

The Mahathir years

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THE 1960s, although a tumultuous decade for many other reasons, was relatively quiet in terms of intervention by the Malay Rulers in matters of administration and politics.

The relationship between the Sultans and the Alliance Government was still benefiting from the effort both parties had been obliged to make to find common ground in the run-up to their negotiations with the British in 1956.

(Eventually, the Rulers had been persuaded to drop their opposition to the granting of citizenship to non-Malays born in Malaya, a provision insisted on by the British, championed, naturally, by the MIC and MCA, and accepted by Umno only with a certain amount of trauma.)

But the honeymoon period of the new constitutional monarchy couldn't last forever.

By 1981, when Dr Mahathir Mohamad succeeded Hussein Onn as Prime Minister of Malaysia, the country was in the giddy throes of a surge in royal activism.

The period from 1977 to 1983 saw several Sultans make their presence felt in the political arena to a far greater degree than had been previously seen.

The close of Hussein Onn's premiership saw conflicts between several Sultans and Mentri Besar erupt into the open.

In 1977, the Sultan of Kelantan attempted to intervene in a crisis caused by the deteriorating relations between PAS and Umno (then in a short-lived alliance).

The Sultan attempted to postpone the dissolution of the State Assembly following a vote of no confidence in the Mentri Besar, in order that a replacement MB could be found from PAS without elections being called.

Unrest followed, which was ample pretext for the Federal Government to declare a State of Emergency in Kelantan. In the subsequent State elections, Umno came to power, a situation that the Sultan had been trying to avoid.

Things were heating up elsewhere, too. In 1977 the Sultan of Perak ostracised his Mentri Besar to the point that he was forced to resign. In 1978, the Sultan of Pahang rejected the Umno nominee for MB

In the second segment of *Ruling the Rulers*, an analysis of the challenges faced by the Malay Rulers over the years, *Wide Angle* examines the post-Merdeka period.



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and, in 1981, the Sultan of Johor forced his MB to resign after 14 years in office.

We cannot know with any certainty what the new Prime Minister's attitudes were towards the Malay Rulers when he assumed office in 1981 in the midst of this burgeoning atmosphere of royal assertiveness.

However, in *Paradoxes of Mahathirism: An Intellectual Biography of Mahathir Mohamad*, Khoo Boo Teik argues that "Mahathir was not necessarily an out and out 'anti-royalist'. He found heroes in strong modernising sovereigns such as Peter the Great and the Meiji Emperor but his attitude towards the Malay royalty was less admiring."

Khoo notes that "Mahathir's disdain for the Malay rulers had... been expressed in oblique criticism before.

"C.H.E. Det (Mahathir's pen name in the late 1940s) had cast the 1949 conflict between the Malay royalty and the nascent Umno leadership as a conflict between 'rulers and rakyat'. Then, C.H.E. Det stood with those who thought that the rulers had either to yield to the wishes of Umno and its supporters or to forfeit the loyalty of the Malays."

What is almost certain is that Dr Mahathir would have been aware that the independent-minded Sultans of Perak and Johor were the two most likely candidates to become the next Agong in 1984.

Indeed, their Highnesses were shortly to demonstrate their autonomy in ways that led to a measure of public distress.

In 1982, the Sultan of Perak, in his capacity as Head of Religion in his State, looked at the two permissible methods used to calculate the tim-

ing of Hari Raya Puasa, and chose the one different from that used in the rest of the country.

That year the fasting month ended a day earlier in Perak, disrupting travel plans and inadvertently making it a rather stressful holiday for the Malay community.

The following year, both the Sultans of Perak and Johor used the alternate method, and their two States celebrated Hari Raya a day earlier than the rest of Malaysia.

Some commentators have suggested that the distress of the "variant Hari Raya" prompted Dr Mahathir's subsequent desire to concentrate administrative power in the Federal Government.

But R.S. Milne and Diane K. Mauzy, in *Malaysian Politics Under Mahathir*, citing interviews with Umno ministers, suggest that what became known as the 1983 constitutional crisis "was precipitated by reports, received by Mahathir, that the Sultan of Johor stated at a gathering that when he was elected Agong he would unilaterally declare a state of emergency, and with the aid of the army, throw out all the politicians.

"Compounding this were stories that the Sultan was close to certain key military men, and that the army chief, General Tan Sri Mohd Zain Hashim, had criticised Mahathir's approach and had questioned where the army's loyalty rested."

Whatever the case may be, on Aug 1, the Government brought the Constitution (Amendment) Bill 1983 before both houses of Parliament, and it was quickly passed.

The bill put forward 22 amendments to the Federal Constitution, including three very significant changes to the position of the Malay Rulers.

First, it removed the need for the Agong to give his Royal Assent to a piece of legislation before it could be gazetted as law. Instead, it stipulated that if the Agong did not give his Assent within 15 days, he was deemed to have done so, and the law could come into effect.

Second, it introduced parallel provisions removing the need for a

Sultan to give his Assent to State laws.

Third, it transferred the power to declare an Emergency from the Agong (who was, in any case, supposed to act on the advice of Cabinet in this regard) directly to the Prime Minister, who was not obliged to act on anyone's advice.

The Prime Minister's Department had ordered a press blackout on the Constitution (Amendment) Bill 1983 and, so, while the fact of the bill's passing was mentioned, its significance was downplayed, and the debate - including an impassioned speech in opposition to it by DAP's Lim Kit Siang - did not appear in local media.

For the following two months, nothing appeared. But a right royal storm was brewing.

Immediately, the liberal intelligentsia opposed the provision that allowed the Prime Minister to unilaterally declare an Emergency.

On Aug 2, 1983, *Aliran* issued a statement condemning the Bill, claiming the proposed amendment "opens the way to political abuse. For the Prime Minister is, in the ultimate analysis, a political personality very much involved in the conflicts and compromises of party politics. There is no constitutional mechanism for ensuring that he will not use his emergency powers against his political foes from any quarter.

"It is simply not possible to prevent an ambitious Prime Minister in the future from emerging as a 'supremo' after the proclamation of an emergency."

But, under the strict press blackout, it was not reported.

Meanwhile, unbeknownst to the public, the Agong, under pressure from his fellow Rulers, refused to give his Assent to the Bill.

The Rulers maintained that the Bill contravened Article 38(4) of the Constitution, which stated that "No law directly affecting the privileges, position, honours or dignities of the Rulers shall be passed without the consent of the Conference of Rulers."

The Rulers had also come to understand the full legal implications of removing the need for Royal

Assent to legislation. It meant that if Parliament voted to abolish the monarchy, the Rulers would be powerless to stop them.

Tensions continued to build behind the scenes. It was only in October, when Senu Abdul Rahman circulated a letter condemning the amendments, followed by Tunku Abdul Rahman defying the gag order by writing about them in the pages of this newspaper, that Malaysians woke up to the crisis.

There were also disagreements within Umno; as Gordon P. Means notes in *Malaysian Politics: the Second Generation*, "... many in the ruling coalition were distressed by the contents of the amendments and the confrontational style of Dr Mahathir towards the Malay Rulers."

Some establishment figures believed the Prime Minister had far-reaching aims. In a 1988 interview transcribed in *K. Das & The Tunku Tapes*, Tunku Abdul Rahman and the veteran journalist discuss the constitutional crisis.

If one can look past the bitchy, *surat layang* (poison pen letter) tone of their stories about Dr Mahathir's children, one can get a snapshot of the groundswell of suspicion.

Tunku: "You see, the Malays have a cause for *adat, resam* and so on... tradition. I have a respect for it but he has none. He dislikes it. You see, his whole aim is to upset the constitution and turn this country into a republic. His son was in London talking quite openly amongst the students that his father is going to be the first President of Malaya."

Das: "I heard his daughter was also talking about it here... Apparently she was caught talking about it at a party not knowing that behind her was one of the Tengkus from Negri Sembilan who overheard it. She said that as soon as the constitution amendment is signed, it is finished, we can become a republic."

Against this background of suspicion, the 1983 constitutional crisis spilled out into the open, and the conflict grew even more intense.

In the next instalment of *Ruling the Rulers*, *Wide Angle* will look at the propaganda war and the resolution of the crisis. And, the other crises that lay in wait for Dr Mahathir and the Malay Rulers.

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