Malaysia proposes limited changes to ban on political activity at universities

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The Malaysian government has proposed, but is yet to enact, its promise to allow political freedoms for university students through an amendment of the country's notorious University and University College Act 1971 (AUKU). The amending legislation was sent to the Malaysian parliament in July.

First announced by the Ministry of Higher Education in 2006, the amendment is part of the so-called "education revolution" promoted by Prime Minister Abdullah Ahmad Badawi to foster the ability of universities to compete with their rivals in South East Asia for corporate investment.

For four decades, the AUKU has stifled Malaysian students by banning them from expressing political ideas or joining any political party, trade union or association. Anyone who contravenes the restrictions faces a hefty fine or even a prison term. The offender will be automatically suspended or dismissed from university.

An atmosphere of fear and intimidation is still pervasive on Malaysian campuses. A third-year student, who asked not to be named, told Inter Press Service News Agency on August 13: "They [university authorities] are like a police department on campus and no one dares to cross them."

The Badawi government contends that the amendment will allow students to express political ideas without interference or suppression and join any group without restriction. Supposedly, the universities will also be released from executive intervention, and can hold free elections on the campuses.

Despite claims that it will free "young minds", the proposed amendment falls well short of providing basic democratic rights or allowing students to join or form political parties. If the legislative change is finally made, it will allow students to form non-government organisations (NGOs) and lift some restrictions on academic activities that are no longer compatible with the demands of business.

The AUKA was enacted in 1971, in direct response to growing unrest among Malaysian students and workers. In the 1960s, three new universities were established, in addition to the existing Universiti Malaya—Universiti Kebangsaan Malaysia, Universiti Putra Malaysia and University Teknologi Malaysia.

Inspired by broader international struggles such as the anti-Vietnam War protests and the general strike movement in France in 1968, universities became a hotbed of radical student activity in Malaysia. A wave of struggles erupted, ranging from opposition to the racial politics of the Malaysian political establishment to protests against the lack of basic democratic rights. The government responded with police repression.

The 1971 Act imposed severe restrictions on the rights of students to engage in politics, backed by harsh punitive measures. Despite the intimidation, 30,000 students demonstrated in 1975 in support of the struggles of rubber farmers in Baling of Kedah, who were demanding better pay and living standards, amid falling rubber prices.

The Malaysian government reacted by further strengthening the Act. A university vice chancellor was allowed to delegate disciplinary functions to a deputy vice chancellor. He or she was charged with forming a board vested with the power to investigate, persecute, hear cases and take any necessary action against students.

The most notorious amendment added a Section 15, which prohibits any student or students' organisation, body or group to associate with any societies, political parties, trade unions or any other organisation, except provided under the Malaysian constitution or approved by the vice chancellor.

According to article (b) in the Section 15 C, "where any books, writings, lists of members, seals, banners or insignia of, or relating to, or purporting to relate to, any organisation, body or group of persons are found in the possession, custody or under the control of any person, it should be presumed, until the contrary is proved, that such person is a member of such organisation, body or group, and such organisation, body or group shall be presumed, until the contrary is proved, to be in existence at the time such books, accounts, writings, lists of members, seals, banners or insignia are so found."

In other words, a student found in the possession of any illicit material was automatically deemed guilty of belonging to a banned organisation, unless he or she could prove the contrary. The punishment for such a "crime" could include a fine, suspension or expulsion from the university. In the absence of any guidelines, the board headed by deputy vice chancellor had a free hand to decide on punishment.

The proposed amendment will supposedly eliminate the most draconian of these measures. Moreover, the offences under

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Section 15 will be disciplinary rather than criminal. The presumption of guilt in Section 15 C will be deleted.

Even a student who has been imprisoned will now be permitted to study and take exams. Restrictions are to be placed on the arbitrary power of the vice chancellor to take disciplinary action. Although students are still not allowed to be a member of a political party, a politician can become a student with an exemption by the vice chancellor.

No one should put any value in these assurances to provide basic rights for students. Amendments to the Act in 1983 and 1997 involved only token administrative and procedural changes, which did not give any actual democratic rights to students.

For more than 30 years, the ruling United Malays National Organisation (UMNO) has suppressed any political movement among students through its laws, the arrest of student elections and the rigging of campus elections. The stifling of fundamental rights is bound up with its fear that revolutionary ideas will enter the campuses and become a vehicle for a broader movement of the working class.

The amendment's aim

The government's real motives in changing AUKU relate to a so-called "education revolution" aimed at providing skilled labour for business. Employers in Malaysia are known to prefer foreign-trained students, rather than those who graduated in the intellectually stifling atmosphere of local institutes.

Four years ago, Prime Minister Badawi declared at the National Economic Action Council Dialogue: "[W]e will need nothing less than education revolution to ensure that our inspiration to instill a new performance culture in the public and private sectors is not crippled by our inability to nurture a new kind of human capital that is equal to the tasks and challenges ahead."

Because business sponsored scholarships and training programs are increasingly important for achieving a technological edge in global competition, the official restrictions on the activities of students and scholars are no longer acceptable to the corporate elite.

Professor Datuk Dr Zaini Ujang, deputy vice chancellor of Universiti of Teknologi Malaysia (UTM), told the *New Straits Times* last month that he currently has to seek permission from the higher education ministry simply to attend a conference, become a member of an international organisation or give a speech to an NGO.

"If my counterparts overseas want to work with me and they give me a contract to sign before return Malaysia... I can't do that. I have to get the minister's permission. And, if it is related to international affairs, it sometimes goes to the Foreign Ministry first! It can take longer than six months," Zaini explained.

According to Zaini, the impact on business is enormous. "Let's say I have a patent and I want to sell it, I have to get so many approvals and this can take longer than six months. The moment I get the permission, the agreement has already expired. The company has lost interest. They engage you because they have problems at that point in time; they don't want your answer in six months—they want it tomorrow, or today," he said.

When AUKU was passed in 1971, there were only four universities in Malaysia. Today there are more than 300 public and private tertiary institutes, with hundreds of thousands of students. The AUKU has become an obstacle to Malaysia becoming an education hub and attracting overseas students from developing countries. Many prefer to go to neighbouring countries like Indonesia, Thailand and the Philippines where university life is somewhat freer.

Malaysia's opposition parties are demanding the deregulation of the campuses as part of their economic program to further open up the Malaysian economy. Headed by Anwar Ibrahim of the Peoples Front, the opposition camp is also seeking support among students and intellectuals, as part of its campaign to oust the UMNO-led government.

Ong Jing Cheng, secretary of the Malaysia Youth and Students Democratic Movement (DEMA), recently called for the replacement of the AUKU by a new act to protect the basic rights of students. A student leader-turned opposition lawmaker, Charles Santigao, declared: "Universities must promote independent thinking to process and create new knowledge, and clamping down on student freedoms will only defeat the purpose of setting up universities at the first place."

Some 100 students protested in front of the parliament on August 18 for the complete abolition of the AUKU. Deputy higher education minister Datuk Idris Haron promised that the parliament would discuss the views of students. He could not help spelling out the business interests involved, saying: "We are confident it will be the best solution to create human capital of high quality."

While there are pressures from business to reform the universities, political survival remains the government's number one priority. If student activities start to ignite broader social unrest, the regime will not hesitate to crack down on the campuses and reimpose anti-democratic measures.

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