

Setting the Record Straight yet again on Interfaith Commission

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by Baharuddeen Abu Bakar

I write to refute Mr. Malik Imtiaz's continuing efforts to deceive the Malaysian public- Muslims, in particular- about the real nature, effect and purpose of the Interfaith Commission, and to clarify, yet again, ACCIN's reasons for opposing it, and its own proposal for meaningful and mutually beneficial dialogue in cosmopolitan Malaysia. Readers are, also, urged to refer to other articles in this website.

To avoid allegations of 'selective quoting' or 'quoting out of context', his statement, as published in Harakahdaily, is reproduced in full below with my answers and ACCIN's in **bold**; not to be confused with the quotations in Mr. Malik Imtiaz's statement. Immediately below each point he makes is the counterpoint, so the reader may evaluate the matter for himself.

Setting the record straight on interfaith commission

Malik Imtiaz Sarwar
Jun 22, 05 12:33pm

I write as the chairperson, and on behalf, of the steering committee of the initiative towards the Interfaith Commission of Malaysia (IFC).

It is unfortunate that certain quarters have chosen to misrepresent the efforts of the steering committee and the initiative itself. These misrepresentations are reckless and published with disregard for the truth.

They have had, and still have the unfortunate effect of undermining a necessary and valuable civil society effort. These accusations and misrepresentations have further had the regrettable effect of creating tensions where none existed before.

For you to say that there is now 'tension where none existed before' is, indeed, rich, ironic and sad: 'rich' because your attitude and manner is the principal cause of the failure of the 'dialogue' idea; 'ironic' because it was hatched in a clever lawyer's mind (in Br .English usage of the term) to achieve the very opposite of what you said it would do to Islam, only we didn't fall for your platitudes; 'sad' because it is such a waste of time and effort.

It is not the idea of dialogue (the need for which we understand) that caused the tension but the vehicle proposed by your Steering Committee -the IFC and its functions and powers and its 'legalistic' underhandedness. The point about 'dialogue' rather than the IFC which were trying to make all along, and of your own counterproductive role seems to have been understood by others in the Initiative. (See, Haridass,

“Trust, understanding needed for inter-religious council” Aliran monthly, 2005:vol.25 No.5)

More than that, it is the stratagems and subterfuge of the organizers, in trying to achieve it: evasive answers to questions; unwillingness to make a commitment on matters of concern to Muslims and manipulation in trying to get us to attend, first, the workshop, and then, the conference. We were to be led up the garden path till it was too late to turn back. In any case, you were more successful with the Minister Dr. Rais Yatim, who officiated at the conference and even parroted your line about us attending your conference! And now you seem to say, ‘let the draft bill become law before opposing it’!

The purpose of this statement is to explain the initiative and the draft Bill which was the final product of the conference held in Bangi, Selangor in February.

Again, you choose to mislead and led down your audience. No where in this statement have you dealt with the crucial provisions of the draft bill but understandably so; it would give you away. In the course of this reply, I have referred to them to show how they give the lie to your explanations, and to expose the reader to the prevarication.

What is the IFC?

According to a statement issued by PAS Youth (Perlis), the IFC is: sebuah suruhanjaya yang dicadangkan penubuhannya seperti sebuah badan berkanun yang mempunyai kuasa undang-undang yang boleh mengubah ajaran sesetengah agama (baca: Islam) akibat desakan penganut agama lain. Badan ini berfungsi mirip sebuah Mahkamah dan segala keputusannya adalah muktamad ke atas agama yang bersabit.”

(Translation: a proposed commission taking the form of a statutory body with legal powers to change the teachings of some religions (read: Islam) due to pressure from those of other faiths. This body will function like a court and all its decisions are final on the religion involved.)

This is a flight of fancy. The proposed commission is in no way an adjudicatory body. It is an advisory, consultative and conciliatory body, and this was stated repeatedly in media reports as well as at the conference on the initiative towards the Interfaith Commission of Malaysia.

The fact that the proposed commission is in no way an adjudicatory body is explicitly stated in the draft bill in section 4(2) which reads:

“The commission shall at all times independently perform its functions as an advisory, consultative and conciliatory body.”

This is, indeed, selective quoting. Why have you not referred to the section 19(3) of the draft bill which says: “All organs of State shall have

regard to the findings and recommendations of the Commission on whether or not there has been an infringement of religious harmony”.

The IFC draft bill clause 4(2) is only an attempt to pull wool over everyone’s eyes. The IFC’s recommendations have to be taken into account by Government bodies i.e. it is a statutory duty, and failing to do so, which is easy to allege, if the decision of the government body concerned is not the same as the recommendation, the government body may be taken to court for violation of a statutory duty, and have an order made against it, setting aside the government body’s decision under the judicial review process . The same result as having an adjudicatory body is achieved, albeit, by an indirect process.

You certainly seem to have taken a leaf from the way the British dealt with the Malay Rulers!

That you and your cohorts had it in mind from the outset to set up an adjudicatory body was betrayed by the chairman, Mr. Cecil Rajendra of the pro tem committee at its 2nd meeting on the 24th August 2001. According to the minutes, he said: “The Chairman explained that the main objective would be similar to that of the existing council/organizations i.e. it will deal with issues and problems faced by all existing faiths in the country. He said that a statutory body will have powers to enforce their decisions effectively”.(sic)

When I sought clarification about this at the first meeting I attended, I received what was to become your trademark response to all such ‘awkward’ questions, a waffling reply.

The matter was raised a number of times after that, particularly in the run-up to the workshop, and we were told that it should be raised at the workshop though we wanted only the pro-tem committee’s view .The workshop participants were almost the same as the pro tem committee!. As we felt that were being manipulated, we boycotted the workshop followed by others who were not with us till then including Sisters Against Islam.

The IFC as the Guardian of Religious Harmony

**A complementary to the powers of the IFC in allowing apostasy is its role as the watchdog of ‘religious harmony’ However, ‘religious harmony’ is not defined in the usually understood sense of harmony between the followers of different religions as an aspect of ‘communal harmony’, but in terms of the individual’s right to practice his religion as international norms allow him to i.e. as he chooses, not as his religion teaches. Consequently, if a person is not allowed to practise his religion as he wants to then religious harmony as a whole is threatened!
(Interpretation sec.IFC draft bill)**

The relevance of this provision to practice of Islam is obvious. If a person wishes to quit Islam, then as international norms allow him to, the Syariah authorities may not prevent him from doing so or they would have threatened religious harmony and have to face the IFC and court.

This is reinforced by the powers of the proposed commission as set out under the draft bill. Among its principal powers as drafted are the power:

- to promote awareness of the tenets and beliefs of the diverse religions and faiths of the world... section 5(1)(a)

The IFC is not the only means of achieving this, and having a government-funded statutory body to do it is unnecessary as the religion-based organizations are more than capable of doing it as they have all this while.

- to advise the government and/or the relevant authorities of complaints against such authorities and recommend to the government and/or such authorities appropriate measures to be taken... section 5(1)(b)

Religion-based organizations including the MCCBCHS have been making representations to the Government about problems that affect them. There is no need for the IFC to duplicate them. In any case, the IFC, as shown above, is not content with making recommendations only.

If the solutions of the IFC are to be recommendations only, as claimed, they are not likely to be much better than what the religion-based organizations may propose to the relevant authority.

To the extent that these may involve freedom to practise one's own religion as promised by the Constitution, Suhakam, as a human rights body having statutory basis, is the appropriate forum. Suhakam's Complaints Procedure, in para 2, states: "The term 'Human Rights' covers but is not limited to the following areas:... (h) Right to freedom of religion". . Suhakam was set up to handle precisely such matters. To this day, the champions of the IFC have yet to explain the need for yet another human rights body particularly so, if, as it is claimed, it is like Suhakam, an advisory body only. This matter has been raised several times by us. The reason is that unlike Suhakam, the IFC is not intended to be an advisory body only .It is clearly intended to be a lot more muscular.

- to resolve any dispute or rectify any act or omission, emanating from or constituting an infringement of religious harmony by means of mediation, negotiation or conciliation"...section 5(1)(i)

This is either optimistic and presumptuous or betrays the real nature of the IFC. An advisory body can only attempt to resolve disputes but then as the IFC is to be armed with powers "to enforce its decisions" it can speak with confidence about being able to actually resolve disputes.

This is crystallised by the actuating provisions i.e. those sections which translate the broader power or competency into action. In this regard, Part III sets out the actuating provisions. These are limited to conducting inquiries or holding conciliations, mediation or negotiation sessions and making recommendations as the case may be, similar to the ambit of the Human Rights Commission of Malaysia (Suhakam).

This is a half- truth. As shown above, the IFC of your conception has the presumption to require Government bodies to have regard for its recommendations with minatory implications: “or else... “. Suhakam, on the other hand, relies on moral suasion which is more appropriate in matters as sensitive as religion.

There is no wider power. In particular, there is no power to change the tenets of religion. There is no power to stay the hand of the Syariah courts.

The commitment ‘not to stay the hand of the Syariah court’ only raises the question whether Syariah court will be able to stay your hand from interference?. The Human Rights Commission of Malaysia Act 1999 has provisions which exclude it from matters which are already in court or are referred to court subsequently. (Sec. 12 (2) and (3).)

In any case, as the IFC is required to apply ‘international norms’ (Sec.6 (2)(c) and Interpretation sec2. draft IFC bill), rather than the Syariah where it now prevails, there is no need for you to change the tenets of the religion! The tenets of Islam are obviated, brushed aside. The assurance is therefore facetious.

The IFC, on the other hand, should be able to resist any Syariah court attempt to prevent IFC interference in, for instance, the apostasy matter! As you will not be applying the Syariah at all, what is to be the basis of Syariah court intervention in the IFC?

If the Syariah itself could be supplanted by international norms from its role in determining the most important question of the aqidah of a Muslim, it should be far less trouble to bypass the Syariah court. And you still want us to believe that your are not anti-Islam!; perhaps not, only anti-Syariah!

You were not so forthcoming with such assurances when they were raised by us. If, indeed, you are sincere, you should have included a clause to exclude from the IFC’s jurisdiction all such matters: Islamic teachings, and the teachings of other religions; the Shariah, matters within the jurisdiction of the Shariah and civil courts, and government bodies that deal with Islam and other religions. As pointed out above, the Human Rights Commission of Malaysia Act 1999 has provisions which exclude it from matters which are already in court or are referred to court subsequently. (Sec. 12 (2) and (3))

With such exclusions, the IFC may, as it should, operate in the space between religions to prevent friction arising from their practice e.g. the conversion of Hindus to Christianity by the misrepresentation of the teachings of the former which has become an issue lately within the MCCBCHS resulting in the Hindu Sangam President quitting his exco. position in the former.

As Suhakam is empowered to handle such matters without interference in the teachings of any religion, there is no role for your IFC.

Why the need

Neither is there a mechanism for the shaping of coherent interfaith policy in the country. Simply put, there is no formal process for interfaith dialogue in existence at the moment.

Inter-religious dialogue, if that is all you are interested in, does not require a formal process, much less, a statutory body with elaborate provisions for the appointment of its exalted Commissioners, and empowered to replace the teachings of religions and Malaysian civil law with international norms.

However, you have always used the term interchangeably with the IFC, as it suited your purpose. In any case, and ironically, the draft IFC bill has no provision for the Commission itself to serve as the body for dialogue between religious bodies or leaders. You advised the Steering Committee: “There will be an appointment panel that would select the 16 members for the Commission who understand inter-faith and free religion”. Not representatives of each religion facing political leaders or administrators, as the case may be, to deal with their complaints arising from their right to practice their respective religions?

In fact, religious leaders are to be excluded in preference to ‘freedom in/from religion’ activists who need only “to reflect the diversity of the Malaysian population.” Sec (9(3)a IFC draft bill) And the reaction of the non-Muslim religion-based organizations?. You are quoted in the minutes of the Steering Committee thus: “Everyone except the Majlis (MCCBCHS) representatives here agreed that there was no need to have each of the religious organizations to have direct nominations onto the Commission rights”. So it is to be a religious dialogue without representatives from all the religions in the country!

At least, in making representations to Suhakam, the aggrieved followers of a religion will be represented by leaders of their choosing.

A voluntary, less formal form of dialogue between Muslims and Muslim government bodies; between Muslims and non-Muslims; between non-Muslims of various religions; and between the followers of a particular non-Muslim religion with their religious leaders constituted according to

the matter at hand, and observing appropriate rules of conduct has better chance of success.

In addition, the only method of dispute resolution is by legal action in the courts which, in the interests of peaceful co-existence, should be the last resort in disputes.

Your IFC is more likely to generate litigation as it is not a voluntary process in the sense that its decisions are not the result of negotiation between the disputants but imposed. One foresees litigation to enforce the decisions of the IFC and also challenges of its decisions. To a remarkable extent Malaysians have stayed away from the courts on inter-religious disputes and also intra-religious ones; except, of late, where non-Muslims have, busy-body-like, begun to interfere in intra-Islam matters.

The fact remains that the country is multi-racial and multi-religious, and there is bound to be friction as beliefs and cultures come into conflict. Such friction does not revolve around the issue of apostasy but involves other issues such as the building and maintenance of places of worship and issues of propagation amongst faiths other than Islam.

Apostasy

You have carefully avoided saying- “Such friction does not revolve around the issue of apostasy (of Muslims only)...”. The unexpressed may sometimes by suggestion be louder than the explicit.

One of the international norms the IFC is required to apply is the Universal Declaration of Human Rights. Article 18 of the Declaration says: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion.”

By contrast, the Qur’an says: “As for anyone who denies God after having once attained to faith and this, to be sure does not apply to one who does it under duress, the while his heart remains true to his faith, but(only to) him who willingly opens up his heart to a denial of the truth upon all such (falls) God’s condemnation, and tremendous suffering awaits them” (Surah An-Nahl: Ayah 106)

As the IFC will not apply the Syariah but international norms, the IFC will have the power to tell any Syariah administering body to allow a Muslim to quit his religion, and if it does not do so, it will be accused of violating a statutory duty, and an application may be made to the civil court against the Syariah body to honour the decision of the IFC. As the IFC is not required by law to apply the Syariah, the Syariah administering body will not be able to resist the application on the basis that the decision of the IFC conflicts with the Syariah! This is the legalistic underhandedness you have elided in your more- wronged- against- than-wrong plea for understanding of the IFC.

Preaching other religions to Muslims

Not only does the IFC draft bill facilitate Muslims leaving Islam, it also provides for other religions to be preached to Muslims. The IFC draft bill says that only the limitations under Article 11 (5) should apply to the preaching of a religion to those who do not belong to it. Article 11(5) says that the preaching of any religion to followers of other religions is subject only to “the general law relating to public order, public health or morality.” This can only be targeted against Islam.

Article 11(4) is left out. Article 11 (4) says that the States and the Federal Government may make laws to “control or restrict the propagation of any religious doctrine or belief among persons professing...Islam.” The effect of the omission is that non-Muslim religions may be preached to Muslims. And the IFC may allow a Muslim to quit Islam in the face of the Syariah authority’s objections. Yet Mr. Malik Imtiaz says that Islam is not targeted because it is not specifically mentioned! And after facilitating such interference with Islam and its constitutional protection, he says there should be no confrontational attitude between Muslims and others.

Participants at the national conference recognised this and, further, the fact that a constructive and concrete method had to be put in place to deal with friction in a non-confrontational and apolitical way.

By attempting to replace Islamic law, in the limited but important area of Muslim life where it is now applied in the Malaysian legal system, which even so treacherous an enemy of Islam as the colonial powers could not contemplate doing, you have single-handedly brought into existence the most serious threat to communal harmony in the country.

The conference therefore endorsed the proposed commission as being one such recourse for problems to be accepted and then channeled to appropriate authorities for resolution, in a dynamic similar to Suhakam.

Your IFC is not like Suhakam. Even as a wholly-government appointed body, the Suhakam law does not require other government bodies, as a matter of duty, to pay heed to its recommendations. The comparison is intended only to mislead.

The creation of the proposed commission would validate the concerns of all stakeholders.

Is it a legitimate concern of the non-Muslim stakeholders that Islamic law should not apply to Muslims? What is the basis of this legitimacy? If they may, so may Muslims interfere in their rights: may Muslims demand that whatever is un-Islamic about their religions should not be practised? After all, if a mere political weapon created by non-Muslims , the Western concept of Human Rights is to be the overriding criterion, Muslims, as the followers of a religion revealed by Allah SWT , and given a special place by the Constitution vis-à-vis other religions, may with

unquestionable legitimacy threaten the very existence of their religion, and they would have only themselves to blame for the provocation, and for providing the justification for interference (except that Islam itself does not allow it).

Further, its independent status would engender confidence. This in turn could encourage true national unity.

The conference, and before that the workshop, which you went to some length to get us to attend, is not the legitimizing event you would like it to be. It was carefully orchestrated to endorse the IFC. No vote was taken; if it had been on what basis would the participants have voted: as individuals or as organizations? Is there any statutory or even Common Law basis for conferring legitimacy on themselves. It was by no means the national referendum you would like to make it out to be. It was fundamentally an interference by non-Muslims with the right of Muslims to be governed by the Syariah in matters of the utmost importance to Muslims.

Having refused to answer our questions at the meetings when they were raised, by what right do you think we should scurry to your whistle? From your comments about our absence, it would appear that if we did not attend your meetings, our rights as Muslims are forfeit. That simply reflects your arrogance, and the gullibility of the Minister who regretted our absence.

While interfaith dialogue has been proposed as an alternative to the proposed commission, and is indeed one of the objectives of the proposed commission, dialogue has limitations. Interfaith dialogue is a vital first step with continuing relevance in fostering understanding and interaction despite differences between religions. However, the proposed commission is envisaged as complementing such efforts in areas in which just 'dialogue' will not resolve real problems as these arise. In this sense, as noted above, the proposed commission would be a conduit for channeling problems to the appropriate authorities for attention and resolution.

To the extent that you think, replacing Islamic law with international norms and the Syariah court with the IFC- eliminating everything in Islam except acts of worship- will resolve anything, you are dangerously naive, to say the least. The challenge and the surer way to success in enhancing the religious harmony that exists is by recognizing the autonomy of all religions and resolving religious disputes without destroying religion itself.

No hidden agenda

The Allied Coordinating Committee of Islamic NGOs (ACCIN) suggests that there is a hidden agenda on the part of the organisers of the initiative.

With the disclosure of the draft bill, it is no longer correct to say that your agenda is hidden; in fact, it is now too plain for all to see!

ACCIN states that the IFC:

- attempts to bypass and usurp the powers of state Islamic religious bodies
- will bypass the Syariah courts
- wants to use civil courts to decide on Islamic religious matters
- is an interference in intra-Muslim affairs (not inter-religious affairs)(sic)
- will eventually infringe on Muslims' rights to practise Islam in accordance with the teachings of the Quran and the Hadith

Significantly, ACCIN and others who have parroted the same concerns have not explained why they believe this. The truth is that there is no basis at all to any of the accusations. This can be seen from the following.

Firstly, the draft bill does not have any provisions allowing for the proposed commission to bypass state Islamic religious bodies or the Syariah courts. There is no provision aimed at allowing the proposed commission to use the civil courts to decide on Islamic religious matters. There is no provision singling out Islam.

Secondly, no explanation has been given as to how the proposed commission would interfere with intra-Islamic affairs or how the commission will infringe on Muslims' rights to practice Islam. These accusations are sensationalist and manipulative of public opinion against the Initiative.

If you mean all that you say, why not have a suitable provision in the draft IFC bill to that effect? Your assurances are not enforceable at law.

Thirdly, there are many organisations and individuals that support the Initiative, including Muslims. Having said that, no consensus was arrived at on various matters. Those matters on which there has been no consensus have been omitted from the draft bill - 173 participants attended the conference and endorsed the draft bill as ultimately agreed to. The draft bill was the final product of the consensus of the participants. These included Muslims. The accusations suggest that all these participants had anti-Islamic agendas. This suggestion is ludicrous. The participants respected all religions and believed in the rights of others to profess their own faith. The participants would not have associated themselves with the draft bill if it was as characterised by ACCIN and other critics.

It is really too late in the day for these assurances. They were not made, even as personal opinions, when assurances were sought. Instead of engaging in this sales talk, tell us how the provisions cannot possibly be interpreted the way we have maintained they would be e.g how, for instance, is the IFC precluded from entertaining an application by a Muslim, made on his behalf by a non-Muslim, to apostatize?

Fourthly, the draft bill is just that, a draft. It is not law until Parliament makes it law. This is something for those in Parliament and the government. The critics have given the impression that the proposed commission has been brought into existence, and this by means of a *fait accompli*. This is preposterous.

No one among us would, even by mistake, think that you have the power by merely proposing the bill to turn it into law. However, it is significant to the extent that it reflects how you would like things to be.

Much has been said of a memorandum issued by the Malaysian Consultative Council of Buddhism, Christianity, Hinduism and Sikhism (MCCBHCS) and its pivotal role in the initiative. The MCCBHCS was merely one of numerous supporting organisations. While representatives from the MCCBHCS had the right to voice their views, the same opportunity was given to all others who were present at meetings of the steering committee. It was at all times made clear to Islamic NGOs that they were free to attend such meetings and voice their views.

The MCCBHCS memorandum cannot be justified as mere expression of opinion for they do not have the right even to think that they may mangle the teachings of another religion to their advantage. They have given us notice of their intentions towards Islam, we therefore have to see them as not being interested to practise their religion only. As there can be no communal harmony without, first of all having the right attitude, the MCCBHCS have betrayed themselves, created wariness about them among us and suspicions of their ‘civil society initiatives’. The loss in trust and confidence in them can only work to their detriment. Is it any wonder at all that there is no organization anywhere in the world similar to the IFC?

The MCCBHCS as an organization of non-Muslims is entitled to raise matters concerning their right to practise their religions only for the constitution promises: “Every one has the right to profess and practise his religion... “ There are no rights in respect of the religions of others.

Sadly they chose not to, condemning the Initiative even before giving themselves an opportunity to fully appreciate the initiative for what it was.

We are only too well aware of what it implies for Islam and Muslims, and of the integrity of the individuals behind it who even in claiming to set the record straight gloss over the truth, engage in half-truths and resort to rhetoric and platitudes.

The memorandum referred to was received by the predecessor to the steering committee, the pro-tem committee whose aim was to organise a workshop to gauge civil society reaction to such an initiative. Other memoranda were received including one from a group of Muslims. These merely went to raising and noting the concern of the communities represented by these groups. These memoranda did not attempt to undermine Islam nor challenge its tenets. In any event, it is not correct to describe the MCCBHCS memorandum as being representative of the Initiative at any level.

The Memorandum by the MCCBHCS raised several matters concerning apostasy and related questions governed by the Shariah which they demand should be changed to their liking e.g. Muslims should have the right to quit Islam if they want to.

It is the most direct challenge by non-Muslims to date, to the fundamentals of Islam in this Muslim nation.

The IFC seeks to enable them to achieve their aims by replacing Islamic laws with International norms, and for the Shariah courts to be replaced by the IFC, and for all Islam-administering bodies to carry out the recommendations of the IFC as a matter of duty otherwise face court action.

The MCCBCHS memorandum is not about non-Muslim right to practice their respective religions. We know that the MCCBCHS memorandum inspired all the Freedom of Religion activity that followed, culminating in the conference.

The workshop organised by the pro-tem committee was a success. About 100 individuals, including Muslims, attended and unanimously agreed that a national conference was necessary to consider how best to implement the proposals.

The workshop was boycotted by all mainstream Muslim groups. Dr. Chandra Muzaffar, JUST and Sisters Against Islam also stayed away from the workshop. Nothing more needs to be said about its 'success'.

The workshop also mandated a steering committee to organise the national conference and take the necessary steps. The conference and the draft bill presented were a product of the steering committee and wider civil society.

These stages in promoting the IFC were planned right from the beginning as the pro-tem committee chairman let on at one of the early meetings. They are not responses to burgeoning public support; they were carried out in stages more to maintain momentum and popularize the idea. It does not reflect any groundswell of public opinion in promising to meet a long- felt need. In fact for most of the time the public was kept unaware to prevent any adverse development that could have prematurely killed off the idea, and carefully selected information was given to like-minded reporters from time to time to build up a positive image.

Try as you might to put on a brave face, your frustration in consistently failing to manipulate Muslim support is obvious. What is glaring in all your gloating, is your omission of any mention of the procedure for gauging support from among those Muslims who attended. Mere attendance is played up as support. It vindicates our suspicion right from the very beginning that our attendance would be taken as support, which is why we stayed away from your 'civil society' Initiative of the 'usual suspects'.

Is it anti-Islamic?

To be anti-Islam is to be completely focused on the destruction of the religion and all it stands for. There is no foundation for an accusation of this nature to be brought against the persons and organisations involved in the initiative.

To say that you could not have intended the total destruction of Islam is only an acknowledgement of the indestructibility of Islam, and that you are unequal to the task.

The enemies of Islam have repeatedly tried to defeat Islam but have always failed to achieve any thing more than a temporary setback. Islam has outlasted the Roman Empire, the Persian Empire, the Crusaders, the Colonial Powers, the Godless ideology of the Communists, the Japanese Occupation and is currently facing, and will survive, Anglo/American/Zionist Imperialistic Terrorism.

The pin-pricking attacks of the enemies of Islam in Malaysia who are clearly taking advantage of the contagion of Islamophobia will only meet with frustration. And create suspicion and wariness which will not be disabused for a long time yet. That is going to be the only achievement of your 'civil society' Initiative.

Neither can the same be said of the draft bill. Such accusations are borne out of a total ignorance of the initiative, its underpinnings or its context, and a lack of willingness to understand or inquire, and/or the intent to manipulate public perception. There are several ways in which this can be seen:

The draft bill makes no reference to any religion, Islam or otherwise. It is therefore not focused on Islam. If it is not focused on Islam, it cannot be said to be 'anti'. The critics have attempted to give basis to their accusations in several ways.

ACCIN states: "Pihak Penaja jelas menunjukkan sikap yang anti-Islam. Ini adalah kerana beberapa memorandum yang dikeluarkan oleh mereka sebelum ini seperti berikut:

Seseorang Muslim patut diberi hak untuk meninggalkan Islam walaupun agama Islam tidak membenarkannya;

Artikel 11 Perlembagaan Persekutuan (dilihat dari aspek pelbagai dokumen antarabangsa mengenai hak asasi manusia dan hujah-hujah kes mahkamah di negara-negara bukan Islam) seharusnya diguna-pakai dalam menentukan hak seseorang Muslim memilih untuk murtad, dan bukannya undang-undang syarak;

Untuk memudahkan proses murtad Mahkamah Sivil dan bukannya Mahkamah Syariah yang seharusnya diberi kuasa menentukan hak seorang Muslim itu keluar dari agamanya;

Usaha yang diambil oleh Pihak Berkuasa Syariah Negeri memulihkan orang-orang yang bakal murtad dipertikaikan;

Istilah "Muslim" di bawah Undang-undang Enakmen Negeri terlalu luas walaupun didapati konsisten dengan undang-undang Syariah;

Seseorang itu tidak harus dianggap Muslim hanya disebabkan kedua ibubapanya Muslim atau beragama Islam atau dalam keadaan lain berdasarkan Undang-undang Syariah. Individu berkenaan sepatutnya membuat pilihan atas kehendaknya sendiri;

Agama seseorang Muslim itu tidak sepatutnya tercatat pada Kad Pengenalannya.”

In the same vein, Islamic non-governmental organisation Teras states on its website: Apakah matlamat penubuhan IFC?

Matlamat IFC ialah untuk meminda beberapa ajaran asas Islam yang bakal merugikan orang Islam dan berpihak kepada kepentingan orang-orang bukan Islam.

Apakah tuntutan orang-orang bukan Islam yang dibuat melalui IFC?

- 1. Seseorang anak yang dilahirkan oleh ibubapa Islam tidak seharusnya secara terus menjadi orang Islam.**
- 2. Orang-orang bukan Islam yang telah memeluk agama Islam hendaklah diberikan kebebasan untuk kembali kepada agama asal mereka (murtad) dan tidak boleh dikenakan tindakan undang-undang.**
- 3. Sebarang kes pertukaran agama orang Islam kepada bukan Islam tidak sepatutnya dikendalikan oleh mahkamah syariah tetapi dikendalikan oleh mahkamah sivil.**
- 4. Tidak perlu dicatatkan di dalam kad pengenalan seseorang Muslim bahawa ia beragama Islam.**
- 5. Orang bukan Islam tidak perlu dikehendaki menganut Islam sekiranya ingin berkahwin dengan orang Islam. Orang Islam hendaklah dibenarkan keluar daripada Islam (murtad) sekiranya ingin berkahwin dengan orang bukan Islam tanpa boleh dikenakan apa-apa tindakan undang-undang.**
- 6. Seseorang atau pasangan suami isteri yang menukar agamanya dengan memeluk Islam tidak patut diberikan hak jagaan anak.**
- 7. Orang-orang yang bukan Islam yang mempunyai hubungan kekeluargaan dengan seorang yang memeluk Islam hendaklah diberikan hak menuntut harta pesakanya selepas kematiannya.**
- 8. Kerajaan hendaklah menyediakan dana yang mencukupi untuk membina dan menyelenggara rumah-rumah ibadat orang bukan Islam sebagaimana kerajaan menyediakan dana yang serupa untuk masjid. Kerajaan juga perlu membenarkan pembinaan rumah-rumah ibadat orang bukan Islam tanpa perlu adanya peraturan-peraturan tertentu.**

9. Orang-orang bukan Islam hendaklah dibenarkan dan tidak boleh dihalang daripada menggunakan perkataan-perkataan suci Islam dalam percakapan dan sebagainya.

10. Bibel dalam Bahasa Malaysia dan Bahasa Indonesia sepatutnya dibenarkan untuk diedarkan kepada umum secara terbuka.

11. Pelajaran agama bukan Islam untuk penganut agama itu hendaklah diajar di semua sekolah.

12. Program-program berunsur Islam dalam bahasa ibunda sesuatu kaum hendaklah ditiadakan. Program dakwah agama lain selain Islam pula hendaklah dibenarkan untuk disiarkan dalam bahasa ibunda masing-masing.

13. Orang-orang Islam yang membayar zakat tidak sepatutnya dikecualikan daripada membayar cukai pendapatan dan wang hasil zakat sepatutnya digunakan juga untuk keperluan orang-orang bukan Islam.

14. Sepatutnya Islam tidak disebut sebagai pilihan pertama masyarakat Malaysia seperti dalam soal pakaian menutup aurat kepada pelajar sekolah.”

These points clearly show a lack of understanding of the rationale and intention of the initiative. These points have not been raised by the steering Committee nor the draft bill itself. The accusations are baseless. In fact the matters raised by Teras seem to be more of a complaint in respect of any and every issue which it believes to be a part of its mandate to speak out on. How these relate to the initiative remains a mystery.

Neither can the proposed commission do any of the things stated by ACCIN, Teras and others as it is only an advisory and consultative body. In any event, it would ultimately be for the duly appointed Commissioners to consider how best to move forward within the parameters of the law.

The points made by ACCIN, Teras and others are as such a distortion of the truth.

The answers given above apply. I would like to spare the reader the tedium of repetition.

Belief in dialogue

The steering committee (and before it the pro-tem committee) firmly believes in dialogue. There was much dialogue between all persons attending the meeting on behalf of their organisations or as individuals.

The committees had in their time made it clear to all concerned that the committees were open to dialogue on any matters which were of concern.

The steering committee is still committed to dialogue, especially with organisations such as ACCIN, Teras and PAS and welcomes the possibility of these organisations taking the opportunity to do so.

The steering committee believes that the initiative is a necessary, precious and invaluable step forward in our society's evolution. It is a means to bringing us closer to the Bangsa Malaysia that we all aspire to.

I would conclude that the IFC draft bill is intended to bypass the Syariah by replacing it with International norms; the syariah courts and the Islam-administering bodies with the IFC, to help non-Muslims to achieve solutions to their illegitimate grievances against Islam: apostasy and others listed in the MCCBCHS memorandum.

It involves such a direct, drastic interference with Islamic teachings that in claiming only to set the record straight, Mr. Malik Imtiaz deals only with its most benign feature that it is an "advisory, consultative and conciliatory body", not daring to touch on the 'international norms' which are to replace the Syariah and the requirement that "all organs of State" which is wide enough to include the Syariah courts and the Majlises Agama, and perhaps even the Conferences of Rulers, are bound to apply its findings and recommendations otherwise they will have to face court!

It is because it is so dangerously interfering that there is no such body any where in the world. We challenged the organizers right at the beginning to let us know if there is one, to date they have failed to do so. The reason is obvious; there is none. Given the sensitivity of the matter it is unlikely that any religious body would agree to entrust its teachings to such an organization unless it has more to gain than lose; as a person may only covert to Islam but not renounce it, the removal of this barrier is a gain to non- Muslims as they cannot prevent their own followers from leaving.

CONCLUSION and SUMMARY

1. The memorandum by the MCCBCHS sent to the Bar Council demands that Muslims should have the 'right' to renounce Islam, and the Human Rights subcommittee of the Bar Council has taken it upon itself to give Muslims such a right.

2. Other aspects of Islam e.g. protection from preaching of other religions to Muslims as provided by the Constitution, are also questioned.

3. The IFC is the organization which will give Muslims the 'right' to quit Islam and settle the other complaints against Islam made by the non-Muslims.

4. The IFC, in the name of religious harmony, will allow any religion to be preached to Muslims.

5. As Islam does not allow apostasy, and other matters affecting the practice of Islam are governed by it, the Syariah is to be replaced by international norms. One of the international norms the IFC is required to apply is the Universal Declaration of Human Rights. Article 18 of the Declaration says: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion.”

6. As the Syariah courts will not, and the civil courts are open to objection for being adjudicatory, the IFC has been proposed as a deceptively non-adjudicatory alternative to apply international norms. The IFC and the draft bill to set it up are a direct, threat to Islam and the various organs of State constitutionally and statutorily charged with administering the Syariah and Islam in general.

7. The IFC, in order that it achieves these aims, will have to be heeded by all organs of State. As only Islamic matters and Syariah administration are dealt with by State organs, this is a direct challenge to their autonomy and authority. (Some of the individuals promoting the IFC have already begun the process of undermining Islam- administration and the position of the Muftis in particular. At a recent meeting, they said that the decisions of the Muftis including the fatwa- making powers should be open and accountable. And a Hindu has written an article in a recent issue of Aliran on the same lines).

The confrontational air that has been adopted thus far can only serve to divide us further

On the contrary, you and your cohorts efforts to establish the IFC, has united PAS and UMNO in opposing it. There will be no division among us if we all unite under Islam.

MALIK IMTIAZ SARWAR is chairperson of the Steering Committee of the Initiative

Baharuddeen Abu Bakar was among the members of the pro tem committee who walked out, and has not returned.