

Dr M: Not intended to change system

Debate was to

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save monarchy

KUALA LUMPUR, Sun. — The open debate on the resolution on the Rulers and the constitution at the Umno general assembly is not intended to change the monarchical system or foment revolution, **Datuk Seri Dr Mahathir Mohamad** said.

The Umno president said the debate merely intended to remind all affected parties of the indiscretions that had taken place and to highlight the possible dangers associated with them.

He said: "We are worried that if not reminded, the affected parties will continue with their actions and this may lead to even stiffer reminders which may worsen the situation.

"It could also lead to an uncontrollable reaction from the affected parties."

In winding up the debate, **Dr Mahathir** said the ultimate and true objective of the debate was to save the constitutional monarchy.

The constitution and laws alone could not save a system used by Governments anywhere in the world.

"What can save the system is the beneficial outcome of its implementation, which comes from the continuous support of the people for the system."

Throughout the history of Umno since *merdeka*, no question pertaining to the Rulers was ever raised. This is because the country's system of a constitutional monarchy and parliamentary democracy had never been violated, the Prime Minister said.

Later, speaking to newsmen at a Press conference, **Dr Mahathir** said the debate would not necessarily result in amendments to the constitution. He said Umno's supreme coun-

cil would meet soon to discuss the resolution and decide which of the two courses of action proposed by delegates could be taken.

One was to present the views of the delegates to the Rulers, and the other to have a special committee make a further study and offer concrete suggestions.

In the 33 years since *merdeka*, this system has served the nation well. Even though there was a constitutional crisis in 1983, Umno refrained from discussing issues concerning the Rulers despite the uneasiness in and outside the party, he said.

Dr Mahathir said that since the debate on the resolution was made in the context of the system of constitutional monarchy and parliamentary democracy, it was therefore important that everyone fully understood the actual significance of what these terms meant.

For this "we have to refer to our history for guidance", he said.

The following is the translated excerpts of the Prime Minister's speech:

"Before being colonised, the Malay States were under the feudal system of Government where only the royal household and State dignitaries were involved in politics.

"The *rakyat* had no role to play whatsoever. During that time, the political situation was seldom stable. Attempts to topple the Rulers were made all the time.

"This inevitably weakened the Malay sultanate and lawlessness was the order of the day. That was why colonisers had an easy time intervening, influencing and eventually taking over the administration.

"It was true that the British were invited and accepted through agreements, but when they were in power they were even able to determine who among the royalty could ascend the throne and who could not.

"The Rulers had to live under the rule of the British, especially those

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Dr M speaks on Rulers and the Constitution

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in the Federated States."

Dr Mahathir's speech received all round applause from the packed hall. For the first time, the party president relied on a prepared text to present his winding-up speech.

He proceeded: "This was the situation when the Japanese occupied the country. The Rulers' position under Japanese rule was vague. What was clear was that the Japanese assumed full authority even though they allowed the question on religion and culture of the Malays to be determined by the Malays.

"It was the hope of the Malays that when the British returned, the status quo could be retained even if the foreign power did not grant independence. The Malays hoped then that the administration would be under the British while the Malay States would be recognised as States with a Ruler and not directly under British rule.

"The Malay States were actually British protectorates and not British colonies.

"Unfortunately, when World War II ended, the British planned to fully colonise the Malay States under the Malay Union, under which the Malay Rulers would only be made heads of the Islamic religion and Malay culture. The full administration of the Malayan Union would be in the hands of the British.

"In a situation when the Rulers had no link whatsoever with the *rakyat* and the *rakyat* had no role in national politics and administration, the Rulers had no place to turn to.

"Hence, when (Sir Harold) MacMichael threatened not to recognise Rulers who refused to sign away their power to the British, the Malay Rulers had no choice but to agree to the transfer.

"The transfer may not have been stopped if the Malays had not openly countered strongly the British move.

"The Malayan Union was then changed to the Federation of Malaya where the Rulers' position reverted to that before the Japanese occupied the Malay States. They were not directly involved in the administration which had been placed under the Legislative Council and British High Commissioner who headed an Executive Council.

"It was clear that the Ma-

monarch acts on the advice of the chief executive who is chosen by the *rakyat* except for the dissolution of Parliament and appointment of the Chief Executive himself, other than the matters affecting Islam and customs.

"In choosing a Chief Executive, the Ruler is bound by the stand of the elected representatives in Parliament. If the Ruler selects someone without the representatives' majority support, then that someone will be ousted through a vote of no confidence.

"Hence, the chief executive, whether a Menteri Besar or Prime Minister, must be among elected representatives securing the support of his counterparts.

"Normally, the party leadership that acquired a majority during an election is most likely to get the support of a majority of the elected representatives. If he is not selected and another elected representative is chosen and sworn in by the Ruler, that elected representative will fall when the Dewan sits and a vote of no confidence is cast.

"In other words, although the Ruler can appoint a Government Chief Executive, he is bound by the wishes of the representatives elected by the voters.

"Malaysia has a written constitution and various laws to clarify the monarch's position and rights of the people. It is not specified in the constitution that Malaysia practices a system of constitutional monarchy and parliamentary democracy.

"There is no specific mention in the constitution that Malaysia adopts the system of parliamentary democracy and constitutional monarchy. However, certain constitutional and legal provisions give the understanding that Rulers in Malaysia are constitutional, based on a system of parliamentary democracy.

"There is no comprehensive legal system in any country that provides what can be done and what not to do.

"If what is specifically not prohibited means it is allowed, then the Ruler is allowed not only to be active in politics, but also to vote and be elected as a people's representative, Menteri Besar and Prime Minister in the parliamentary demo-

Government. But the Government is open to criticism.

"The Government rarely brings people to court under the Sedition Act although allegations, sometimes seditious, have been made against the Government by individuals, groups and the media, sometimes invoking hatred against the Government.

"Allegations without any basis, like saying the Government is involved in corruption, will definitely make the people hate and wish the Government to fall. However, the Government will not use the Sedition Act to save itself. Only when those accusations can lead to riots and chaos will the Government take action.

"Although the Government can use the Sedition Act to clamp down and circumvent any activity which can invoke hatred against the Government it refuses to do so.

"This is because the Government needs to know the feeling of the people and their criticisms against the Government. If there is no criticism against the Government, whatever wrong the Government does will go unchecked.

"This means any feeling and hatred that the people may have against the Government will get worse until one day it cannot be controlled and will explode in a rebellion against the Government.

"Hence, even though there is a Sedition Act the people must be given the freedom to criticise and it must be done in a clear manner. If only one or two persons are allowed to make such criticisms, it may be regarded as only their opinion and not that of people.

"The people, and certainly Umno members, must be given the opportunity to express whatever is in their hearts without too much restrictions imposed by the Sedition Act.

"Under the constitution and the laws of the country, the Rulers are immune from legal action as provided for in article 181(2): No proceedings whatsoever shall be brought in any court against a Ruler of a State in his personal capacity.

"Nevertheless, this does not mean that the Ruler was free to do as he pleased. The freedom is limited according to the unwritten convention. The freedom does not mean the Ruler can steal or kill or commit crimes.

lays had struggled to restore the position of the Rulers after they had signed the declaration to surrender their power under the Malayan Union. The quest for *merdeka* was fully supported by most of the Malays. The independence gained through this struggle of the Malays also retained the institution of the Malay Rulers. Umno had no intention of destroying the institution of the Rulers.

"It is clear that the Malays, through Umno, had struggled to restore the position of the Malay Rulers which was lost after signing the Malayan Union agreement.

"Following that, Umno fought for independence, which was supported by almost all the Malays. The Malay States whose independence was fought for by Umno and the Malays are the Malay States which still preserve the Rulers.

"There is no intention at all for Umno to abolish the monarchical system. What is being fought for is merely how to preserve the Rulers without setting aside democracy. With that, the system of a constitutional monarchy and parliamentary democracy was shaped.

"Hence, while we, Umno, demanded independence from the British, we agreed with the Malay Rulers on the preservation of the monarchy in what was Malaya then, but with an administration by a Government elected by the people.

"The British system of a constitutional monarchy was made an example. Separating the Rulers from the administration was done with the intention of giving the *rakyat* a role in determining their destiny, which was to make Malaya a democratic nation.

"Government by monarchy cannot be democratic because the monarchy cannot be replaced. Instead, Government by the *rakyat* through the democratic process can be changed using the same method.

"Therefore, anyone from the citizen chosen to head the Government who failed in his duty or committed offences can be expelled or taken to court. Normally, the monarchy cannot be prosecuted and cannot be expelled. Therefore, the Government by a monarch cannot be democratic.

"That is why when we want to retain the monarchy, the Ruler is not given executive powers. A constitutional monarchy, as in the British concept, is involved directly with the administration but has specific roles.

"Under the constitutional monarchy in Malaysia, the

cracy system.

"What is specifically barred in the constitution for the Rulers is to hold wage-earning posts and venture into business.

"But if the Rulers are active in politics in a democratic system, then the monarch must be willing to face challenges and be replaced, if this could be done, then the Ruler is not a Ruler in the true sense.

"On the other hand, we in Malaysia have accepted and are willing to preserve a Ruler who cannot be ousted by the people. With that, although there is no specific legal prohibition preventing the Ruler from being active in politics, for the sake of continuing the constitutional monarchy, participation in politics is against the system of a constitutional monarchy and parliamentary democracy.

"Comprehension of this matter by all parties is important. Knowledge of the constitutional monarchy and parliamentary democracy requires adherence not only to the written laws but also to the unwritten concept, spirit and tradition.

"The question is how we are to remind all parties of the importance of the constitution, laws, spirit and tradition of the matter. Can this be done through existing channels without getting clear evidence that the situation has reached dangerous proportions and now requires advice.

"In a situation where it is difficult to criticise and the response to this cannot be openly demonstrated, it will be difficult to convince the affected party how serious the situation is.

"According to the Sedition Act, any action or speech which maligns a Ruler can be interpreted as sedition. Whether it has seditious tendencies or not, it is up to the courts to evaluate and to pass judgment. Due to the fear of legal action, feelings of dissatisfaction may have been repressed and not expressed.

"Since we do not have concrete evidence of such feelings among the people, clandestine activities highlighting such dissatisfaction may continue and increase in frequency.

"The pent-up feelings may explode into the open and by then it will be too late to stop any extreme moves. This is what happened to several societies where the people's views were stifled to the extent that the authorities had no indications that the people were going to revolt.

"The Sedition Act also prohibits the public from exhibiting seditious tendencies not only against the Rulers but also the

"When immunity from prosecution was provided, it was with the belief that the Ruler would not deliberately or excessively commit unlawful acts. Perhaps society could close one eye on one or two offences but if it was deliberate and the laws repeatedly abused, it is no longer acceptable.

"Sometimes, it is not only the Ruler who commits an offence but also members of his family. Due to the respect accorded to the Ruler, these offenders were simply left alone.

"But such an attitude was dangerous because the riled-up feelings were not only aimed at the Ruler's family but also at the monarch. This directly affects the Ruler's image.

"The Rulers have considerable influence. There will be people who like to use such influence. That is why should anyone attempt to correct the Ruler to preserve his position, there will be others who will try to take advantage to stir the Ruler's hatred towards the critic.

"In the political arena, if those responsible for advising the Ruler try to criticise the monarch, their attempt would be exploited by political enemies to obtain the support and sympathy of the Ruler and to use his influence in politics.

"Thus, those in position to advise the Ruler will not do so. The Ruler will be unaware of the people's response to his actions.

"This will encourage the Ruler to continue with his indiscretion. With that, although the Sedition Act and custom bars people from reacting openly, the anger will grow. This may lead to an action to wipe out the monarchy.

"Our intention to debate in the open the violations to the provisions on the constitutional monarchy and parliamentary democracy systems in Kelantan is not to change the system in that State or to foment revolution.

"Our intention and direction is to remind certain parties, as early as now, of the abuses that have taken place and the dangers. We are confident that if not criticised, the concerned parties will continue with their action and this would lead to a stiffer criticism that would worsen the situation, or may lead to uncontrollable action by the affected parties.

"The final and real objective of our debate is to save the Malaysian constitutional monarchy system. The constitution and law alone will not save a governmental system anywhere. What can save the system is the benefits that come from practice and continuous support for the system from the people."