the champion of human rights, raising any serious remedial actions as it is doing against Libya

and Iraq;

TAKING SERIOUS NOTE on the five members that abstained from voting on Resolution 748 - China, India, Cape Verde, Zimbabwe and Morocco - that represent three quarters of the world population that aspires for universal peace and justice to be implemented without fear or favour;

IN VIEW of the above, the Assembly of the People's Association of Malaysia that convened on the 15 April 1992 representing the aspiration of all Malaysians that love and seek universal peace:-

URGES the Security Council Resolution 748 be withdrawn and

fresh diplomatic initiatives and efforts through intense negotiations and legal means be endeavoured extensively and vigorously.

CONDEMNS the United States for its role in orchestrating Resolution 748 since the US practises **double standards** on issues of human rights and democracy and on too many occasions supported the terrorist regime of Israel which never submits to any of the UN Security Council resolutions.

URGES that the role and structure of the UN be reviewed so as to free the world body from being strangled and monopolized by the super-powers with a view to upholding universal justice that truly represents the aspirations of the whole world.

CALLS UPON the support of the peace-loving people of Malaysia to voice their opposition by sending letters, telegrams and post-cards to the US, British and French ambassadors in Malaysia expressing deep regret for their role in perpetuating injustice against small nations.

SUPPORTS the endeavour of the Third World, the OIC and the Arab League in searching for an amicable settlement on the Lockerbie case through negotiations and using diplomatic channels in the spirit of friendship without the use of any form of aggression and threats.

AND URGES the Malaysian Government to continue with its active role, as in the past, by courageously voicing the views of the Third World for the sake of



Resolution 748 was orchestrated by the United States which has a proven record of double-standards on issues of justice and democracy.

universal peace for the whole world.

16 April 1992
Petaling Jaya

List of Endorsers:

1. ABIM (Muslim Youth Movement of Malaysia)
2. ALIRAN
3. CAP (Consumers Association of Penang)
4. COAC (Centre for Orang Asli Concern)
5. DAP Socialist Youth
6. GPMS (Federation of Malay Students Societies)
7. KPIP (Perak Muslim Students Union)
8. MBM (Malaysian Youth Council)
9. MSRI (Malaysian Sociological Research Institute)
10. PERMIM (The Indian Muslim Association of Malaysia)
11. PKPIM (The National Union of Muslim Students of Malaysia)
12. PKIUM (The University of Malaya Muslim Staff Association)
13. PUM (Ulama Association of Malaysia)
14. PSSM (Social Science Association of Malaysia)
15. PPPM (Association of Malaysian Workers)
16. SCR (Society for Christian Reflection)
17. Sisters in Islam
18. SUARAM (Malaysian Peoples Voice for Human Rights)
19. Tenaganita (Women Force)
20. Third World Network

The Second Ministerial Conference of Developing Countries

Aliran wishes to congratulate the Malaysian Government on the successful conference on Environment and Development at the Second Ministerial Conference of Developing Countries. The Kuala Lumpur Declaration that was issued concerning the Environment and Development marks a firm and sincere commitment on the part of

the Malaysian Government to ensure that there is a positive commitment by all countries to have a balanced development that does not conflict with the need to safeguard the environment.

Aliran hopes that developed nations will take the Kuala Lumpur Declaration seriously and cooperate positively with developing nations to safeguard the environment.

In conjunction with this conference, the decision of the Prime Minister Datuk Seri Dr. Mahathir

to attend the Earth Summit should be welcomed as his attendance at the conference will give more voice to countries from the South as well as to show that Malaysia is firmly committed towards meaningful international cooperation on development and the environment.

Dr. Ariffin Omar
President

30 April 1992

**KEEP THE FLAME BURNING...
Appeal for Donations**

Last year ALIRAN celebrated its fourteenth anniversary. We have been speaking up for truth, justice, freedom and solidarity. In recent years, we have added a new dimension to our goal which is embodied in our slogan "A People's Movement towards UNITY".

Our struggle for unity can be achieved through education which highlights common values and ideals which lie at the core of every religion.

We want to build a multi-ethnic organization with a clear focus backed by spiritual and moral values, transcending ethnic lines.

To bring about such a consciousness, ALIRAN has frequently organized talks, forums, seminars and research. One such seminar was on "The Human Being: Perspectives from Different Spiritual Traditions" followed by its recent publication. The *Aliran Monthly* can also boast of being the only truly independent and non-partisan monthly which presents rational views on major national and international issues. There is also a regular feature on Unity.

The *Majalah Aliran*, the Malay equivalent was launched in March 1991 and it is hoped it will reach a greater cross-section of the people.

To carry out these activities, ALIRAN needs funds. It is financially self-supporting and depends on its members and well-wishers for its survival.

Dear Malaysian, we ask you for a small sacrifice.

Keep the flame burning and make that small contribution as you have always done in the past.

Help us to serve you better.

A friend of Aliran is a friend of the people.

Send your donation to:

**THE TREASURER
ALIRAN
PO BOX 1049
10830 PENANG.**

...continued from back page **REVIEW OF THE BUKIT PAYUNG STATE BY-ELECTION**



One security personnel for every three or four voters: Intimidation hung heavy in the air.

election. Indeed, PAS held a slight edge entering the fray. But we had also warned that the Barisan would be going all out to deprive the opposition party of victory using whatever means at its disposal.

Speaking of irregularities, hours after the results were announced, allegations began flying around that several hundred phantom voters or *pengundi hantu* had voted in the polls.

Apparently, these 'semi-pro import' voters, mostly in their twenties and thirties, were brought into Bukit Payung by bus from Perak, Pahang and Kuala Lumpur a few days before polling day. It is

claimed that these voters were specially registered to vote in Bukit Payung. PAS election workers complained that they could not recognize up to 500 voters' names in the electoral rolls used for this by-election whereas previously they were familiar with nearly all the names.

These kind of allegations are not new to Bukit Payung. At the 1990 general election, a convoy of ten taxis allegedly carrying phantom voters from Kuantan was stopped and surrounded by angry Bukit Payung residents. After negotiations with the police, the residents finally agreed to release the taxis and the phantom voters.

It was reported that the phantom voters later had a change of heart and revealed that they had been forced by the management of their factory in Pekan to go and vote in Bukit Payung.

This time around, alleges PAS, the phantom voters were smarter. Instead of going *en bloc* to Bukit Payung on polling day, they crept into the constituency a few days earlier making detection by vigilant PAS election workers more difficult. However, several busloads carrying these phantom voters were seen entering the area.

Our Information Minister may have banned ghosts from showing up on our television screens in any shape or form. But it looks like we certainly haven't seen the last of 'ghosts' (read *pengundi hantu*) on the local electoral front! Perhaps Rahmat's ban could be extended to cover these unscrupulous election-time 'ghosts.'

ANAK ANGKAT

Another important factor leading to the Barisan victory was the return of the anak angkat or 'adoption' scheme as well as the blatant abuse of government and state agencies for party purposes. Close to 1,200 of these anak-anak angkat were deployed to protect the hearts and minds of voters in Bukit Payung from 'undesirable



The Terengganu Semangat 46 Chief's car was set on fire but the news was not carried in the mainstream media.

LEFT: Terengganu MB Wan Mokhtar's political career was on the line.

influences' (PAS vote canvassers). These *anak-anak angkat* were said to be mainly ex-participants of the Training- While-Working Scheme (Skim Latihan Sambil Bekerja) sponsored by the State Economic Planning Unit (Unit Perancang Ekonomi Negeri or UPEN). It is reliably learnt that these *anak-anak angkat* were paid pocket money of \$70 each a day while their new-found 'adopted parents' (i.e. the potential voters) or *ibu-ibu angkat* were paid \$10 each for every day they allowed the *anak-anak angkat* to stay with them.

Other government agencies abused included Serikandi, the Terengganu Religious Affairs Department (Jabatan Hal Ehwal Agama Terengganu or JHEAT), Risda, Unit Perpaduan Ummah and the Community Welfare Department (Jabatan Kebajikan Masyarakat). Of course, there was the usual manipulation of the mainstream mass media and promises of development which

you readers will be all too familiar with by now so we won't delve into that here.

PAS election workers also cited instances of vote-buying. Apparently, inflation has taken its toll - a vote can cost up to \$150 to \$200 these days.

TIGHT SECURITY

A startling feature of this by-election was the unprecedented overwhelming presence of security personnel in Bukit Payung for the duration of the campaign purportedly "to maintain law and order." About 3,000 personnel from the police, the FRU, the Police Field Force and the Special Branch were present in and around Bukit Payung. That works out to one security personnel for every three or four voters in the constituency! Apparently, they were there because the area is supposed to be prone to outbreaks of violence. But funnily enough, nobody I spoke to remembers any untoward incident

occurring in Bukit Payung in recent years, leaving aside the occasion when the phantom voters were surrounded by irate PAS sympathizers in 1990.

Many political observers believe that the real purpose of having such a large security presence was to intimidate the voters in Bukit Payung and at the same time convey a subtle - come to think of it, it wasn't that subtle after all - message to voters: trouble could be expected if the Barisan candidate was to lose; the security forces' presence there was just to remind voters of this. Isolated cases of harassment were also reported against PAS supporters. At some gatherings, it is alleged that armed security personnel stood with bayonet rifles pointing in the direction of PAS supporters.

HUDUD LAWS

Some politicians like DAP secretary-general Lim Kit Siang believe that PAS' announcement

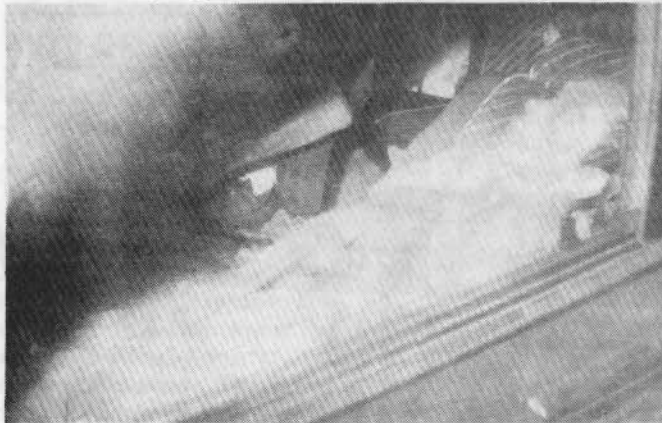
DEAD VOTER PROVES A POINT Hassan Mamat has the final say

Hassan Mamat would never cast another vote. He passed away on the second day of Hari Raya after suffering from a prolonged illness.

Remember Hassan? He was the paralysed voter from Bukit Payung whose wife voted on his behalf at

the 1990 general election after getting the green light from the polling station officer. However, the High Court in Kuala Terengganu ruled on 1 March that the officer in question was not medically qualified to determine whether Hassan was indeed incapable of casting his own ballot. As a result, the 1990 election which PAS won was declared null and void and the incumbent state assemblyman, Baharuddin Mohd, lost his seat.

But Hassan had the final say - his death on 6 April after much suffering from various ailments silenced those who had earlier accused him of play-acting, a charge bitterly denied by his wife, Kembang Mat Zin. Sadly, Hassan's death was not even mentioned in passing in our sycophantic mainstream media which was only prepared to say that the Bukit Payung by-election was called because the previous poll was "not carried out in accordance with the law." □



The late Hassan Mamat, shown here being brought home from medical treatment.

that it wishes to implement Islamic *hudud* laws in Kelantan would have contributed towards the decline in support for PAS. But political analyst Dr. Chandra Muzaffar feels that this issue would have had little effect among the predominantly Muslim voters of Bukit Payung.

TOP PRIORITY

From the start, it was clear that the Barisan had made victory in Bukit Payung a top priority. No effort was to be spared in achieving success. Why did the Barisan attach so much importance to Bukit Payung?

Firstly, they had to nip the steadily increasing support for PAS in rural areas - areas which were once UMNO Baru's heartland - in the bud. Previous by-elections in rural areas like Bayu, Serkam, Jerlun and Jerai had seen the Islamic revivalist party making significant inroads into what had traditionally been UMNO strong holds. UMNO Baru could ill-afford to suffer another setback which would have added further momentum to the PAS bandwagon.

Secondly, Bukit Payung lies in the state of Terengganu which PAS considers to be its second frontline state. It is also more easily influenced by events in neighbouring Kelantan which is solidly under PAS-Semangat 46 rule. Before the by-election was declared, the opposition coalition controlled ten of the 32 seats in the Terengganu state assembly. Of these ten seats, eight were held by PAS with the remaining two belonging to Semangat 46. Earlier, in the 1990 general election, the opposition had made impressive gains in what had once been a relatively 'safe' UMNO state. Another victory for PAS in Terengganu this time could well have provided it with a psychological launch-pad in its bid to wrest control of the Terengganu state government at the next general election.

Thirdly, Bukit Payung lies



within the Marang parliamentary constituency which happens to be the bastion of PAS deputy president Hadi Awang. Hadi is without doubt one of the most influential figures in Terengganu and a pillar of strength within the PAS national leadership. UMNO Baru could not resist the rare opportunity it had to cut him down to size on his own turf.

Fourthly, if there was one man who wanted to win at all costs, it was Terengganu Menteri Besar Wan Mokhtar. Bukit Payung was perhaps his last chance to revive his flagging fortunes within UMNO Baru. It was reported that he even went to the extent of renting a house in the Bukit Payung vicinity for the duration of the campaign. After the Barisan's shock defeat in Terengganu at the Teluk Pasu by-election in 1989 and its loss of ten state assembly seats to the opposition at the last general election, as well as Wan Mokhtar's own failure to be returned as one of the three vice-presidents of UMNO Baru in 1990, another defeat for Terengganu UMNO Baru would have most certainly brought his political career to a premature end.

NASTY INCIDENTS

A couple of nasty incidents occurred during the election campaign. The car belonging to Terengganu Semangat 46 chief Tengku Seri Paduka Raja was set

on fire in Kuala Terengganu during the height of the election campaign. Damage to the car, a BMW, was extensive. The Semangat 46 leader had been playing a prominent role in the by-election campaign when the incident occurred. Again, this news went unreported in our mainstream mass media.

Another unfortunate victim was Deputy Prime Minister Ghafar Baba who was taken ill and warded into hospital after getting stung by an insect (a bee?). Ghafar, the Barisan by-election campaign specialist, was forced to return to KL to recuperate.

CREDIBILITY

The Bukit Payung by-election has shown that the Barisan will stop at nothing to ensure victory when it desperately needs to win. Wan Mokhtar and the Barisan can breathe a huge sigh of relief.

But the Election Commission must look seriously into the many allegations of phantom voters if it is to retain its credibility. The police and other security forces should also strive to maintain their professionalism and impartiality in the discharge of their duties. They should never allow themselves to be manipulated by unscrupulous politicians.

The Barisan may have won this battle but, to put it mildly, it can take no pride in how it went about achieving that victory.v

*Review of the Bukit Payung
state assembly by-election*

PHANTOM VOTERS DENY PAS VICTORY?

Controversy mars Barisan win

Barisan Nasional won the Bukit Payung by-election. But it was a victory without pride, says ANIL NETTO.

On the face of it, it appears that the ruling Barisan Nasional has managed to turn back the tide of surging support for PAS which was evident from the opposition party's impressive performance in several by-elections since the 1990 general election. A closer study though will reveal that PAS, in fact, succumbed to an onslaught of unprecedented intensity that left many political observers bewildered.

At the 21 April by-election in Terengganu for the Bukit Payung state assembly seat, the Barisan candidate, Mazlan Awang from UMNO Baru, recaptured the seat from the PAS incumbent, Baharuddin Mohd, by a 389-vote majority. The Barisan registered a 2.4% increase in its share of the valid votes cast to record a 52.3% level of support amongst Bukit Payung voters. The voter turnout was 85%. Victory must have been gratifying for Mazlan who lost to Baharuddin by a narrow 17-vote majority in the same constituency at the 1990 general election. The by-election was called when the High Court declared the 1990 verdict null and

BUKIT PAYUNG, TERENGGANU STATE ASSEMBLY SEAT				
	1990 General Election		1992 By-election	
	No. of votes	% share of valid votes	No. of votes	% share of valid votes
BN	4,146	49.9	4,401	52.3
PAS	4,163	50.1	4,012	47.7
TOTAL*	8,309	100.0	8,413	100.0
MAJORITY	-17		+389	



Some *anak-anak angkat* return home: Reliable sources say each is paid \$70 a day to protect the hearts and minds of potential voters for the BN.

void (see accompanying article).

PHANTOM VOTERS

In our preview of the by-election in AM 1992:12(3), we stated that, barring irregularities and

going by recent trends, Bukit Payung would be the best chance for PAS to record its first by-election victory since the 1990 general

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