

The Malaysian Civil Rights Movement



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Introduction

Civil rights are those rights, "such as belong to every citizen of the state or country, or, in a wider sense, to all its inhabitants, and are not connected with the organization or administration of government. They include the rights of property, marriage, equal protection of the laws, freedom of contract, trial by jury, etc. Or, as otherwise defined, civil rights are rights appertaining to a person by virtue of his citizenship in a state or community. Such term may also refer, in its very general sense, to rights capable of being enforced or redressed in a civil action."

(Black's Law Dictionary, sixth edition, 1323-4)

The general notion of civil rights is that they have to do with the rights of citizens to liberty and equality. In the United States, civil rights are rights secured to citizens in that country by their Thirteenth and Fourteenth amendments to the Constitution, and by various acts of Congress, e.g. Civil Rights Acts.

In the United Nations, the Covenant on Civil and Political Rights and that on Economic, Social and Cultural Rights, once ratified, are legally binding instruments. Thus, states that ratify the Covenant on Civil and Political Rights obligate themselves to implement a long list of rights provisions. These include: the right to life, liberty, and security of person; the right to seek compensation or relief before a court or competent tribunal; the right to liberty of movement, including the liberty to leave one's country; the right to privacy; the right to freedom of thought, conscience and religion; and the right of peaceful assembly. The covenant also outlaws torture and degrading punishment for all ratifying states which have to report to special committees on such issues. Furthermore, the covenant lists specific activities that states must undertake as a means of safeguarding civil and political rights.

Not surprisingly, the Malaysian government has, to date, not ratified these two important covenants which are intended to give substantive effect to the Universal Declaration on Human Rights. Civil rights in Malaysia have been an issue ever since the birth of the nation but especially after the Federal Constitution was amended

following the proclamation of Emergency in the aftermath of the 1969 May 13 racial riots. The subsequent New Economic Policy, National Culture Policy and other social policies have further eroded the civil rights of Malaysians.

Since colonial days, Malaysians have not failed to stand up and fight for their civil rights. This particular study looks at the Eighties which can be described as the spring of the civil rights movement in Malaysia. This juncture is unprecedented in Malaysian modern history and the civil rights movement of the Eighties will always remain an inspiration for the ethnic minorities and marginalized communities in the country. If it had not been for this civil rights movement, the questionable National Culture Policy would have steamrolled over the cultural rights of the non-Malays; Bukit China would have been leveled for commercial development; even more discriminatory civil, political, economic, social and cultural rights of Malaysians implemented against the interests of the Malaysian masses.

This is a record of the main events during that decade in which the author also played a part. The civil rights movement of the Eighties remains relevant today because these civil rights issues, especially relating to the National Economic Policy and the Education Policy are still very much part of the current government agenda. The National Culture Policy has been temporarily held in abeyance mainly because the multi-cultural character of Malaysia has been identified as an exotic pull factor for the multi-billion-tourist industry and the corporate class in the ruling party. UMNO has become decidedly anglophile. Nonetheless, this policy has still not been rescinded and the Government continues to pander to Islamisation as it competes with PAS for the Muslim votes.

This civil rights movement was largely concentrated in the Malaysian Chinese community but there were common issues relating to the national economic policy and cultural policy on religion, education and other issues where there were common stands taken together with the other non-Malay communities.

At the same time, the indigenous peoples and the marginalized Tamil community in the plantation sector were faced with socio-economic developments which were adversely affecting their lives and they were forced to organize protest actions to exercise their civil rights. Some of these actions were sustained over long periods and involved several communities, for example, the protests over the dumping of radioactive wastes in Perak; the blockades to protest logging in Sarawak, and the defence of plantation workers' rights in Peninsula Malaysia.

An analysis of why the Indian community, for example, did not experience a comparable movement as was seen in the Chinese community will undoubtedly cover the political links and patronage system of the Malaysian Indian Congress (MIC) – one of the parties in the ruling coalition. A similar situation can be found among the indigenous peoples' communities of East Malaysia which are likewise controlled through a patronage network to their respective political parties in the ruling coalition.

The distinct modes of production of the different indigenous peoples in Sarawak and Sabah and their separate geographical distribution in jungle terrain partly explain why the protests over logging and the Bakun dam did not develop into a movement.

Tamil educationists have frequently lamented the absence of a more independent Dong Jiao Zong – type national association within the Indian community. The answer perhaps lies in the fact that through the years, the Malaysian Chinese education movement led by the two associations in Dong Jiao Zong has maintained a non-partisan position vis-a-vis the Chinese-based political parties. The network of organizations within Dong Jiao Zong – namely, school committees and school teachers associations of the more than a thousand Chinese-medium schools – all working in concert for the common cause of mother tongue education further explains the strength and endurance of the Malaysian Chinese education system.

During the Eighties, we also saw the historic role played by the thirteen state Chinese Assembly Halls which united with Dong Jiao Zong in the Fifteen Major Chinese Associations (15 Huatuan). A convergence of economic, political, social and cultural factors resulted in the Chinese associations throughout Malaysia uniting under the banner of the 15 Huatuan at the start of the Eighties as we shall see in Chapter One. Together they put forward historic civil rights demands including the National Culture Memorandum (NCM) in 1983, the Joint Declaration (JD) in 1985 and defended the civil rights of the non-Malays on other issues.

The President of the Selangor Chinese Assembly Hall, which played a leading role among the Assembly Halls during the early Eighties, was Khoo Siong Chi. He blended well with the Chairman of the School Committees Association (Dong Zong), Lim Fong Seng and the Chairman of the School Teachers Association (Jiao Zong), Sim Mow Yu in forging this civil rights movement.

The author arrived back in Malaysia after his studies in Britain late 1982 just as this civil rights movement was taking off. He was