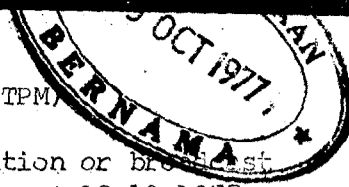


PERHATIAN
PLEASE NOTE

PEN. 10/77/68 (TPM)

EMBARGO: Not for publication or broadcast
before 8.00 p.m. on 18.10.1977



DEPUTY PRIME MINISTER OPENS THE FIRST TUN
ABDUL RAZAK MEMORIAL LECTURE AT THE UNIVERSITY
OF MALAYA

Speech by YAB Timbalan Perdana Menteri, Dr. Mahathir Mohamad,
at the opening of the first Tun Abdul Razak Memorial Lecture at the
University of Malaya on 18th October, 1977 at 7.30 p.m.

The late Tun Abdul Razak was a valued mentor and colleague of
mine, and I consider it a great honour to be invited by the Organising
Committee to preside at the very first Tun Abdul Razak Memorial Lecture.

It is fitting that this series of annual lectures formerly
known as the Braddell memorial lectures should, when delivered in
Kuala Lumpur, for not only was he a politician but he was also a lawyer.
Had he practised law I have no doubt he would have made a name for himself.
But instead he chose to apply his legal training to the administration
of the country. We are I think the richer for it. As a law student he
did very well. He zipped through his exams in 18 months instead of the
usual three years, and in his later years his achievement as a law maker
was recognised by his Inn (Lincoln Inn) when they made him an honorary
Bencher, the only Malaysian ever so honoured by any Inn. Early in the
50's on retiring from his legal studies in Britain, he soon became
embroiled in politics and in 1955 resigned from the civil service to
contest our first general election. He was elected and became a Minister
and in 1971 the Prime Minister.

He was an adroit politician, a superb administrator with the
capacity to translate dreams into realities, a true democrat, and as
demonstrated by his many actions, he was also a statesman in Malaysia
and on the international scene.

In the field of law, he played a great part in the drafting of
the present constitution which has survived as a highly workmanlike
document for twenty years which is no mean achievement in the Third World.
It was he who insisted, contrary to the advice of his friends that a new
country should have a brand new constitution in which the fundamental
liberties and rights of the citizens are guaranteed. Current events,
however, make me think that probably our constitution should also spell
out the duties owed by citizens to the state and to each other, as does
(I believe) the constitution of the Philippines.

Another achievement of his in the field of law is the National
Land Code. Land is a state subject and the constituent states of Malaysia
are very jealous of their powers and rights as regards land. But the Tun's
tact and diplomacy persuaded them to agree that at least the law relating
to land should be embodied in one document, instead of each state having
its own Land Enactment. This is convenient not only to lawyers but
also eases greatly the task of land administrators on whose efficiency
depends the livelihood of the rakyat. I am familiar with the difficulties
in dealing with the bureaucratic machinery, and appreciate the magnitude
of the Tun's achievement.

Finally, he passionately believed in the rule of law - that the laws should apply equally to everyone including the state and that the law should be administered by a judiciary totally independent of control by Parliament or the Executive.

I may add, at this point that the independence of the judiciary also implies the independence of the legislature from the judiciary. This is a topical and relevant comment because there is a tendency for institutions wishing to be autonomous to believe that while others should not interfere in their affairs, they should be free to intrude in the affairs and usurp the functions of others. I am sure that the Tun's belief in the independence of the judiciary is based on the democratic concept of the separation of judicial from legislative functions. While the legislative wing should not assume judiciary roles or seek to direct the judiciary, the judiciary should not attempt to force its views upon the legislature. To do so, especially when accompanied by threats, may result in a confusion of roles and the eventual destruction of the independence of the judiciary itself. Tun Abdul Razak as both a lawyer and a democrat would not want this to happen.

There are many other things I can say in tribute to the memory of the Tun; but I must desist for lack of time.

Now, let me introduce to you our distinguished speaker tonight, the Hon'ble Justice Enrique M. Fernando. He is the senior Justice of the Supreme Court of the Philippines. It is fitting that the first Tun Abdul Razak memorial lecture is delivered by a judge from another Asean country, considering the patient efforts put in by the late Tun into establishing Asean as a going concern.

Justice Fernando was appointed direct to the Supreme Court in 1967, and he is now the the senior Judge of that Court. He has acted as Chief Justice three times.

After graduating from the University of the Philippines in 1938, he went to Yale as the first Filipino Sterling Fellow in 1947, obtaining his masters the following year. He was professor of constitutional law at the University of the Philippines from 1941 until 1953 when he was appointed Associate Code Commissioner, which position he held until 1963.

He served as legal adviser to three Presidents: President Magsaysay, President Garcia and President Marcos.

Today he still holds two chairs: The George A. Malcolm Chair of Constitutional Law at the University of the Philippines and the Jose P. Laurel Chair of Constitutional Law in the Lyceum of the Philippines.

In 1962 he took part in a conference on legal education in Singapore.

He was chosen to represent the Philippines in four U.N. Southeast Asia Regional seminars on human rights.

Last year he was one of four Asian jurists, including our Lord President, who were Bicentennial guests of the US Government to speak at various centres on the influence of the American constitution on constitutions in Asia.

He has published extensively, having at least nine books on constitutional law and human rights, the latest being a 900 - page treatise on the constitution of the Philippines now in its second edition. He has contributed to various legal journals at home and abroad. The December 1976 issue of the Malaya Law Review carried an article of his entitled

"An Asian Perspective on the American Constitutional Influence in Asia: Its impact on the Philippine Legal System".

He was born on 25 July, 1915. He is married to Emma Quisumbing and they have five children. We are honoured to have Mrs. Fernando with us. She is also a lawyer and has published a College book on the constitution of the Philippines.

She was a student of Justice Fernando - which shows that not only is he a good professor, he also has very good judgement.

I now have pleasure in inviting justice Fernando to deliver the first Tun Abdul Razak Memorial Lecture entitled "Government Powers and Human Rights in Times of Emergency; a brief survey of the Malaysian and Philippine constitution".

KUALA LUMPUR

18hb. Oktober, 1977

s/bm

(dikeluarkan pada pukul 5.00 petang)
