



Vice President Gore and the Rule of Law in Malaysia

by David Hitchcock

Gore's Confused Message

Major U.S. papers have supported Vice President Al Gore's criticism of Malaysia at the pre-APEC dinner for the region's businessmen. His remarks may help Mr. Gore at home, but they caused confusion and criticism among participants who questioned the appropriateness of such remarks. One problem was that Gore mixed his messages and examples. He cited the maxim that democracies have done better at overcoming economic crises than "nations where freedom is suppressed," because "democracy confers legitimacy that reforms must have to be effective." He then mentioned examples of reform movements: "people's power" in the Philippines, "doi moi" in Vietnam and "reformasi," a slogan being shouted in the streets of Malaysia and Indonesia, even as he spoke.

But "Doi Moi" (a government-initiated, economic renewal through partial market opening – while protecting the Communist political system) can hardly be compared to the Philippines' "people power," which ousted a dictator and restored democracy. And Prime Minister Mahathir Mohamad is a far cry from the corrupt and tyrannical Ferdinand Marcos. Mr. Gore seemed to be placing the U.S. in the official position of advocating change of government through mass demonstrations, by expressing admiration for the (undeniably) courageous and largely peaceful Kuala Lumpur demonstrators.

The widely accepted view that democratic rule can help governments through painful economic change may be a useful message for some audiences; but why for APEC businessmen, from countries where, excepting China and Vietnam, democracy has been developing quite successfully, in Thailand, Korea, Taiwan and perhaps Indonesia? One cannot help wondering if Mr. Gore – and President Clinton – are really so terribly eager to see 1.2 billion Chinese elbowing their way into Beijing's decision-making, as central authorities struggle to bolster unsteady financial underpinnings, which, if they fail, could lead to a currency devaluation that might overwhelm the region and hurt the U.S.

The powerful U.S. is often seen in East Asia as pushing its own agenda too zealously. In this case, Gore has managed unwittingly to rally more support for Dr. Mahathir. Actually, Malaysia practices a number of democratic processes. There is some political opposition and, until the Anwar ouster, even limited (and self-censored) press freedom. There are regular elections, which Mahathir skillfully wins, despite differences among disparate factions within the country's long-time ruling political organization; and occasionally, a provincial state victory for opposition candidates.

Needed in Malaysia and Elsewhere: The Rule of Law

Al Gore could have more sharply focused on legal and humanistic issues that Dr. Mahathir's recent actions have brought to the world's attention. Disagreeing with Deputy Prime Minister Anwar Ibrahim's economic proposals for ending Malaysia's crisis and for cleansing the country of corruption, the Prime Minister sacked his Deputy – still well within his rights. He then charged him with a grab-bag of accusations of sexual and financial misbehavior; and when Anwar publicly objected at a peaceful rally protesting his dismissal, had him jailed, where he was promptly beaten. Use of the country's Internal Security Act – left over from Malaysia's early struggle against Communist guerillas – to justify jailing Anwar as a security risk, and then allowing him to be physically abused, will strike most observers as offenses against the most fundamental of universally recognized human rights.

Yes, in this case, universal; for whatever the debate over which rights are truly global, there surely is no justification for what was done to Anwar Ibrahim. It is the crude treatment of a widely respected senior political leader that Gore might have found a better way to touch on, certainly privately, if not also via a press interview. (Secretary Albright's call on Anwar's increasingly active wife, as an expression of American concern, was widely viewed in the U.S. as an appropriate gesture).

Dr Mahathir dismisses foreign criticism as 'Western colonialist interference;' but according to the Far Eastern Economic Review's weekly "Asian Executives Poll," business leaders throughout the region also thought their own leaders' earlier criticism was not only justified, but not tough enough.

Rather than publicly urging more democracy on Malaysia, Vice President Gore might have reflected the "concern of many world leaders" over the Anwar incident by relating it to international efforts to revitalize the rule of law – a concept that may be even more important to economic recovery than stepping up democracy. Prime Minister Mahathir has capably led his country for seventeen years to a remarkable level of prosperity and social equality (until the financial crisis); but under his watch, the rule of law has deteriorated seriously, while the judiciary has largely lost its independence.

In East Asia interviews, I found corruption and lack of trust in government to be among the deepest worries of respondents in Indonesia, China, Thailand, Malaysia and Japan. "We had an independent judiciary once," said a Malaysian expert, but it has been "virtually emasculated." "Our judiciary," noted a respected Indonesian analyst, "is the most corrupt in the region." The answer, said a Kuala Lumpur researcher, is "more transparency," a concept of openness that

Lee Kuan Yew and Kiichi Miyazawa support but view as culturally challenging for many Asia societies.

What was clear from my interviews with one hundred highly regarded respondents in seven countries was the strong desire to see people treated more fairly and justly, according to rules everyone must follow, no matter how wealthy or well-connected.

A brief plug for greater international acceptance of the rule of law might have provided an opportunity for Gore to welcome China's signing last year and last month, respectively, of the International Convention on Economic, Social and Cultural Rights and the International Convention on Civil and Political Rights, thus joining Japan, Korea, Mongolia, Vietnam, Cambodia and the Philippines, and on one agreement, Thailand – but not yet Malaysia. (The Vice President would have been obliged to acknowledge that U.S. ratification of the first of these is stuck in Congress.) One can hope that Malaysia will eventually go along with China and many other countries, despite the Civil and Political Convention's Articles 9, 10 and 14 which outline signatories' obligations with respect to arbitrary arrest and detention, treatment of prisoners and hearings before independent and impartial tribunals.

Generally, political developments in most of East Asia are encouraging; institutions are gradually freer. But countries with histories and cultures different from the U.S. will develop in their own way and pace. Differences between Asian values and those of the U.S. have been exaggerated (by some Asian leaders to justify their own authoritarian rule); actually, they are converging to some extent. But remaining differences should not be ignored, especially in the U.S. By recognizing them, one can better understand why approaches to democratic development and social order may also vary.

In my own rather unscientific interviews on Asian values, "respect for authority" was one of the top six most "critically important" of fourteen societal values among Malaysian respondents; "personal freedom" was at the bottom of Malaysian ratings, as it was in only one other country, Singapore. In Malaysia, China and Singapore, the highest rating as a critically important societal value was "orderly society." Memories of violence in multi-racial Malaysia and Singapore may still affect attitudes, towards street demonstrations, for example.

Respondents were also asked to estimate the twelve "most" or "less" important widely accepted "practices of governance" for "people in your country." Encouragingly, nine of the twelve were actually scored "most" (rather than "less") important by well over half the total number of respondents in the seven countries taken together. Among the practices some respondents felt were probably "less important" were: "assemble for various purposes" (China and Singapore, but scoring high in Malaysia); and "no imprisonment without charges/trial" – rated low in Singapore, but high in Malaysia and the other five countries.

Public acceptance of painful economic reforms will be necessary in all the threatened East Asian countries. But each government will have to explain these issues publicly in its own way. Vice President Gore and most Americans may

believe that democracy works best, no matter what the cost in time, money and anguish (so sharply reflected by Washington's own continuing embarrassment.)

But there can be little hope of gaining genuine public confidence and democratic support in countries like Malaysia, Indonesia and China without much greater effort to strengthen the rule of law. And progress towards fairness and justice will be difficult if world opinion is not willing to insist that there is no tolerance for the kind of actions one political leader has taken against his apparent heir. Democracy will almost surely grow as economies develop; but the process will be time-consuming and frustrating, inevitably inviting unwelcome criticism. But world opinion right now should be most sharply directed not so much at partially democratic countries, but at one man's shocking inhumanity to another, and at the need to respect the rule of law.

Many will conclude that the brilliant record of an unusually gifted Malaysian Prime Minister has been indelibly blackened. How unnecessary. What a tragedy.

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