

**Thousands 'stateless' in M'sia still British: Hindraf
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Human rights movement Hindraf Makkal Sakthi has discovered, after extensive legal research in London, that several thousand so-called stateless people in Malaysia are in fact still British subjects.

According to Hindraf, the 'stateless' are therefore entitled to British citizenship and nationality "if denied citizenship and nationality in Malaysia despite the independence agreements".

This claim by Hindraf is based on declassified colonial and British government documents extensively available at the National Archives of the United Kingdom in London. It has been estimated by Hindraf that among ethnic Indians alone in Peninsular Malaysia, there are 150,000 British subjects.

hindraf in london 110310 waythamoorthy "We have since engaged a Queen's Counsel (QC) to write a full professional paper on the subject for formal submission to British Immigration," said Hindraf chair P Waythamoorthy (right) in an interview with Malaysiakini yesterday by telephone from London. "We want feedback from British Immigration."

Waythamoorthy, in political asylum in the United Kingdom, was following up on the day-long 1st National Hindraf Makkal Sakthi Convention in Kuala Lumpur last Sunday.

He reiterated that the movement will deal only with British Immigration at this stage and sees no need to involve the UK government prematurely.

The Malaysian lawyer expects British Immigration to take up the matter with the UK government through the home secretary. In turn, the UK government can be expected to liaise with the Malaysian government on the matter.

"The people who are actually stateless in Malaysia today are those nationals mainly from Indonesia and the Philippines who entered the country after independence with valid travel papers," explained Waythamoorthy.

"They may no longer be citizens of their home countries after overstaying 10 years or more in Malaysia with expired travel documents."

The Hindraf chair explained that people in Malaysia who are still British subjects are those who were in British Malaya at the stroke of midnight on Aug 30, 1957 and, again at the stroke of midnight on Sept 15, 1963 in British North Borneo (Sabah) and British Sarawak.

These people were subsequently denied Malayan and/or Malaysian citizenship. The term British subject also covers the descendants of these people.

Grant them Malaysian citizenship

The issue in the case of Peninsular Malaysia, Hindraf's main interest, is the denial of Malaysian citizenship to thousands of people and their descendants.

"The Malaysian government, like the Malayan government, has denied citizenship to thousands of British subjects in Malaysia by systematically violating the Merdeka

(independence) agreements and international treaties with the British," charged Waythamoorthy.

"They did this through various acts of administration and bogged down the whole process in mindless red tape."

NONE In short, since the Malayan and Malaysian governments refused to move British subjects to a new status as citizens of the country, their original legal status remains intact. They are not in a legal twilight zone, continued Waythamoorthy.

"Their legal status is clear and must be recognised accordingly by the United Kingdom."

Waythamoorthy clarified that Hindraf's main objective is not to get British citizenship and nationality for British subjects still in Malaysia. Instead, it wants Malaysian citizenship and nationality for them to bring closure to a chapter from the country's colonial past.

"However, if the Malaysian government refuses to move on the question of citizenship and nationality for the British subjects in the country, we have no alternative but claim these rights in the United Kingdom," warns Waythamoorthy.

"We have the constitutions of Malaysia, the United Kingdom, the independence agreements, international law and the United Nations on our side."

It is for the UK government, said Waythamoorthy, to argue with the Malaysian government that the latter has broken international treaties and violated the Merdeka agreements and take up the matter further, if necessary, at the United Nations and the International Court of Justice.

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