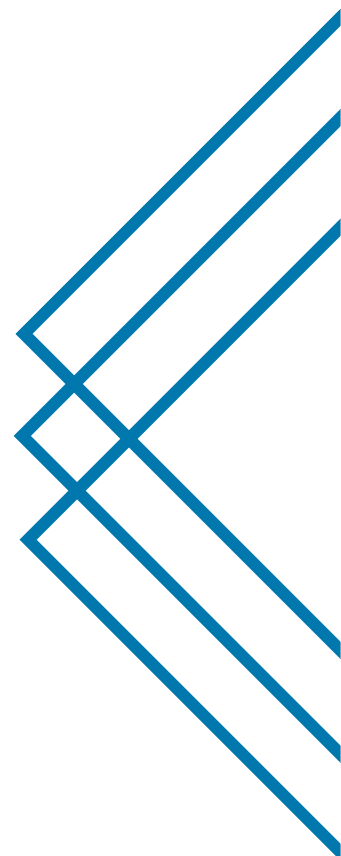




# ANNUAL REPORT 2016/17

# Table of contents

Foreword .....	01
The team .....	03
Our network .....	15
Membership .....	24
Publicity .....	30
Flagship events .....	32
Corporate events .....	36
The Malaysian Division .....	41
Student Relations & Outreach .....	47
Careers Development Department .....	53
Fellowship Department .....	62
ASASI .....	65
Official Statements .....	72





# Foreword



**Tan Ian**  
President of KPUM 2016/17

2016/2017 has been pivotal, insofar that we stand proud as one of the most prominent, fastest-growing and outspoken Malaysian Student Unions in the UK. It is not a coincidence that when KPUM is mentioned amongst the circle of student societies in the UK, it is often mentioned with a level of respect and reverence - be it because of the vast amount of projects that we carry out each year, the vocal stance we often take on controversial issues, or the the unique and infectious culture deeply embedded in our Union of which has been the envy of many others.

Three years ago, Pang Jo Fan led his team to rebrand, renew, and rebuild KPUM. The year after, Lee Su Wen led her team to grow stronger, introducing structures and system into the workings of the Union, ironing out the many knots that were left behind from the first term.

When it came to 2016/2017, we started the year off with the vision of 'Rethinking Strategies, Reinforcing Culture'. I am extremely proud to say that we have done exceedingly well in achieving these aims.

This year, many things stayed the same, but much also changed in that we rethought strategies in the way we did things. This led to a twofold approach. First, we redid some events and initiatives: we rebranded our Human Rights Department to the ASASI brand, expanded the role of the Student Ambassador to involve them in the organisation of projects and events. In line with this, we recognized that some events and initiatives unfortunately had to be let go, and had to be replaced with more relevant ones. The Skills Enhancement Department is one such a product. Second, we pioneered in new initiatives like KPUMoots, the mooting competition, 'The First Initiative', an essay bank and Legal Academy, online webinars ranging from IP law to startups to better to cater to member interests.

Equally important, the year has been memorable for the reinforcement of the 'familial' culture that so many of us have come to know and hold dear: a culture that is driven by a spirit of camaraderie and the desire of empowering those around us.

# Foreword

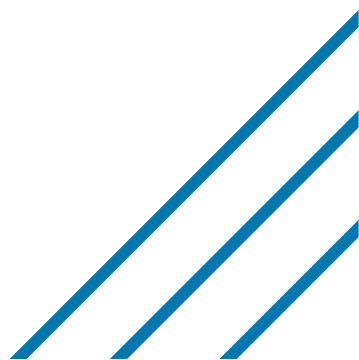
I had the honour of personally speaking to most of the working committee and I was very touched by how much each of us truly enjoyed the unique KPUM culture. Many of us also personally grew, be it having to step out of our comfort zones, face unforeseen circumstances or learn how to lead a team of people with different personalities. All in all, I can confidently say that our KPUM culture is appreciated by many, and hopefully would be appreciated by more to come.

Going back to very beginning of the year where it all started, I would like to thank those that have been on this journey: I hope you've enjoyed yourself as much as I have. To those who are future KPUM members and future working committee members, I would like to extend an invitation to you to what may be one of your best university experiences ever: Come, join us; and together, let us continue to empower future lawyers, unite law students and uphold the rule of law.

In service of the Union,

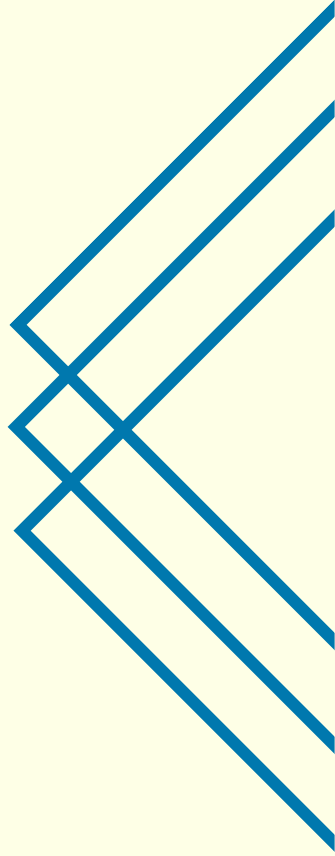
**Tan Ian**

President of KPUM 2016/17



# The Team:

Executive Committee, Executives,  
Student Ambassadors



# Executive Committee



**President**

Ian Tan  
University of Birmingham  
Year 3



**Vice President: United Kingdom**

Tan Iyan Xin  
University College London  
Year 3



**Vice President: Malaysia**

May Khei Cheong (Maggie)  
Brickfields Asia College  
Year 2



**Vice President: Performance & Management Delivery Unit**

Sean Tan  
Brickfields Asia College  
BPTC



**General Secretary**

Siti Khadijah Anwarul Haq  
University of Essex  
Year 3



**Finance Director**

Alycia Tan  
University of Liverpool  
Year 3



**Corporate Relations Director**

Amirah Jamal  
University of Birmingham  
Year 2



**Careers Development Director**

Teo Zhao Wang  
King's College London  
Year 2



**Fellowship Director**

Hong Jinghann  
University of Warwick  
Year 2



# Executive Committee



**Human Rights & Activism Officer**  
Goh Cia Yee  
University of Nottingham  
Year 3



**Media & Communications Director**  
Tan Lian May  
King's College London  
Year 1

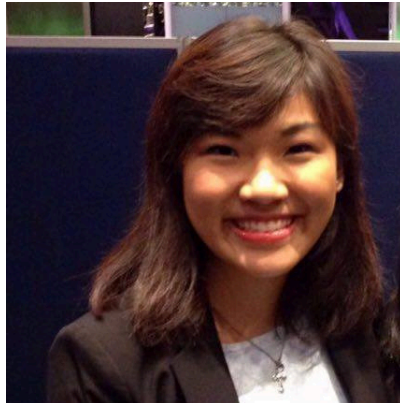


**Student Relations & Outreach  
Director**  
Boo Cheng Xuan  
University College London  
LL.M

# Executives



**Malaysia Division**  
Khor Wei Jun  
Brickfields Asia College



**Malaysia Division**  
Loh Tze Ying (Eunice)  
INTI International University



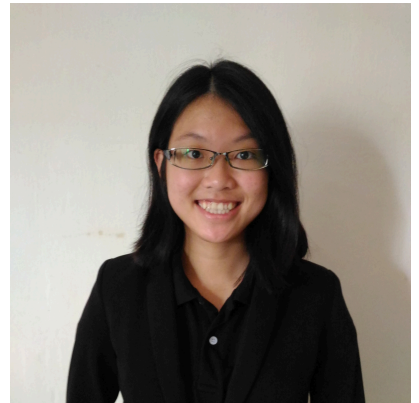
**Malaysia Division**  
Nicole Ann Variyan  
Brickfields Asia College



**Malaysia Division**  
Oh Kei Zuin  
Brickfields Asia College



**Malaysian Division**  
Sebastian Sim Why Jean  
Advance Tertiary College



**Malaysian Division**  
Tan Kee Enn  
Brickfields Asia College



**Malaysian Division**  
Yap Xiu Hui  
Advance Tertiary College



**Performance & Management  
Delivery Unit**  
Chia Ban Moon  
University of Leeds



**Performance & Management  
Delivery Unit**  
Henna Nikita Sangvhi  
University of Manchester



# Executives



**Performance & Management  
Delivery Unit**  
Justin Chong  
University College London



**Performance & Management  
Delivery Unit**  
Lauren Lee  
University of Lancaster



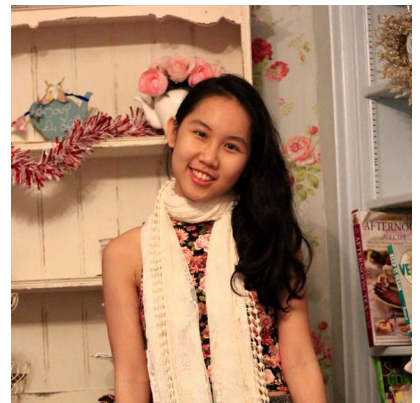
**Performance & Management  
Delivery Unit**  
Ng Siow Le  
Cardiff University



**Finance**  
Bong Jun Ting  
Brickfields Asia College



**Finance**  
Tan Chee Khoon  
BPP University of Law, Birmingham



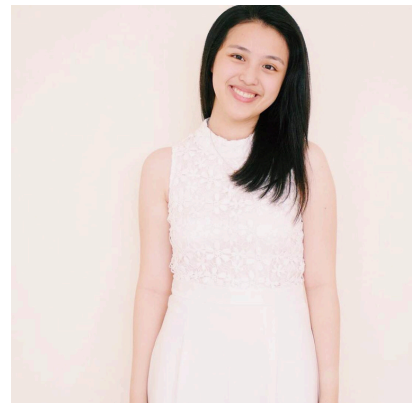
**Corporate Relations**  
Loh Pui Yan  
University of Manchester



**Corporate Relations**  
Nicole Jeneen Stewart  
University of Manchester



**Careers Development**  
Adrienne Sena  
University of Manchester



**Careers Development**  
Choo Kelly  
University of Warwick



# Executives



**Careers Development**  
Tan Wye Shaun  
Brickfields Asia College



**Careers Development**  
Vanessa Ho  
University of Bristol



**Careers Development**  
Yap Wen Hui  
University of Warwick



**Careers Development**  
Yap Zhi Tong  
University of Warwick



**Fellowship**  
Chyi Ran Jong  
Brickfields Asia College



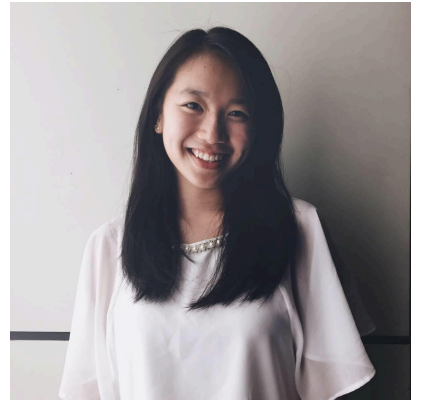
**Fellowship**  
Foo Xiang Yen  
University of Kent



**Fellowship**  
Lee Rui Ci  
HELP University



**Fellowship**  
Tan Jie Xin  
University of Sheffield



**Fellowship**  
Tham Zhi Jun  
University of Warwick



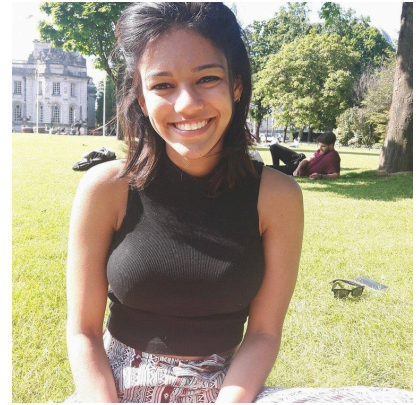
# Executives



**Human Rights & Activism**  
Aw Yee Chen  
Brickfields Asia College



**Human Rights & Activism**  
Janice Ooi Sue Yen  
University College London



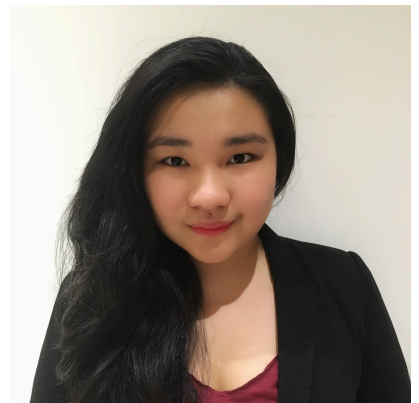
**Human Rights & Activism**  
Nithya Sarah Zachariah  
Cardiff University



**Human Rights & Activism**  
Tan Jin Chi  
University of Essex



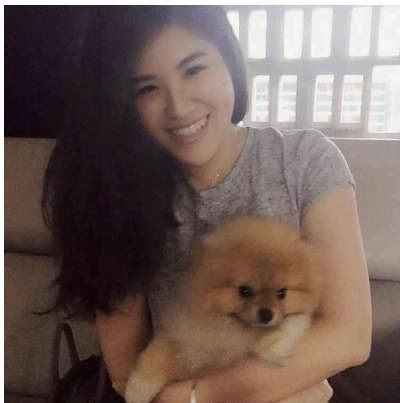
**Human Rights & Activism**  
Wen Thong Chen, Emily  
University of Exeter



**Media & Communication**  
Siqi Chong  
London School of Economics and  
Political Science (LSE)



**Media & Communication**  
Shabina Balachandran  
Brickfields Asia College



**Media & Communication**  
Vicky Chong Yin Kee  
University of Birmingham



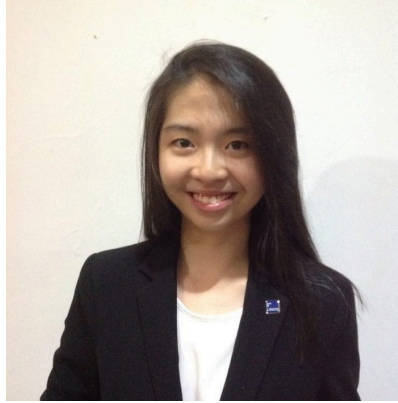
**Media & Communication**  
Vincent Kow  
Queen Mary University of London



# Executives



**Media & Communications**  
Zhi Ern Tan  
University of Birmingham



**Student Relations & Outreach**  
Gan Yu En  
University of Liverpool



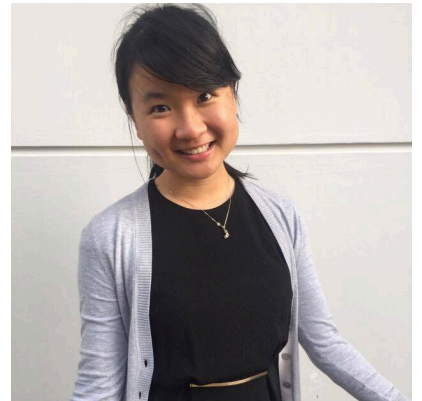
**Student Relations & Outreach**  
Hong Kai Sheng, Alex  
University of Aberystwyth



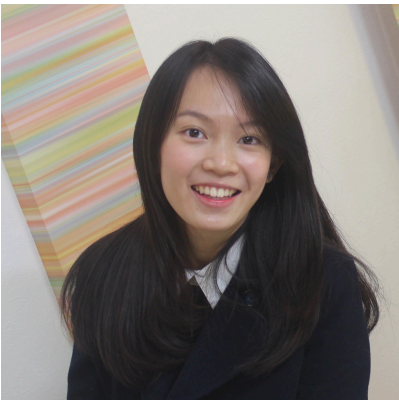
**Student Relations & Outreach**  
Lycia Zibiana Goh  
Cardiff University



**Student Relations & Outreach**  
Moke Man Thng  
University of Hull



**Student Relations & Outreach**  
Nicole Choong Yie Hern  
University of Leeds



**Student Relations & Outreach**  
Ow Jae Vonne  
University of Warwick



**Student Relations & Outreach**  
Teo Ee Na  
King's College London



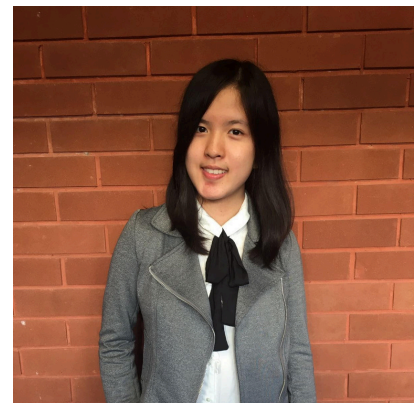
# Student Ambassadors: UK



**Aberystwyth University**  
Tim Koh Jia Quan



**BPP Law School**  
Jiwan Kaur Malkith Singh



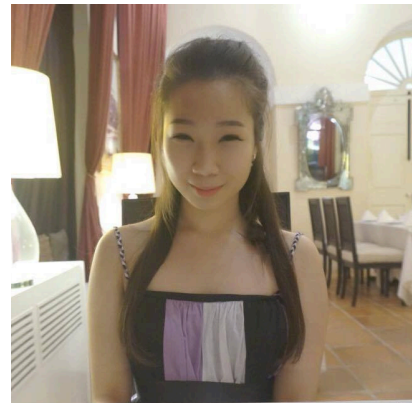
**Cardiff University**  
Ng Nelynn



**King's College London**  
Lim Zhi Ling



**London School of Economics and  
Politics Science (LSE)**  
Chung Si Qi



**Northumbria University**  
Joey Lim Jhia We



**Oxford Brookes University**  
Lee Jean



**Queen Mary University of London**  
Isaac Jong Chee Yee



**Queen's Belfast University**  
Yip Jian Wei



# Student Ambassadors:

## UK



**University of Birmingham**  
Nur Amira Hani Binti Zulkifli



**University of Bristol**  
Elica Wong Wing Shaang



**University of Essex**  
Nur Raudhah Nazran Binti Nazari



**University of Exeter**  
Muhammad Nazrin Harith Bin Mohd Mahyudin



**University of Hertfordshire**  
Ong Sze Ping



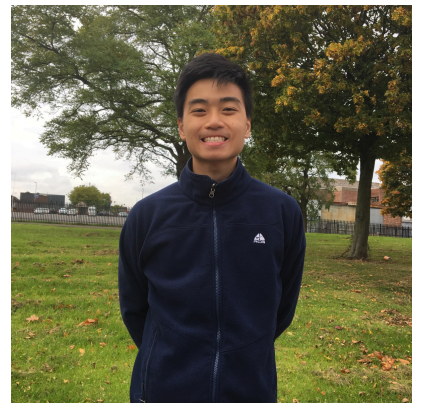
**University of Hull**  
Kathreena Jit Kaur Korotana



**University of Law, London Bloomsbury**  
Intan Sofia Fadzila Binti Mohd Rosidi



**University of Leeds**  
Celinne Teh Sze Ning

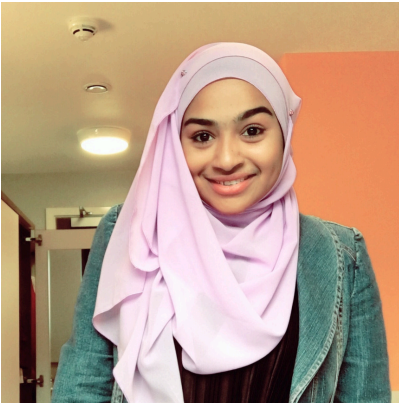


**University of Liverpool**  
Edmund Choi Sing Eu



# Student Ambassadors:

## UK



**University of Liverpool**  
Shyahirah Binti Abdul Salim



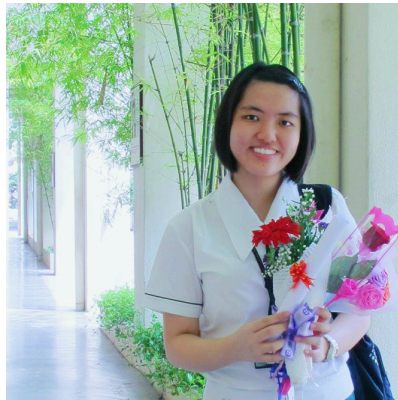
**University of Manchester**  
Elisa Naomi Tibok



**University of Manchester**  
Quek Jian Long



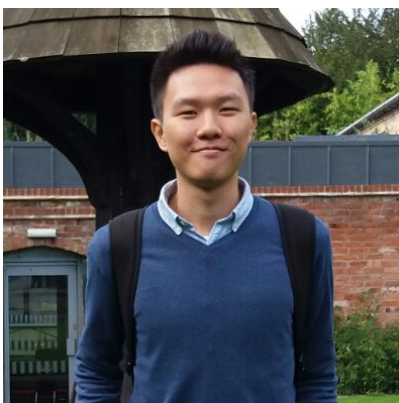
**University of Reading**  
Michelle Ng Li Wen



**University of Sheffield**  
Ma Xin Di



**University of Warwick**  
Ong June Han



**University of Nottingham**  
David Yap Pei Khim



**University of the West of England**  
Emeline Khoo Su Yin

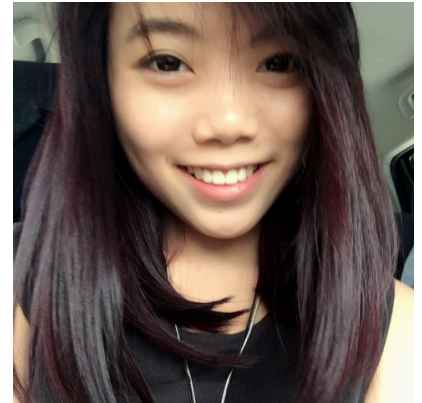
# Student Ambassadors: Malaysia



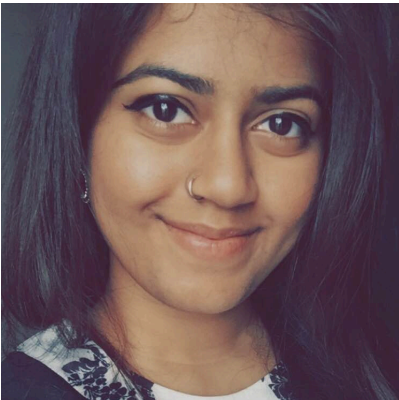
**Advance Tertiary College**  
Simerpreet Kaur



**Advance Tertiary College**  
Stitch Lee



**Brickfields Asia College: KL**  
Arieal Chin



**Brickfields Asia College: PJ**  
Rashmika Krishnamoorthy



**Brickfields Asia College**  
Veeloshini Thiruchelvam



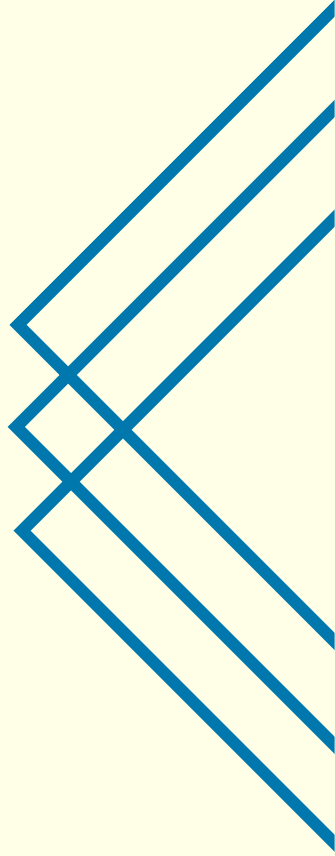
**HELP**  
Vivek Menon



**INTI**  
Nur Zafirah Binti Mohammad Nizam  
Shah

# Our Network:

Main sponsors, memorandum of understanding, and partners





# Main sponsors



**Diamond Sponsor**  
**Brickfields Asia College**

Brickfields Asia College (BAC) has established itself as the Fastest & Smartest Way to UK Law & Business degrees. The college has established an excellent reputation as a provider of quality education and its graduates are highly sought after by local and international firms in both the public and private sectors.

BAC currently has partnerships and affiliations with more than 25 foreign universities and professional organisations, offering its students access to over 100 world-class Law and Business degrees and professional qualifications that can be completed either locally or abroad.

BAC's students have swept multiple World and National Awards at pre-university, university and post-graduate levels over the past three years.

BAC was awarded the Brand Laureate Best Brand in Legal Education for 2012 and 2013 as well as the SME Recognition Award 2013 for Service Excellence. In 2014, BAC was awarded the SME Corporate Social Responsibility Excellence Award and the SME 100 Award honouring Malaysia's Fast Moving Companies. These awards are a testament to BAC's commitment to making every student's educational experience at the college an enjoyable, rewarding and successful one.



**Gold Sponsor**  
**Shearn Delamore & Co.**

Shearn Delamore & Co. is dedicated to meeting our clients' needs. Established in 1905, the firm is one of the oldest full-service law firms in Malaysia, and has evolved over the last 10 decades into one of the largest, providing a comprehensive range of services to clients ranging from private individuals to the largest multinationals.

With over 110 lawyers and 300 support staff, the firm has the resources to run and manage the most complex projects, transactions and matters. This would include co-ordinating and managing cross-border transactions together with the foreign and international law firms with interdisciplinary collaborations, we are able to provide a complimentary range of skills.

Shearn Delamore & Co. maintains extensive global network links with foreign law firms and multilateral agencies, including the World Law Group (WLG), the World Services Group (WSG) and the Employment Law Alliance (ELA).

If regional co-ordination is required for any transaction or project, we can draw upon the resources of and can work together with some of Southeast Asia's best law firms.



# Main sponsors



**General Sponsor**  
**Raja, Darryl & Loh**

Raja, Darryl & Loh currently ranks as one of the larger law firms in Malaysia. Our client base includes financial institutions, multinationals, public-listed companies, corporations, small & medium enterprises and individuals. Presently, we have more than 65 legal practitioners.

# Memorandum of understanding



The Malaysian Bar



Teach For Malaysia



Malaysian Centre for  
Constitutionalism and  
Human Rights



e-Lawyer

# Partners: Beyond The Bar Internship Programme



YB Nancy Shukri



CanLaw



Sime Darby Malaysia



Malaysiakini



PricewaterhouseCooper  
(PwC) Malaysia



M A L A Y S I A

TalentCorp Malaysia



Teach For Malaysia



Bursa Malaysia

# Partners: 30 Days of Summer Internship Programme

**Albar & Partners**  
Advocates & Solicitors

**Albar & Partners**

**A R**  
**& C**

**Ariff Rozhan & Co**

 **AZMI & ASSOCIATES**  
A member of TerraLex worldwide | advocates & solicitors

**Azmi & Associates**

**Donovan & Ho**  
— ADVOCATES & SOLICITORS —

**Donovan & Ho**

**LH** ADVOCATES AND SOLICITORS | **Lee Hishammuddin Allen & Gledhill**  
**AG**

**Lee Hishammuddin Allen & Gledhill**

 **RAJA, DARRYL & LOH**

**Raja, Darryl & Loh**

**PETER LING & VAN GEYZEL**

**Peter Ling & Van Geyzel**

**Shearn Delamore & co.**

**Shearn Delamore & Co.**

# Partners: 30 Days of Summer Internship Programme

SHOOK LIN & BOK

EST 1918  
KUALA LUMPUR

Shook Lin & Bok

THOMAS PHILIP

ADVOCATES & SOLICITORS

Thomas Philip

SKRINE

SKRINE

ZUL RAFIQUE & partners

Zul Rafique & Partners

# Partners: ASASI Internship Programme



Centre for Orang Asli  
Concerns



Malaysian Centre for  
Constitutionalism and Human Rights



Fahri Azzat



Malik Imtiaz



Lawyers For Liberty



Penang Institute

# Partners: ASASI

## Internship Programme



Sisters In Islam



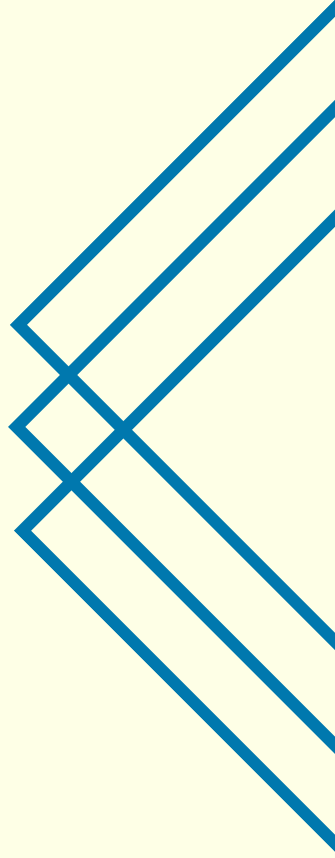
SUARAM



Women's Aid Organisation

# Our Members:

Take a look at the numbers of our members across United Kingdom and Malaysia.

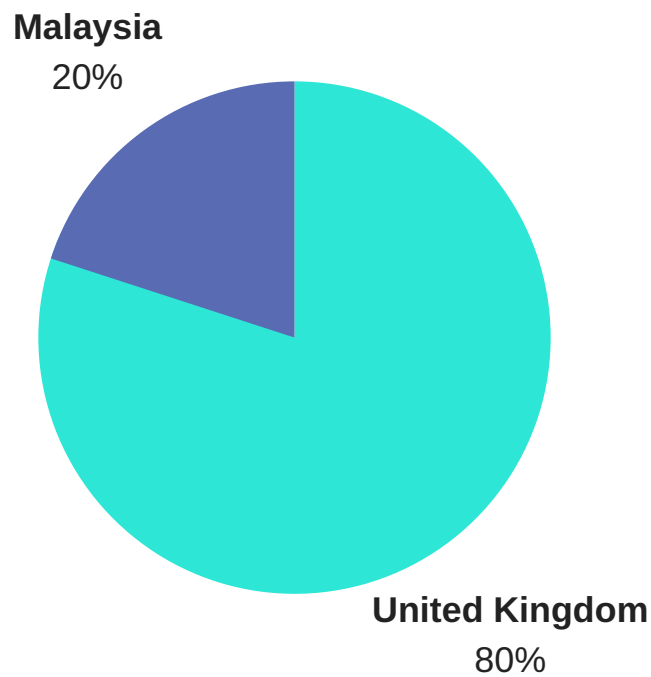




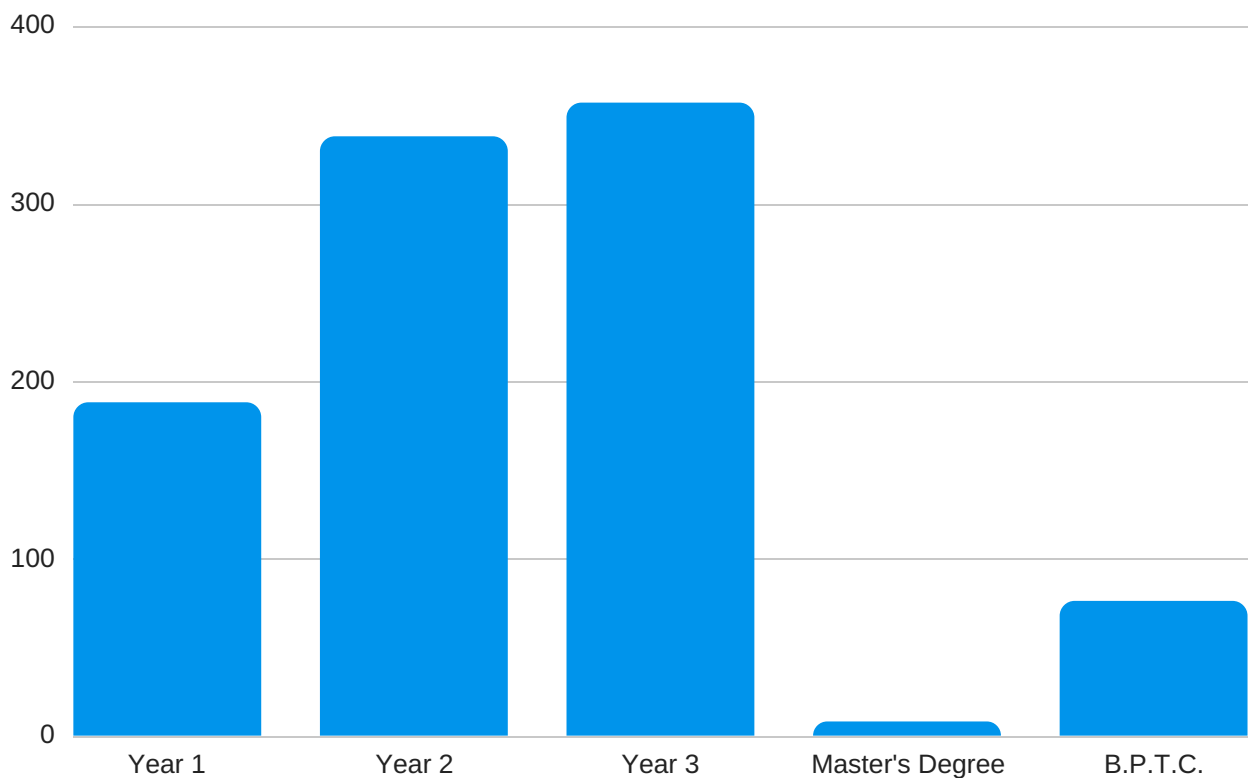
# Membership: Overview

*\*The following data is collected by the Union's 2016/17 Student Ambassadors and may not reflect actual numbers, due to limited access to resources*

**Total number of members that came into contact with KPUM in United Kingdom and Malaysia for 2016/17: 980**

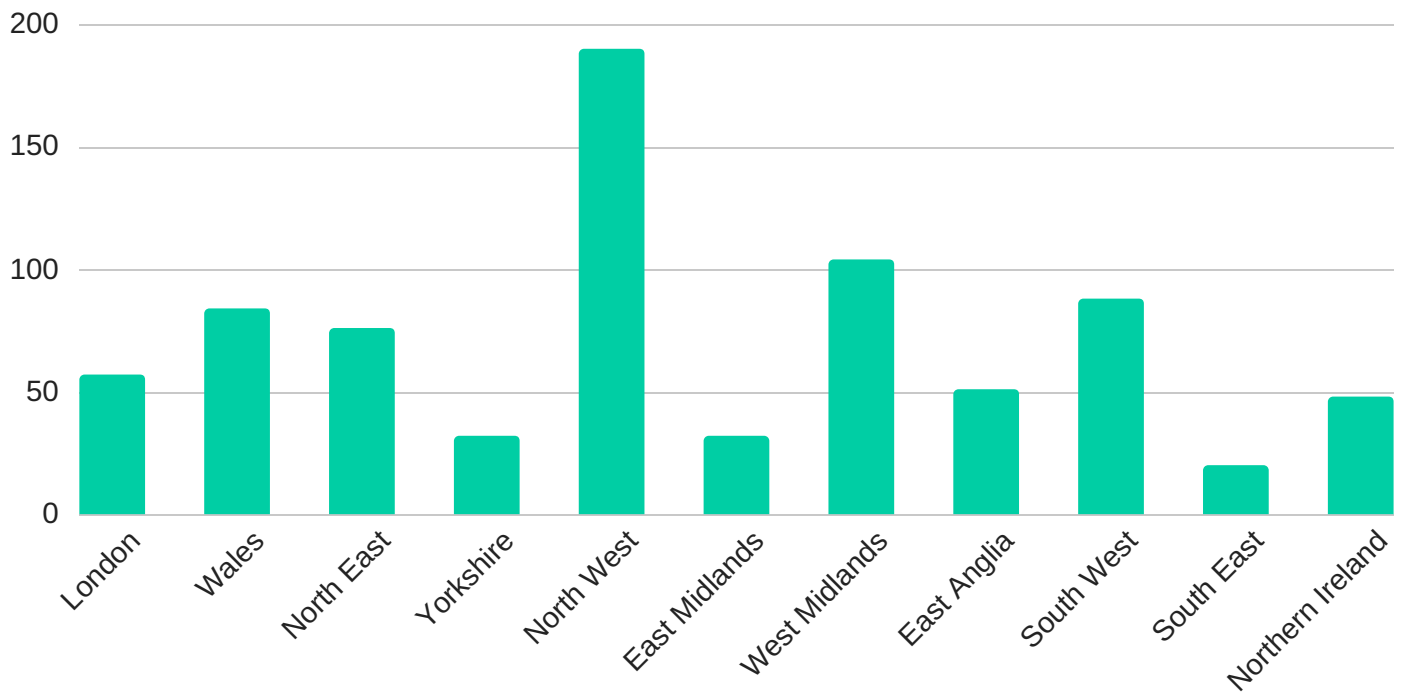
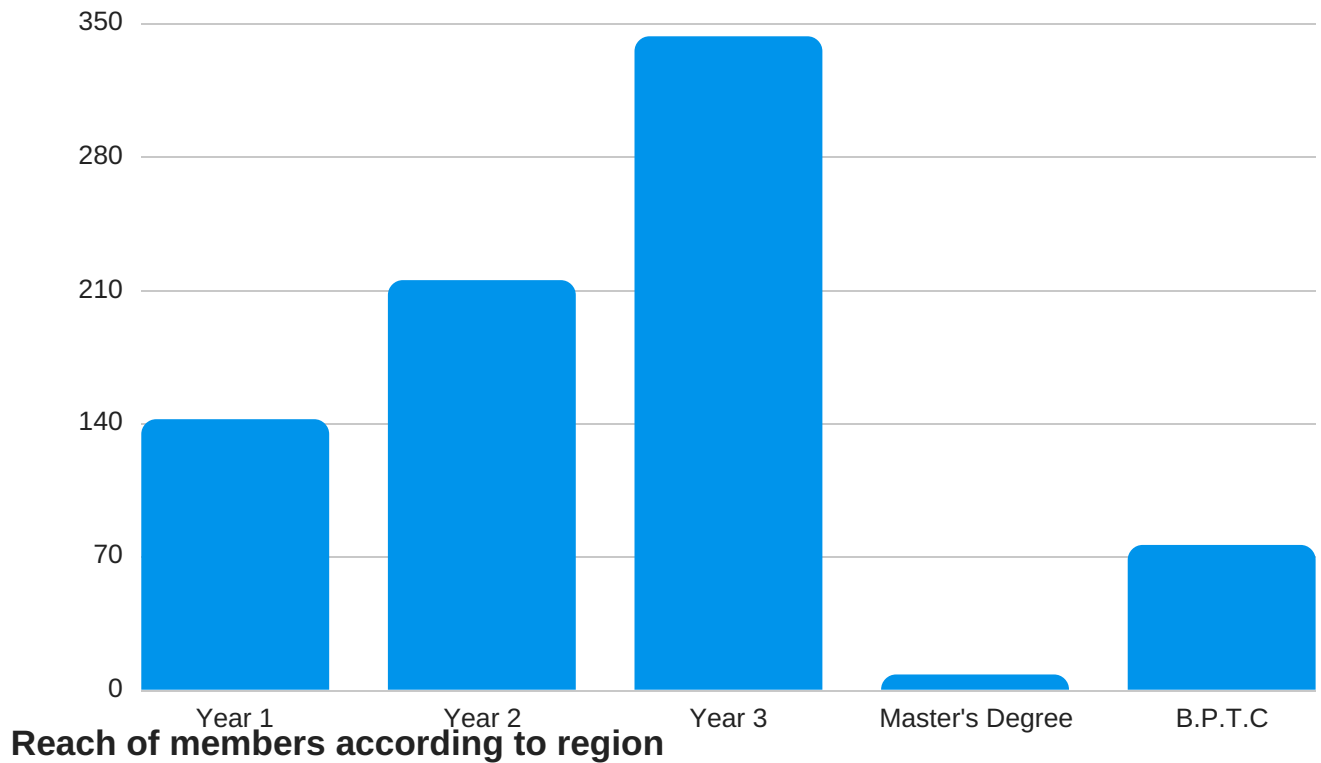


**Distribution of members according to year of study**



# Membership: United Kingdom

Total number of members that came into contact with KPUM in 2016/17: 784



# Membership: United Kingdom

## Universities according to region

### London Region

King's College London  
London School of Economics and Political Science  
Queen Mary, University of London

### Wales Region

Aberystwyth University  
Cardiff University

### North East Region

Northumbria University

### Yorkshire Region

University of Hull

### North West Region

University of Liverpool  
University of Manchester

### East Midlands Region

University of Nottingham

### West Midlands Region

BPP University, Birmingham  
Oxford Brookes University  
University of Birmingham  
University of Warwick

### East Anglian Region

University of Essex

### South West Region

University of Bristol  
University of Exeter  
University of the West of England, Bristol

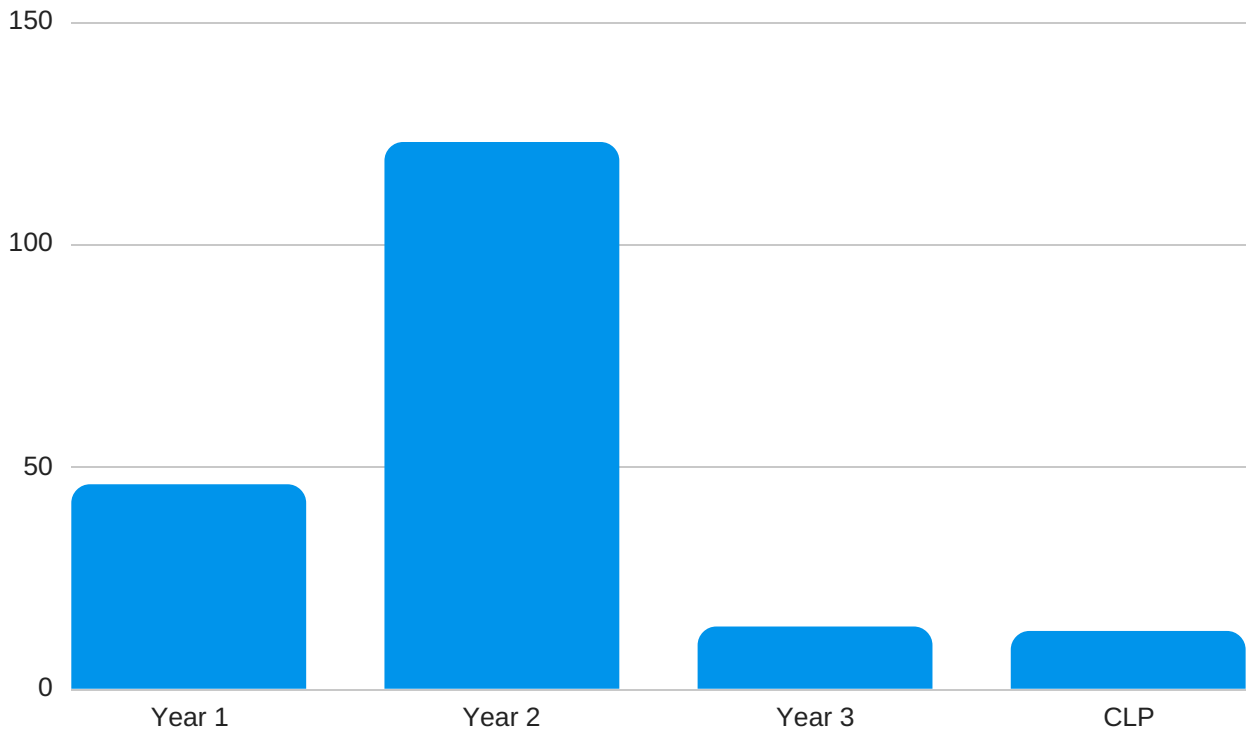
### South East Region

University of Reading

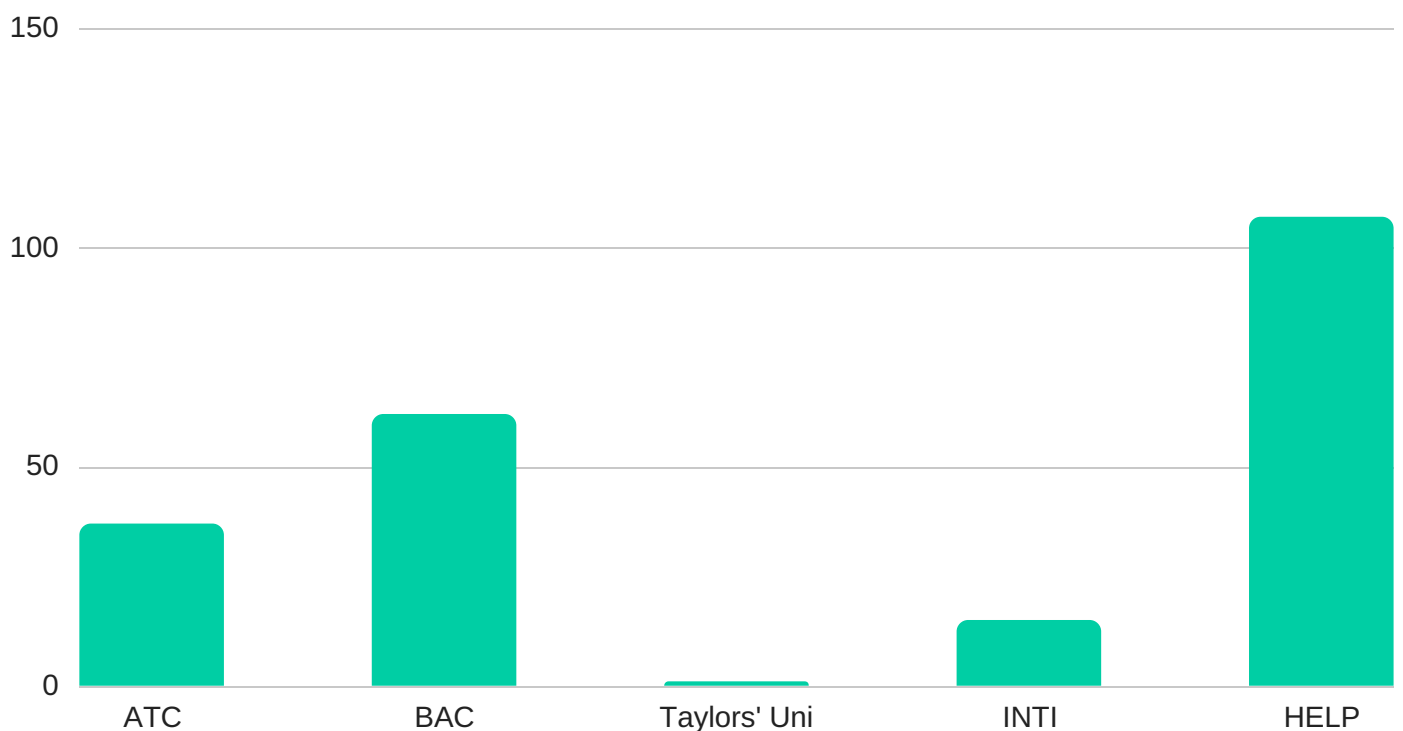
# Membership: Malaysia

Total number of members that came into contact with KPUM in 2016/17: 196

Reach by year of study



Reach by university



# Membership: Malaysia

## Universities and colleges

Advance Tertiary College (ATC)

Brickfields Asia College (BAC): Kuala Lumpur

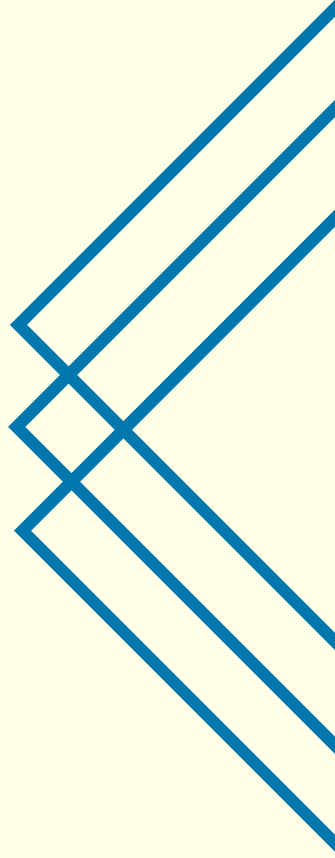
Brickfields Asia College (BAC): Petaling Jaya

HELP

INTI Nilai

# Publicity

Our outreach, online.





Home About Us Meet the Team Our Projects Publications and Resources Our Network



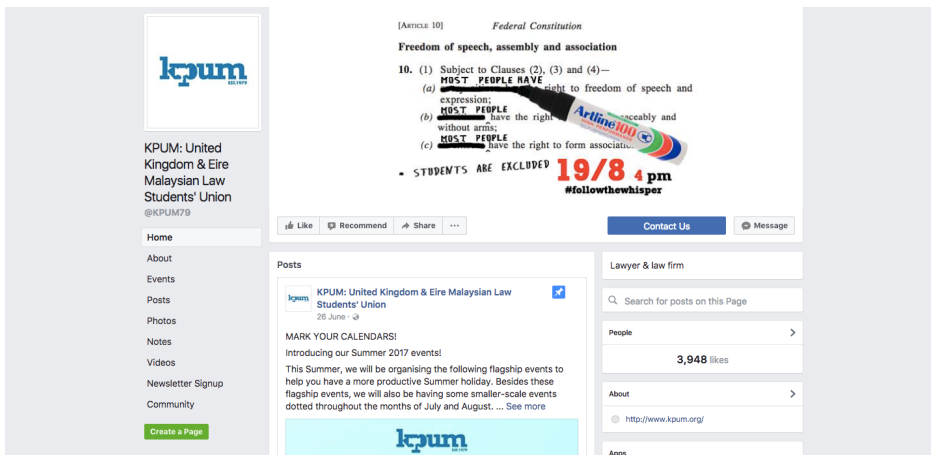
## Website

[www.kpum.org](http://www.kpum.org)



## Facebook

[www.facebook.com/KPUM79](https://www.facebook.com/KPUM79)



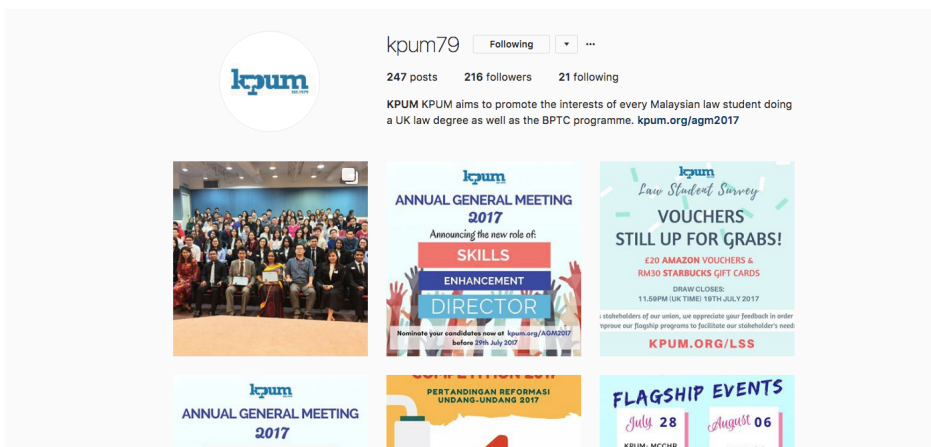
## Twitter

[www.twitter.com/kpum79](https://www.twitter.com/kpum79)



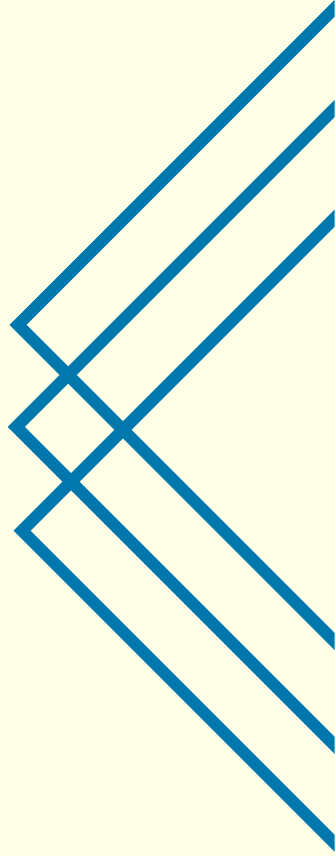
## Instagram

[www.instagram.com/kpum79](https://www.instagram.com/kpum79)



# Our Flagship Events:

LCC, Mooting, PRU





# Law Career Convention (LCC)



On the 18th of March 2017, the third Law Career Convention was held at The Law Society, London.

Tim Koh as the Master of Ceremony introduced the law firms, i.e Raja Darryl Loh (RDL), Lee Hishammuddin Allen & Gledhill (LH), Shearn Delamore, Trowers Hamblins, Herbert Smith Freehills and ZiCo as well as the Bar Schools, i.e Cardiff and City Law School. Souvenirs had been given to all representatives from each law firms.

RDL, LH & Shearn had been allocated for the first 3 slots which lasted 25 minutes each firm. Trowers, Herbert and ZICO's presentation lasted for 15 minutes. Law firms, bar schools, Teach for Malaysia, OSAS (Overseas Student Advice Service) participated the exhibition concurrent with a few sub events, helping international students start their career by providing outstanding coach services. Followed by Bar School Presentation, 20 minutes had been allocated for both Bar Schools. Q&A session for the last 15 minutes. Later on in a Cross-examination Demonstration, using a fact scenario, Cardiff Bar School's representative took the audience through cross-examination and address the various issues that come up.

# Mooting Competition

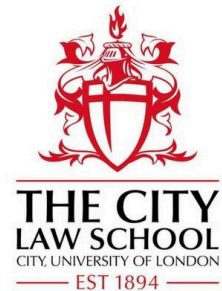


## MOOTING COMPETITION

17TH OF MARCH 2017

1:00PM-7:00PM

CITY LAW SCHOOL, UNIVERSITY OF LONDON



On the 17th of March 2017, the first KPUM Mooting Competition was held at City Law School. Volunteers and members of KPUM that were involved gathered at the venue before 1 p.m to set things up. The event was a collaboration between the Careers Development Department and the Fellowship Department. Registration was set at 1 p.m with the opening ceremony and announcement of teams set from 1:30 p.m to 2 p.m.

The competition is point based with participating teams designated as either appellants or respondents. The appellants and respondents that obtained the most marks in the preliminary round are then to proceed to the finals. There were a total of 8 moots in the preliminary round, with a total of 15 participating teams.

Volunteers were found to pose as timekeepers and judges for the preliminary rounds. Mr Anand Raj (Shearn Delamore), Mr Chew Phye Keat (Raja, Darryl & Loh) and Professor Peter Hungerford-Welch (Associate Dean of City Law School) acted as the judges for the Finals.

Upon concluding the session, Mr Anand Raj presented the finalists with envelopes containing internship offers at Shearn Delamore. Cash prizes were also awarded to the finalists. Each judge also received tokens of appreciation from the Union. The Mooting Competition ended at 8 p.m.

# Law Reform Competition (PRU)



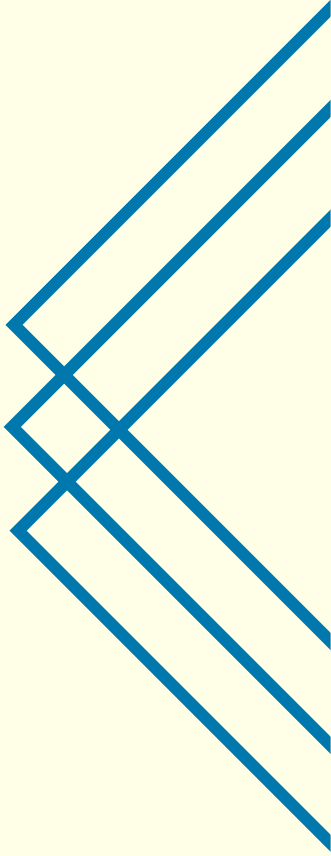
*\*This event will be held on the 26th of August 2017*

PRU is a legislative reform competition to offer a platform for students to translate ideas into tangible actions. It envisions Malaysian students playing a significant contributory role to a holistic legislative reform process in Malaysia.

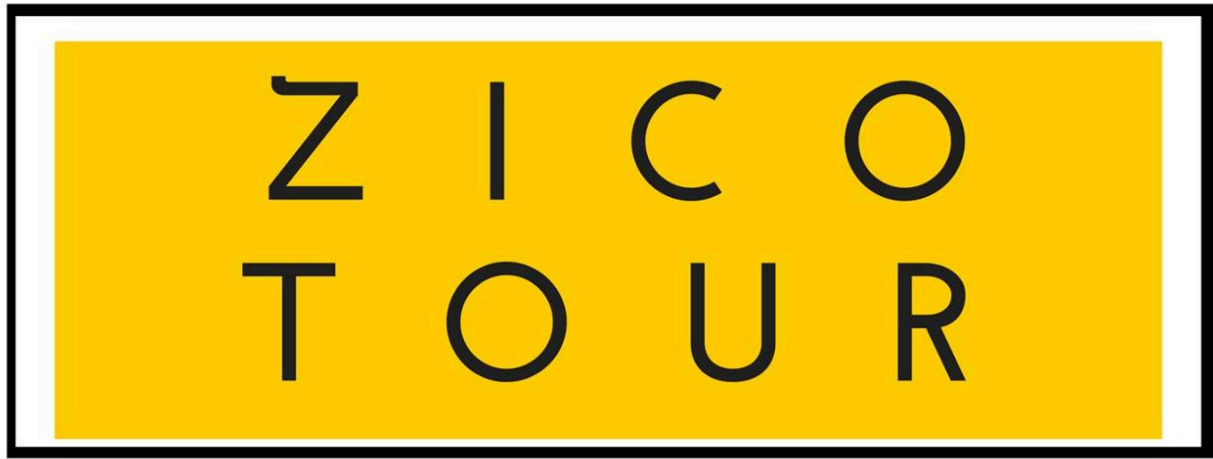
This year, PRU 2017 will explore the theme Battling Corruption. Participants will also receive guidance from individuals and organisations experienced in this area prior to submitting a 3000-word legislative reform proposal.

On 26 August 2017, finalists will present their proposals to a panel of judges and to a public audience at Brickfields Asia College, Petaling Jaya Campus. This will be followed by a Q&A session open to both the judges and audience. RM 1000, RM 600, RM 300, and RM 100 will be awarded to the top three finalists with the highest scores and the audience's choice respectively.

# Corporate Events



# ZICO Firm Tour



The ZICO Tour, a KPUM lepak event organised by ATC Student Ambassadors, Stitch Lee and Simerpreet Kaur, was held on 6th July 2017. The event was open to all.

Mr. Paul R. Subramaniam, Chief Risk Officer at ZICO Holdings gave a talk about the beginnings, expansion and present day group of companies under the ZICO banner. He also explained how diverse the legal career has become and his personal experiences, like how he had resigned from the ZICO Law and moved to ZICO Holdings when the ZICO brand expanded so he could help raise capital for the firm which had to remain as a partnership.

Then Mr. Amin Abdul Majid had a more interactive session with the participants as to what are the possible career options law students could have after graduation, besides doing the CLP or BPTC for example, going in house with a certain company and growing with it while specialising by experience in that area of law. He was then followed by Ms Sarifah from the Human Resources Department who briefed us about the structure and people in both ZICO Law and ZICO Holdings.

Finally, Mr Yong (Senior Partner and Employment Chief) and 4 young lawyers were given the stage to share their experience in the workplace, including different departments dealing with different matters in a big law firm like Zaid Ibrahim & Co., and what the students could expect working in the industry after they graduate, as well as the various challenges faced by the fellow young lawyers.

Participants were also generally active in the various presentations and discussions by posing questions to the presenters. The event was then concluded with a final tour of the actual offices in the firm on 19th floor. We believe that the students have benefited from gaining insights about what are the career options they can pursue after graduating by all the legal practitioners in the field, and challenges which as a young lawyer may encounter.

# Shearn Delamore & Co



On the 28th July 2017, we held an event in Shearn Delamore & Co. which focused mainly on legal insights. We managed to get 50 participants in total to sign up for both sessions and more than 70% of them turned up. Several partners gave talks regarding the areas which they specialise in and students were also given the opportunities to raise questions in this session. The speakers are as followed: Mr. Sivabalah Nadarajah- Industrial Relations, Mr. Anand Raj- Competition Law/ Taxation Practice, Mr. Indran Shanmuganathan- Intellectual Property, Mr. Jimmy Liew- Dispute Resolution, and Ms. Michelle Wong- Corporate & Commercial Practice. The response from the participants were great as many of them found it quite informative. They also gave very good feedbacks on the networking session as most of them managed to engage with the partners and associates very closely.

# Albar & Partners



On the 2nd of August 2017, a side event for the KPUM 30 Days of Summer Internship Programme was held at the Albar & Partners office in Kuala Lumpur. Registration started at 6.00p.m whereby participants who signed up were given a name tag, notebook and a pen. The event entitled “An Evening with Albar & Partners” was open to public and intended to expose students to the practice of a commercial law firm as well as provide students with the opportunity to network with partners and lawyers.

Ms Izian Iziawady Husin and Ms Sharifah Dalilah Albar were the featured speakers of the evening. Ms Izian gave an interesting overview of Debt Capital Markets in Malaysia which was rather intense. Ms Sharifah talked on banking law and then gave various perspectives as to how Islamic Finance has many benefits, which was rather engaging with the participants.

The talk was followed by a Q&A session which was held for about 10 minutes. Upon concluding the session, an office tour was then conducted. The final agenda of the evening was for the participants to network with the partners, associates and pupils whilst helping themselves to the delicious spread of food prepared by Albar & Partners.

A certificate of appreciation was presented to Ms Phang Sweet Ping by our Careers Development Executive of 30 Days of Summer Internship Malaysia (Malaysia). The session ended at 9.00p.m.



# Raja, Darryl & Loh

*\*This event will be held on the 16th of August 2017*



## CROSS EXAMINATION WORKSHOP & TALK

AT  RAJA, DARRYL & LOH

DATE : 16TH AUGUST 2017

VENUE: RAJA, DARRYL & LOH

16TH FLOOR WISMA SIME DARBY

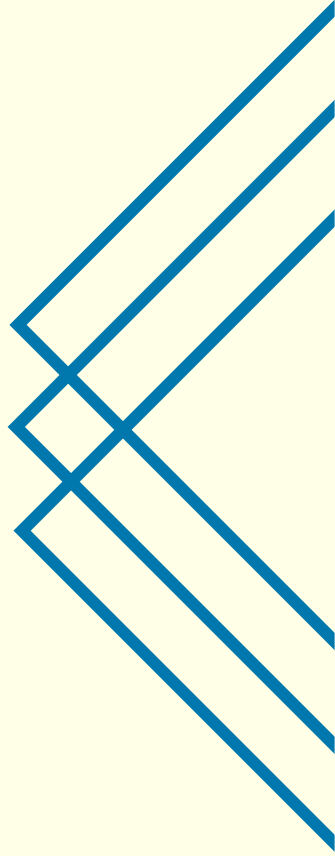
TIME : 6.30PM-8.30PM

(REGISTRATION STARTS AT 6PM)

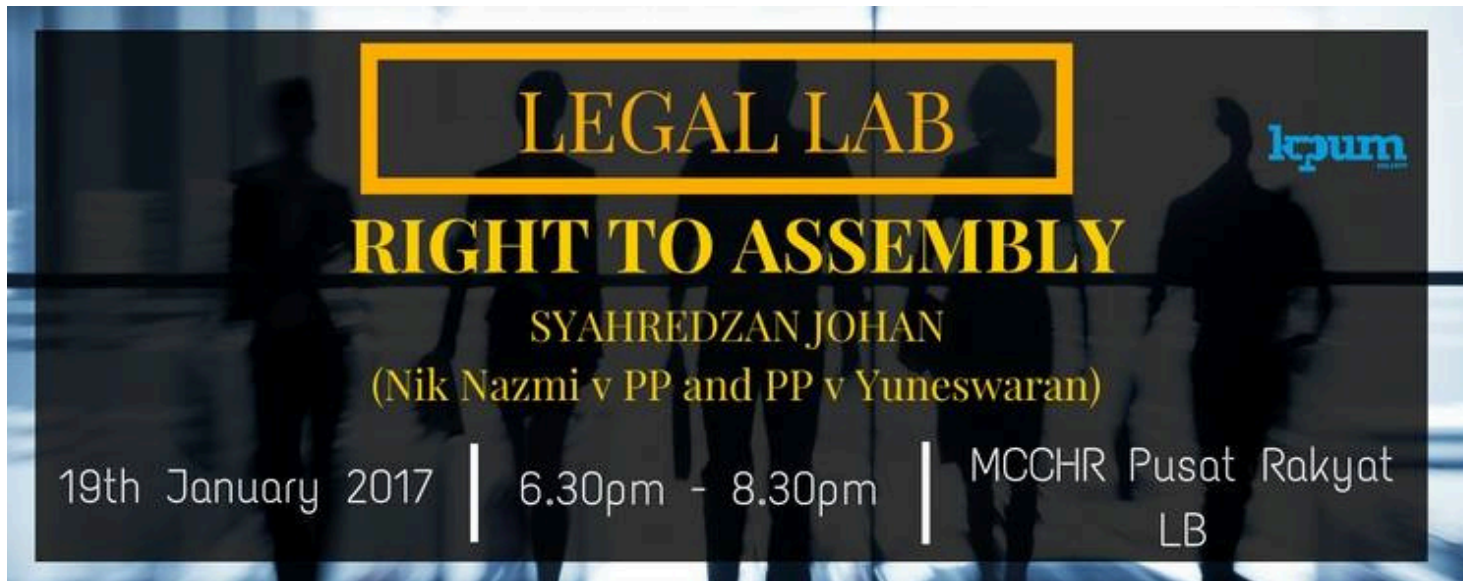
\*Light refreshments will be served



# The Malaysian Division



# Legal Lab Series: Right to Assembly



On the 19th January 2017, the first Legal Lab event entitled “Right to Assembly” for 2016/17 term was held at MCCHR. This Legal Lab event was open to public and with the purpose of raising the awareness of right to assembly in Malaysia and to talk about the current position of law on right to assembly.

Mr. Syahredzan Johan started his presentation by introducing the Federal Constitution. The presentation was indeed clear and precise on what an organiser should do before the assembly. He then explicitly dissected the cases of *Nik Nazmi v PP* and *PP v Yuneswaran* while explaining the current position of the law on Right to Assembly and the possible perspectives of the judiciary. Throughout the event, Mr. Syahredzan’s presentation was intense and engaging with the participants, he was enthusiastic in giving the talk. Upon concluding the presentation, he expressed his concerns about the vague decisions made by the Judiciary might affect our rights to assembly which is provided under Federal Constitution. This event has truly brought about the awareness of public in relation to our fundamental liberty as stated in the Federal Constitution and most importantly, these rights shall be respected and uninterfered regardless.

# Legal Lab Series: Rights of Whistleblowers

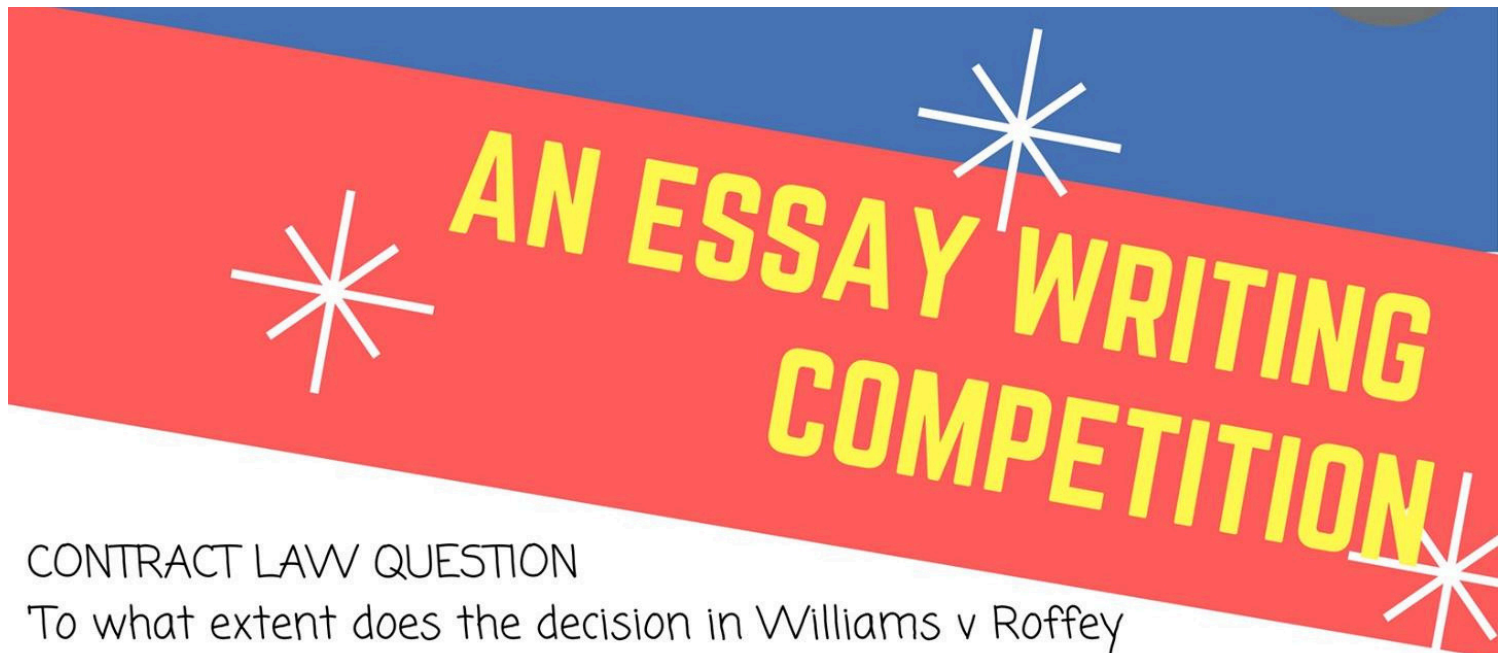


On the 17th March 2017, the second Legal Lab event entitled “Rights of Whistleblowers” pertaining to the case of Syed Omar bin Syed Agil v Institut Profesional Baitulmal Sdn Bhd for 2016/17 term was held at MCCHR. This Legal Lab event was open to public and with the purpose of discussing about the current position of law on rights of whistleblowers.

Mr. Aston Paiva started his presentation by laying down and dissecting the facts of the case from the very beginning of the disputes. Several documents and correspondences were shown to the audience to be served as a chronology of the events happening. After displaying all the documents, he then explained his legal documents and how he commenced a legal action. Subsequently, he talked about the Whistleblower Protection Act 2010. Throughout the event, Mr. Aston's presentation was relaxing and engaging with the participants, he answered every question raised by the participants patiently.

Current position of the law governing whistleblowers appears to be unconvincing and in need of strict enforcement in order to battle white collar crimes.

# BAC Essay Writing Competition



## CONTRACT LAW QUESTION

To what extent does the decision in *Williams v Roffey*

For Contract Law essay, we have proposed the question as “to what extent does the decision in *Williams v Roffey Brothers* represent a challenge to the traditional rules of consideration”. A total of 10 essay scripts were submitted by participants.

As for Tort Law Essay, the question was in relation to the development of causation, particularly the but for test after the decision of *Sienkiewicz v Greif*. We have received a total of 8 essay scripts by the participants.

This competition strongly encouraged students to develop research skills into popular area of the law, as well as improving students' writing skill. Organising this event has taught us the importance of teamwork, and in hope that more events like this can be organised in the future. We are aware that this event did not necessarily unite law students but in a way, more people knew about this KPUM through this event. We believe that every small step counts and by creating awareness of this organisation, will we be able to slowly allow the word to spread around to unite law students in the future.

# Law Series Talk: The Importance of The Malaysian Constitution



*presents*

## Law Series Talk: The Importance of the Malaysian Constitution



On the 12th of April 2017, the Inaugural Law Series Talk on the Importance of the Malaysian Federal Constitution for 2016/17 term was held at HELP University. This was the first time the student ambassador of KPUM had organised an event at HELP University and it is the first event organised by KPUM at HELP University. Not only that, it is also the first event involving a member of the royal family, YAM Tunku Zain Al-'Abidin ibni Tuanku Muhriz and the daughter of Malaysia's Founding Fathers, Miss Deva Kunjari Tun V.T. Sambanthan.

Both our speakers shared their concerns on the depletion of the love for Malaysia, our nation and provided ideas and options for us, Malaysians.

It is of utmost importance that the younger generation being aware of the constitutionality of the Federal Constitution and respect it for it is sovereign and shall be respected in ensuring the better functioning of the country, preserving the true values of Malaysia being a peaceful and harmonious country.



# KPUM-INTI BBQ

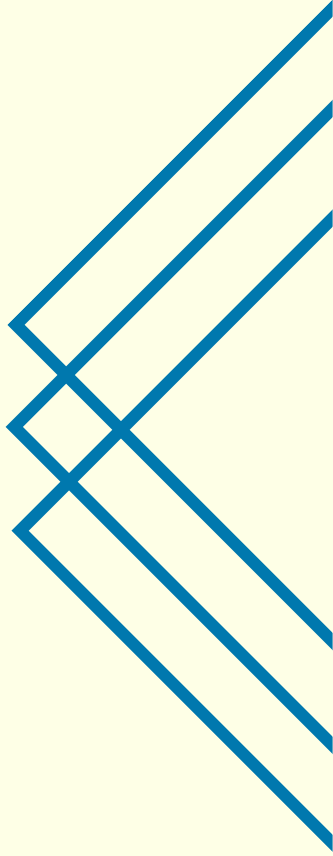
## KPUM-INTI BBQ



15th July 2017, 6pm-9pm  
INTI BBQ Pit Nilai Campus

Students from INTI, HELP and BAC were gathered at INTI University, Nilai on the 15th of July for a meaningful night filled with experience exchange among students from different institutions. Participants were being introduced to KPUM being an umbrella body for law students pursuing a UK Degree, alongside with fun-filled BBQ experience. This event has open up various opportunities to law students from INTI to join the Union and the events organised, as well as widening their choices of activities to get involved.

# Student Relations & Outreach



# KPUM Student Ambassador Programme



The KPUM Student Ambassador Programme has been running since the 2014/15 term. While in 2016/17 we saw a slightly shrunken team of student ambassadors, the contents of the programme were by no means reduced. The programme was designed so that the student ambassadors would feel more attached and henceforth committed to the Union, therefore making it possible for them to represent the Union more effectively. This is because the student ambassadors act as the 'bridge' between the Union and our members in that they can help us to relay information to our members personally and answer any queries our members might have. Similarly, they are the best channel for us to understand the needs of our members better. We thus aim to leverage on the unique position of student ambassadors to create a more inclusive Union and strengthen our presence across different universities. With such aims, we have organised KPUM #Lepak sessions across universities in the UK and Malaysia, and these events were met with good responses generally.



# KPUM *Lepak* Sessions

Lepak has been one of the KPUM annual events which requires each and every one of the student ambassadors to hold an event in the respective universities. The event may be formal or informal, hence the word “Lepak”. The objectives of Lepak are to introduce what KPUM is, what KPUM offers and to promote KPUM annual events, which aim to unite law students, empower future lawyers and uphold the rule of law.

Between the dates of 14th December 2016 and 21st March 2017, our student ambassadors in universities all over United Kingdom held their respective lepak sessions. The earliest Lepak session was held in the University of Nottingham and the last one was organized in University of West England, Bristol. The type of events organized this year by our student ambassadors ranged from formal events such as court visits and human rights discussions to informal events such as fundraising for pro-bono events and informal gatherings.

# *Lawatan: A Court Insight*



Participants gathered outside the People's History Museum, Left Bank, Spinningfields Manchester M3 3ER. Our tour guide from NCCL (National Centre for Citizenship and Law), Ms Kath Downs introduced us to the Civil Justice Centre. The building has won awards for its sustainability credentials, innovative engineering design and striking architecture. We then proceeded to a presentation by the PSU (Personal Support Unit). We learned that PSU provides trained volunteers who give free, independent assistance to people facing proceedings without legal representation in civil and family courts and tribunals.

After a city view from the 10th floor of the building, we moved to the Manchester's Crown Court which was located opposite of the Civil Justice Centre. Kath explained to us about the court layout and the different roles of legal professionals. We had the opportunity to take part in a role play while dressing up in wigs and gowns. The NCCL volunteers also participated in the Q&A session.

# *Lawatan: Edisi Malaysia*



Lawatan Edisi Malaysia was organised and held on the 17th of February 2017, where law students from various institution gathered and visited the government offices, i.e. Malaysian Anti-Corruption Commission (MACC) and the Attorney Chamber's Chambers located at Putrajaya.

On our first visit to MACC, we were being introduced to the Video Interviewing Room (VIR) by Officer Kumar and introduced of its function. The VIR was built to perform the transparency mechanism in the process of investigation. After visiting the VIR, we were led to the Bilik Kawad Cam (Identification Parade Room) and introduced to its mechanism which is to allow identification of suspect by the witnesses. Subsequently, we visited the Education Division as well as the MACC Gallery consisting of the collection of awards, brochures, journals, previously published magazines and newspaper articles.

The visit was followed by a presentation by MACC Officer on the legislation governing the body as well as its operation, such as Malaysia Anti-Corruption Commission Act 2009, Anti Money-laundering and Financial Terrorism Act 2001, and Whistleblower Protection Act 2010.

Subsequently, the participants visited the Attorney-General's Chamber, where they were given the briefing on the 8 departments performing their respective roles in the AG's Chamber. We were given an insight view of the function of AG's Chamber in assisting with the law-making process in Malaysia and performance of the advisory role in legal matters.

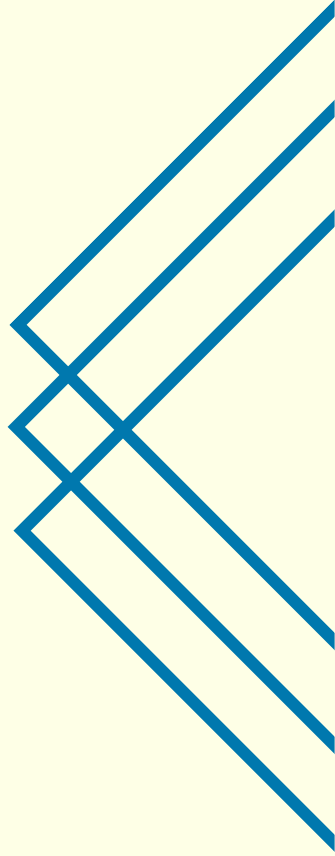
The group has also made a special visit to the Perpustakaan Abu Yusuf Yaqub Al-Khindi, where various legal resources are available, and later brought to the Special Collection section to learn about the manual method of amending and updating of the laws in Malaysia.

Overall, it was a great opportunity for law students to interact and network with each other and to explore the institution beyond the scope of academics. We believe that participants have harvested greater and increased knowledge and awareness of our laws on anti-corruption, as well as the growing interest of joining AG's Chamber in the future. As the KPUM constitution holds, this event has successfully achieved the goals of uniting and empowering law students.

# Q&A



# Careers Development Department





# KPUM Legal Academy



The KPUM Legal Academy is a pioneering effort by KPUM in the year 2016 which aims to empower Malaysian students before entering the workforce. There have been reports saying some young Malaysians or better known as Gen-Y, are difficult to handle in the workplace. Caused by the education system nowadays, students are moulded in a bubble their entire lives, where the correct answers matter more than the learning process. Hasty expectations are not supplemented with the willingness to work from the lowest hierarchy. The KPUM Careers team aims to make a difference to this phenomenon, inviting lawyers to engage with law students via virtual platforms. The proposed Legal academy is a year-long initiative which is essentially a web-based seminar/workshop by leading experts of their own field, influencing and interacting with students in a live session.

The Legal Academy aims to implement a new mode of engagement compared to regular forums/seminars that have been the staple choice. An unorthodox structure would be set up to ensure constant engagement of all stakeholders. We believe true learning comes from the exchange of ideas, thus a community group would be set up for all participants of this Legal Academy series. Within this community group, students are able to discuss issues that were raised in a certain session; and possibly complete a research task as a unit assigned by an 'influencer'.

'Influencer' essentially refers to the speakers that are on board to share their views. Speakers have the ability to influence and be part of a student's development in the legal career, thus it would be very much fitting to adorn them as such. Students would be recognized as 'peers' and the Career Development Executive would subsequently act as the moderator between the two parties.

The tentative propositions are to enhance students in three different aspects, including legal insights; professional development; and current legal awareness issues that include commercial awareness etc. Having being able to understand day to day work practices would allow students to anticipate a proper work attitude. We believe this would add value to Malaysian students to increase their employability and would like to leverage on this opportunity to emphasize the necessity of improvement every single day.



# KPUM Legal Academy: Technological Innovations in Legal Industry



28th December 2016 marks the commencement of the first Legal Academy session. The sessions were made possible using a professional webinar platform, Adobe Connect, thanks to the courtesy of ELawyer Malaysia. As our motto is “Embracing Technology, Transforming Legal Workshops”, it is fitting that our topic begins with “The Future of Legal Landscape x Technological Innovations in the Legal Industry”. Working committees and executives entered the Adobe Connect Platform the day before the event to be familiarized with the platform. This Legal Academy session was open to public and with the target audience of legal students, with the intention of introducing Legal Technology in the industry.

Mr Pang Jo Fan, Entrepreneur-In-Residence of CanLaw was the featured speaker for this session. His past accolade of being an ex-KPUM President has definitely made it a very engaging session, as participants were more willing to raise questions about the topic, be it technical or from an employment perspective. An introduction of how artificial intelligence can disrupt the legal industry and IBM’s “Ross” potential was shown to the participants via a video-link.

Post Jo Fan’s presentation, the Q&A Session was open to the crowd at the ending breaths of the session. The enthusiasm of participants cause an unexpected delay to the intended end-time.

# KPUM Legal Academy: Mastering the Art of Legal Advocacy

LEGAL ACADEMY PRESENTS

*Gavin Jay Anand Jayapal*

*An Advocate and Solicitor of the High Court of Malaya, is a graduate of the University of Leeds and a Barrister-at-Law of Middle Temple. He is actively involved in corporate litigation, having advised and*



Building from our first session, the second Legal Academy session proceeded on the 7th of January 2017. The sessions were made possible using a professional webinar platform, Adobe Connect, thanks to the courtesy of ELawyer Malaysia.

As it was the inception of the new year, the working committees and executives found that a practical skill was beneficial to students. "Advocacy Skills and Oral Presentations" was a perfect fit to that criteria. Considering that it will benefit legal students, this session was largely targeted towards legal students, with the intention of teaching relevant tips to future advocates.

Mr Gavin Jayapal, Principal of Gavin Jayapal Advocates and Solicitors, was the featured speaker for this session. As he is actively involved in hotly contested corporate litigations, supplementing the fact that he is a personal acquaintance, it was indeed a wonderful experience to have him join us. Gavin provided us with necessary reading materials and personal tips of his. The plan of having a good chronology, separating your good facts from the bad facts would have definitely stuck to many till this date.

Gavin intended for the session to be a constant two-way communication thus questions were of a constant flurry.

# **KPUM Legal Academy: Journey to Being a Young Partner**



After having two sessions, our participants have grown to a sizeable 45. The sessions were made possible using a professional webinar platform, Adobe Connect, thanks to the courtesy of ELawyer Malaysia.

The working committees and executives found that consistent output will keep the attention of the crowd. Two weeks after the second session, 20th of January 2017, “Standing Out From the Crowd: Journey to Being A Young Partner” got majority of the participants rallying. Many students will get inspired by success stories and often intend to emulate that, this session aimed to provide that for incoming legal practitioners.

Mr. Lee Shih, Dispute Resolution Partner of Skrine was the featured speaker for this session. Having attained partnership status at a young age, his guidance would be a boon to many. Being the co-founder of The Malaysian Lawyer, his articles has long been known by many of the legal fraternity. Ever since he established contact with participants, many have been keeping tabs on his recent updates revolving the Companies Bill 2016.

# Internship Programme: 30 Days of Summer



## What is the internship programme about?

The KPUM 30 Days of Summer Internship Programme (SIP) is a structured initiative aimed to act as a platform for Malaysian law students to secure internships over the summer in Malaysia. This programme seeks to ease students with their internship applications by providing a comprehensive online form.

Through SIP, applicants are given the opportunity to be rotated between two participating law firms, for a month each. The programme runs from the 3rd of July until 1st of September 2017 this year. Various side events would also be organized with our partnering firms which differentiates SIP from other internship schemes. The side events aim to maximise the participants' productivity throughout the internship programme whilst equipping them with additional skills. In addition, SIP aims to create a community among its interns by organizing meetup sessions for them to share their experiences.

## The partners

- 1) Albar & Partners
- 2) Ariff Rozhan & Co
- 3) Azmi & Associates
- 4) Donovan & Ho
- 5) Lee Hishammuddin Allen & Gledhill
- 6) Peter Ling & Van Geyzel
- 7) Raja, Darryl & Loh
- 8) Shearn Delamore
- 9) Shook Lin & Bok
- 10) Skrine
- 11) Thomas Philip
- 12) Zul Rafique & Partners

# Internship Programme: 30 Days of Summer

## List of side events

### 1) *"An Evening with Albar & Partners"*

A spotlight focus on Banking & Islamic Finance and Debt Capital Markets in Malaysia were provided by the firm's partners followed by a networking session and office tour.

### 2) *"Cross Examination Workshop by Raja, Darryl & Loh"*

After an introductory talk, a few SIP interns were given the opportunity to role play as counsel and witness for the audience to gain insight on advocacy.

## The interns

Alexander Lu Wei Han, London School of Economics and Political Science  
 Balqis Azhar, Queen Mary University of London  
 Chee Qian Ning, Durham University  
 Cheong Khai Ze, University of London  
 Choo Kelly, University of Warwick  
 Crystal Wong Jee Yong, University of Leeds  
 David Yap Pei Khim, University of Nottingham  
 Denise Choo Pao Yi, Advance Tertiary College  
 Derric Toh Lee Shaun, University of Nottingham  
 Eo Shao Dong, University of Nottingham  
 Fatimah Aliyya binti Ariffin, University of Nottingham  
 Geraldine Leng Yeing Qer, University of Bristol  
 Ibrahim B Abd Razak, University of Essex  
 Jia Le Cheryl Yee, University of Warwick  
 Kah Yan Soong, Queen's University Belfast  
 Larissa Teoh Chiew Mien, King's College London  
 Lee Jiajene, University of Warwick  
 Lee Rui Ci, HELP University  
 Leow Ho Eng, Queen Mary University of London  
 Loh Pui Yan, University of Manchester  
 Low Chia Yen, King's College London  
 Mohamad Najib bin Mohamad Shukri, University of Bristol

Moke Man Th'ng, University of Hull  
 Ng Yih Xiang, University of Bristol  
 Nicole Stewart, University of Manchester  
 Oh Chin Juet, Eleanor, Brickfields Asia College  
 Ong June Han, University of Warwick  
 Ow Jae Vonne, University of Warwick  
 Sarah Tiong Jie Yun, University of Leeds  
 Shin Ying Sim, University of Warwick  
 Siqi Chong, London School of Economics and Political Science  
 Tan Jie Xin, University of Sheffield  
 Tan Pheng Chew, University of Cambridge  
 Teoh Kean Guan, BPP University  
 Tiffany Tan Fang Yin, King's College London  
 Tzer Shern Khaw, University of Warwick  
 Vincent Kow Lit Han, Queen Mary University of London  
 Wong Wei Tzen, Aberystwyth University  
 Yap Wen Hui, University of Warwick  
 Yip Wei Yee, University of Bristol  
 Zheyi Tan, London School of Economics and Political Science



# Internship Programme: Beyond The Bar



## What is the internship programme about?

Beyond the Bar (BtB) is a structured non-law internship programme specially designed for law students. As an initiative in line with our motto of Growing Strong, this programme seeks to fill the gap for law students who may not have their sights set on practicing the law, but instead, with the versatility of a law degree, would like to venture into other possible careers.

Pioneered in 2015, BtB has received overwhelming response especially from the penultimate and final year students. This internship programme allows participants to work in a variety of non-legal settings, from accounting firm, publication firm, public services, to NGOs. Speaking to our interns from the pilot cohort, we saw the value in BtB and have strived to make it even bigger and better this year, bringing in partners for legal in house counsel

## The partners

- 1) CanLaw
- 2) Malaysiakini
- 3) PricewaterhouseCooper (PwC) Malaysia
- 4) Sime Darby Malaysia
- 5) TalentCorp Malaysia
- 6) Teach For Malaysia
- 7) Unilever Malaysia
- 8) YB Nancy Shukri

# Internship Programme: Beyond The Bar

## The interns

### Malaysiakini

Gan Shao Qi  
Kimberly Ang Jia Xin  
Preveena Ravindra Kumar Sheryl Teo

### PricewaterhouseCooper Malaysia

Melissa Chong Wei Min  
Wong Yen Ni  
Yap Zhi Tong

### Teach For Malaysia

Cheo Kar Meng  
Lee Wen Ping  
Zethy binti Zainudin

### YB Nancy Shukri

Low Kar Yeen  
Ryan Jaafar

### Sime Darby Malaysia

Teh Yi Mei

### TalentCorp Malaysia

Sophia Sarah

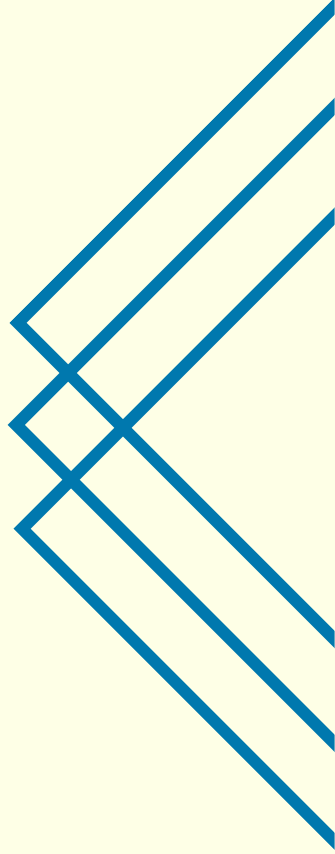
### CanLaw

Tan Jin Chi

### Unilever Malaysia

Tan Ai Jin

# Fellowship Department



# The First Initiative



The First Initiative (TFI) was a project initiated by the Fellowship Department of KPUM 2016/2017. It was a word bank comprising of essays and problem questions with a first-class grade by members for the academic use and reference of other members. The main objective of this project was to improve the academic writing content of members by providing references to essays graded first-class as a guide.

The essays were contributed by current KPUM members and compiled by a Fellowship Executive. (It is worth noting that this Executive was based in Malaysia. Thus it is also possible to conclude that TFI is a project that transcends borders, benefitting members regardless of territoriality.) Each qualified submission was reimbursed with an amount of 3GP as a small thank-you. The essays collected were then placed in the Fellowship folder of the KPUM Google Drive. Members could subsequently access the essay bank upon having their request approved by the Fellowship Department Executive. In order to increase survey responses for the Law Student Survey (LSS) run by the Student Outreach and Relations Department, the release of the second wave of essays was integrated into the LSS publicity plan.

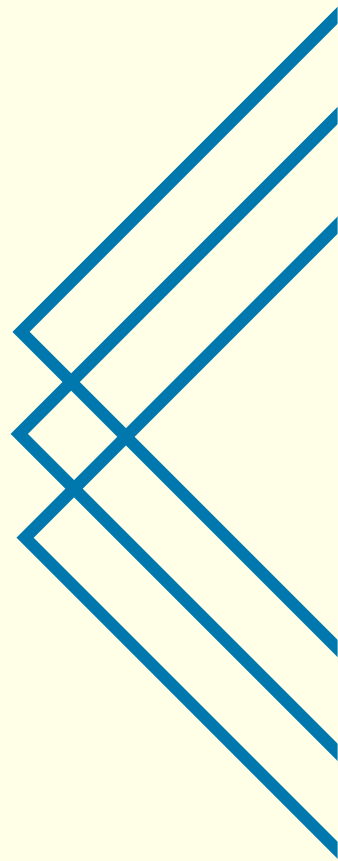
# The First Initiative (cont)

One of our major concerns prior to launching this project was the protection of essays content against plagiarism. A few steps were taken to overcome this complication: a copyright footer was inserted alongside with the author and author's university on every page; the essays were watermarked with KPUM logo; and members could access the essays in the Google Drive but were not able to edit or download them.

However, this meant that members could still screenshot/PrintScreen the essays if they wished. To discourage this, moral rights to forbid any sort of economic gain in publication were strongly asserted and members were well-advised against plagiarism upon receiving access to the essay bank. TFI is one of the projects which had a strong presence amongst KPUM members upon its first launching; it received a generous amount of positive feedback and recognition. The project is worth continuing and expanding should the next year's team choose to do so. As it stands now, TFI is definitely a project that the Fellowship Department take pride in!



# ASASI



# ASASI: Rebranding



With the Union continuing to expand year after year since its resurgence in 2014 with various projects geared towards uniting law students and empowering them through various activities and career driven opportunities, there is a slight risk that the union may eventually lose sight of one of its core missions, which is to further the rule of law.

In contrary to popular belief, the core mission of the union is not just to uphold the rule of law but also to further it. As stated by the United Nations, 'the rule of law and human rights are two sides of the same principle, the freedom to live in dignity. The rule of law and human rights therefore have an indivisible and intrinsic relationship.'

In the Universal Declaration of Human Rights, it is stated that, "if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law".

As such it is noted and undeniable that the Union is bounded by its constitution, to further the protection of human rights through the rule of law.

In 2015, the current Human Rights Officer notes that the Union has been lacking in pushing forward this core mission. Besides issuing statements, the potential of the Union in pushing the human rights agenda has not been explored deeply.

In 2016, the Human Rights Department then suggested that this can be improved in the coming term through the branding of ASASI as the platform to further the protection of human rights by upholding and furthering the rule of law in Malaysia. The department had also proposed for ASASI to be branded as a platform for student activism as a means to fulfil the core mission of the Union.

Hence in the 2016/17 term, the ASASI internship programme, through the rebranding, evolved into a bigger platform for human rights and student activism which has become a step forward in line with the direction of the Union. Furthermore, future growth of the ASASI brand shall also serve in pursuing the other core missions and values of the union to unite law students and to empower them.

However, the department has proposed that the ASASI brand shall not be limited to law students in certain circumstances that the department shall find fit on the advice of the Union, as such a limitation might run contrary to the objective of furthering the rule of law.

# ASASI Internship Programme



## What is the internship programme about?

Founded by JoFan Pang back in 2014, ASASI internship aims to establish a platform where Malaysian law students can work closely with the human rights issue locally and also internationally. An area of law which is so vital, yet slowly forgotten by many.

## The partners

- 1) Center for Orang Asli Concerns (COAC)
- 2) Fahri Azzat
- 3) Lawyers For Liberty
- 4) Malaysian Centre for Constitutionalism and Human Rights (MCCHR)
- 5) Malik Imtiaz
- 6) Penang Institute
- 7) Sisters In Islam
- 8) SUARAM
- 9) Women's Aid Organisation (WAO)

# ASASI Internship Programme

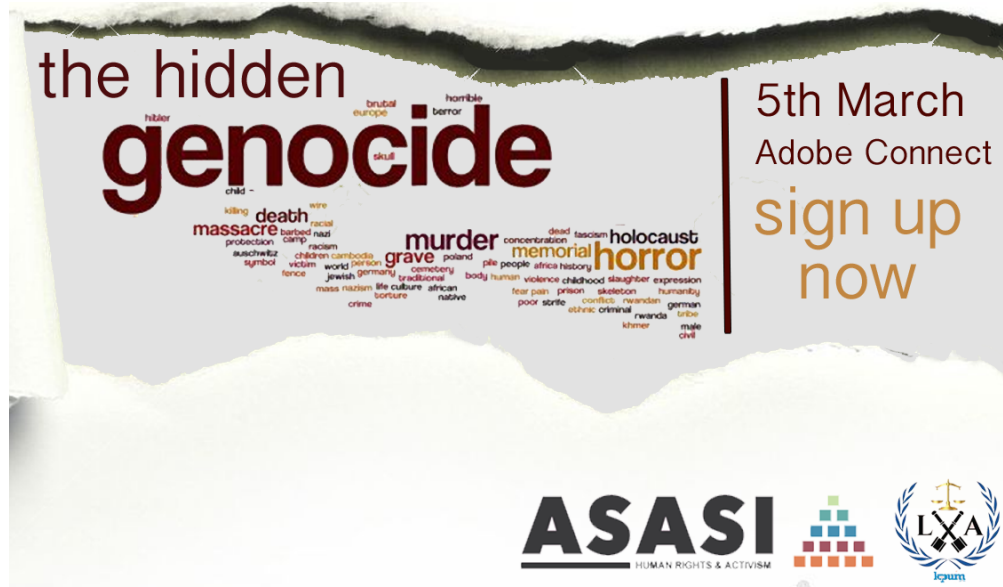
## List of side events:

- 1) Orientation for ASASI cohort
- 2) MyConsti Workshop
- 3) Cyber Harassment workshop with MCCHR
- 4) Closing ceremony and sharing session

## Interns:

- 1) Angelene Cheah
- 2) Bawani Chan
- 3) Kristina Ling
- 4) Sue Lu Ho
- 5) Lau Wai Kei
- 6) Koong Yu Qian
- 7) Low Kar Yeen
- 8) Shukri
- 9) Shareka Logendran
- 10) Eunice Ngooi

# ASASI Online: The Hidden Genocide



John McKissick, head of the United Nations refugee agency in the Bangladeshi border town of Cox's Bazar said that those Rohingya that managed to reach Bangladesh said Burmese troops were "killing men, shooting them, slaughtering children, raping women, burning and looting houses, forcing these people to cross the river (into Bangladesh)."

Malaysia is not a signatory to the UN Convention on Refugees, and refugees and asylum seekers who find themselves in the country lead an uncertain existence on the margins of society, at risk of arrest as "illegal immigrants" as Malaysia makes no distinction between undocumented workers and refugees. Although Malaysia is not a party to the Convention or its Protocol, it has a long history of providing temporary asylum to groups of refugees and asylum seekers. The Rohingya people face discrimination and violence from the majority of those in their country due to a long standing conflict regarding their nationality and legal status within Myanmar. Their plight generally goes unnoticed by the world at large, even though some rights activists say their persecution amounts to ethnic cleansing. Should Malaysia ratify the Treaties so that the Rohingyan people and other refugees will be recognised and protected as stateless persons and/or refugees, instead of being treated as irregular, economic migrants?

This forum was aimed to be very informative for law students and members of the public who wish to obtain a greater insight the on the Rohingyan Refugee Crisis and will challenge participants to consider whether ratifying such Treaties significant impact and improvement on their enjoyment of rights including the rights to liberty and security of the person, education, health and adequate standard of living.



# Strategic Litigation Camp



This event is aimed at equipping and empowering Law students with practical legal knowledge in the areas of human rights litigation and legal activism in Malaysia.


On the 28 to 30 of July 2017 (Friday to Sunday), KPUM Malaysia Division organised the KPUM-MCCHR Strategic Litigation Camp at El Sanctuary, Melaka. The event has 7 trainers who were there to facilitate: Ms Firdaus Husni, Ms Sherrie Razak, Mr Khairil Zahfri, Mr Daniel Albert, Ms Seira Sacha, Ms Long Seh Lih and Ms Elaine Gan. Prior to camp, reading materials, moot bundles and cases have been distributed to participants through emails.

Throughout the camp, participants were given exposure to human rights issues surrounding Malaysia and United Nations. Fellow trainers have provided a few sessions, including “Freedom of Expression”, “Overview of Federal Constitution”, “Legal Profession Act”, and “International Human Rights Law”, which aimed at enhancing the understanding of human rights, process of advocacy and litigation as human rights lawyer.

One of the remarkable sessions was the training on public advocacy skill via “Action Pyramid”, allowing space and opportunity to express their concern about the current issues, and how as a human rights activist may improve the situation.

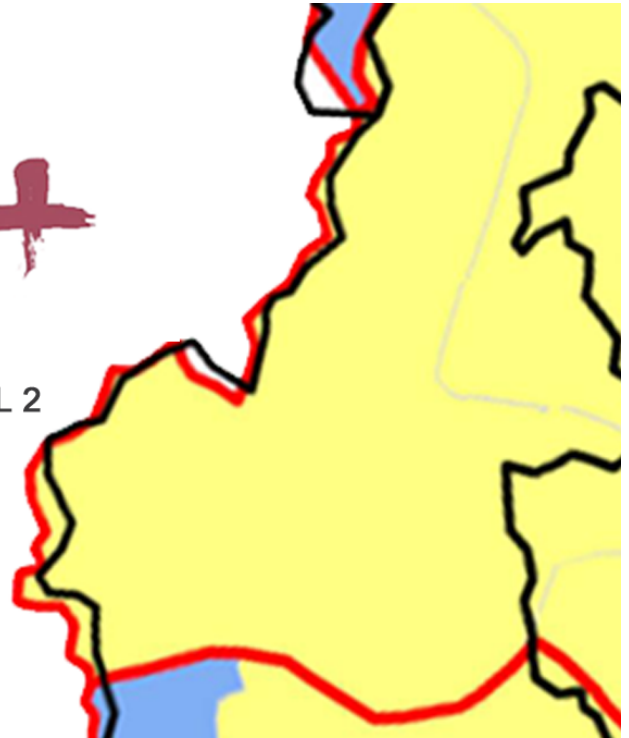
On the last day of the camp, every participants were involved in moot court session, on the issue of “Freedom of Expression”, particularly on the case of Fahmi Reza and Lena Hendry. Such practical experience provided for the participants have allowed them to understand the quality, character, spirit and perseverance a human rights activist possess.

# ASASI: Re-delineation talk

**ASASI**   
HUMAN RIGHTS & ACTIVISM  
**RE-DELINEATION**  
VENUE: BAC PJ CAMPUS, LEVEL 2  
LONDON ROOM  
TIME: 1430-1600

**#roadtomyGE**

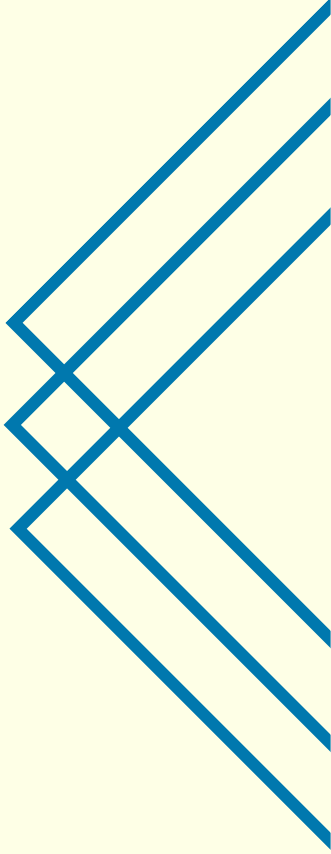
**PUSHING THE BOUNDARIES**



On the 26 of November 2016 ( Saturday), KPUM Asasi Department organised a Talk on Re-delineation issue in BAC PJ Campus, Level 2, London. The event featured three speakers: Ms Firdaus Husni, Mr Wee Tak and Mr Surendra Ananth with Mr Louis Liaw as the moderator.

it can be said that the aim of the activity has been achieved when the discussion has indeed provided fresh insights about re-delineation to the attendees. The knowledge imputed include in-depth analysis on SPR's delineation exercise and a critical assessment whether it has been exercised fairly. As Ms Firdaus Husni has described, this is the "beginning of battleground". Therefore, it has made the attendees to be more aware of the importance of delineation exercise.

# Official Statements



# Official statement: 30 September 2016

#LetsPreventAmendments

We, the United Kingdom and Eire Malaysian Law Students' Union (KPUM) are against the proposed amendments to the Legal Profession Act 1976 (LPA).

We believe that the proposed amendments in its current state pose a threat to the independence of the Malaysian Bar and its 70 year legacy of upholding the cause of justice without fear or favour. Furthermore, we believe that the proposed amendments are not necessary and are not proportionate in achieving any legitimate aim and may even be detrimental to the Malaysian Bar and the reputation and interests of our country.

The Malaysian Bar is well-respected and is the recipient of the first ever inaugural Rule of Law award by the Union Internationale des Avocats (UIA) or International Association of Lawyers, which recognised the Malaysian Bar's outstanding contributions to the advancement of the rule of law within the legal community . [1]

However, it is now facing a possible degree of executive influence within its association as well as a high likelihood of inability for the Malaysian Bar to perform its functions to its fullest capacity due to the proposed amendments which will be tabled in Parliament.

Our official statement on the topic shall address the following:

- 1) *The importance of an independent Malaysian Bar.*
- 2) *The proposed amendments which will be tabled in Parliament.*
- 3) *Its consequences on the independence of the Malaysian Bar as well on other ramifications that may result from the passing of such amendments.*

## The importance of an independent Bar association

### a) The Rule of Law & Fundamental Rights

As stated by the United Nations, 'the rule of law and human rights are two sides of the same principle, the freedom to live in dignity. The rule of law and human rights therefore have an indivisible and intrinsic relationship.' [2]

In the Universal Declaration of Human Rights, it is stated that, "if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law". [3]

As such, the rule of law is an essential principle in ensuring the protection of the fundamental rights that are enshrined in the Federal Constitution.

The independence of the Malaysian Bar is an essential component in upholding the rule of law and to further the cause of justice without fear or favour.

The proposed amendments, we believe, are a threat to this principle as it erodes the independence of the Malaysian Bar to an extent where it might not be able to carry out its functions and ensure the protection of the fundamental rights of the citizens of Malaysia.

### b) UN Basic Principles

The United Nations Human Rights Council has affirmed in 2015 that an independent legal profession is among the prerequisites for the protection of human rights and the rule of law. [4]

The United Nations Basic Principles on the Role of Lawyers, which were adopted by Malaysia, puts an obligation on the Government of Malaysia to respect its principles and to take them into account within the framework of our national legislation or practice.

# Official statement: 30 September 2016

Principle 24 of the United Nations Basic Principles on the Role of Lawyers states that:

"Lawyers shall be entitled to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity.

The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference."

It is also states in Principle 16 that:

"Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference..."

The Federal Court of Malaysia has also echoed these principles in its judgement in *Sivarasa Rasiah v Badan Peguam Malaysia & Anor* [2010] 2 MLJ 333 .

"This is because it is in the public interest that advocates and solicitors who serve on the governing body behave professionally, act honestly and independent of any political influence.

An independent Bar Council may act morally in the proper and constitutional sense of that term. The absence of political influence secures an independent Bar Council."

Violation of these principles will bring along with it the marring of the country's reputation as well as international scrutiny from various parties.

The numerous letters and voices of the international community against the proposed amendments to the Legal Profession Act are being ignored to the detriment of our country's reputation. [5]

Amongst the list of parties and legal professional bodies throughout the world that have voiced their disagreement with the proposed amendments to the LPA are the Human Rights Watch, LAWASIA, the International Commission of Jurists, the American Bar Association, the Hong Kong Bar Association, the Bar of England & Wales and many more others that can be found here.

## c) A key point of reference for foreign investors

The proposed amendments serve no favours in ensuring the confidence of foreign investors in investing in Malaysia.

Amongst the key prerequisites that are looked upon at by foreign investors are an independent Bar association and an independent judiciary. [6]

Some of the benefits of foreign direct investment includes an economy boost which results in the creation of more jobs and opportunities which in turn benefits the citizens of Malaysia. [7]

It is a legitimate concern for foreign investors that in an event that they do have a problem with the local authorities that they may resolve it in a manner that is consistent with the rule of law.

A principle which an independent Bar that is free from any executive influence would constantly seek to uphold.

Attempts to interfere with the independence of the Malaysian Bar which is well-respected and known throughout the international legal community shall only serve to worsen the situation for Malaysia.

We will also discuss the proposed amendments and how they affect the independence of the Malaysian Bar.



# Official statement: 30 September 2016

## a) The reasons for the proposed amendments

The reasons for the proposed LPA amendments are detailed by lawmaker Datuk Datu Nasrun Datu Mansur from the ruling coalition party, Barisan Nasional who has said in Parliament that [8]

"The Bar must come back to its original objective as to why it was formed, to look after the welfare of lawyers. They should not get involved in politics as it is inappropriate."

We the Union, would like to note that such a statement is wrong.

This is because of the false assumptions concerning the objectives of the Malaysian Bar's formation and the claim that the involvement of the Bar association in politics is inappropriate.

First and foremost the objective of the formation of the Malaysian Bar is not simply to just look after the welfare of lawyers.

As written in s42(1)(a), it is:

"To uphold the cause of justice without regard to its own interest or that of its members, uninfluenced by fear or favour."

The Malaysian Bar has not strayed from its original objectives.

Ironically, the proposed amendments if passed might only serve to divert the Malaysian Bar from pursuing its objectives as stated in s42 of the LPA.

Secondly, the assumption that the involvement of the Malaysian Bar in politics is inappropriate is false.

The Malaysian Bar is not apolitical but rather non-partisan. Politics is a constant part of society and every individual has actively engaged in it in one form or another throughout their lives either through voting or other means.

Due the incorrect nature and baseless reason that is given by Mr. Nasrun Mansur, we believe that the proposed amendments to the Legal Profession Act is without any necessary or proportionate reason to achieve any legitimate purpose.

## b) The effect of the proposed amendments on the independence of the Malaysian Bar

The appointment of two Members of the Bar to sit in the Bar Council by the Government and the empowerment of the Minister in charge of legal affairs to determine the electoral rule and regulations of the Malaysian Bar is a clear cut threat to the independence of the Malaysian Bar.

There would clearly be an executive influence if these proposed amendments should be passed as the Minister has direct say on the internal management of the Malaysian Bar.

If the Minister in charge of legal affairs desires to be part of the internal management of the Malaysian Bar, she should leave her ministerial post to contest in the Bar Council elections rather than to put an Executive hold on the Malaysian Bar.

Other ramifications that may result from the passing of such amendments

The unreasonable increase in quorum for all general meeting of the Malaysian Bar is very difficult to meet without imposing additional cost and burden on the Malaysian Bar.

# Official statement: 30 September 2016

The inability of the Malaysian Bar to carry out its general meetings could result in a possible vacancy of the Bar Council which might in turn lead to more disastrous effects such as the inability of the Bar association to issue the practicing certificate of lawyers within its Bar.

The abolishment of nationally elected Bar Council members through postal voting and replacing them with State Bar elected representatives instead might not be as representative as one would think due to the higher concentration of lawyers in different states resulting in unequal voting power.

This move is also unnecessary as there are already State Bar representatives and Chairpersons from each state in the Bar Council.

This may result in the limitation of the pool of lawyers that are qualified to be elected into the Bar Council.

Furthermore, the classification of lawyers under 10 years of experience and those with more than 10 years of experience will not be more representative of the Malaysian Bar and might instead be discriminatory in nature.

The long struggle of the Malaysian Bar to prevent such discrimination by advocating for the successful repeal of s46 A which prevented lawyers with under 7 years of experience from holding office in the Bar Council would in a way be undone by the existence of such requirements.

It is unnecessary and might once again result in further limitation on the involvement of young lawyers in the Bar Council to only one per state.

Besides that the disqualification of State Bar chairpersons and immediate Vice President from election as office bearers shall only serve as a possible disruption to continuity and result in less-qualified members being elected as .

## Conclusion

We, the United Kingdom and Eire Malaysian Law Students' Union (KPUM) are therefore wholly against the proposed amendments to the Legal Profession Act 1976 (LPA) and would like to urge the prevention of the proposed amendments from being tabled or passed in Parliament.

The reasons for our stand on the issue are set out above in detail.

# Official statement: 22 November 2016

The United Kingdom and Eire Malaysian Law Students' Union (KPUM) condemns the detention of BERSIH 2.0 [OFFICIAL] chairperson, Maria Chin Abdullah through the Special Offences (Security Measures) Act 2012 (SOSMA) for allegedly being involved in attempting to commit activities that are detrimental to parliamentary democracy, a special offence under Section 124C of the Penal Code [1].

According to lawyer Eric Paulsen, her detention will be extended to 28 days, the maximum number of days permitted under SOSMA, in addition to her initial 24 hours of detention since the afternoon of November 18, a day before the Bersih 5 rally. [2]

Pursuant to the purposes listed under subsection one of Article 149 of the Federal Constitution summarily that of "maintaining public order" and "security", SOSMA may only be lawfully applied in relation to security offences and not against mere dissenters of government action or policy.

A detention solely for a person's 'political belief or political activity' is unlawful as stated under Section 4 (3) of the Special Offences (Security Measures) Act 2012.

Under Section 12, 'political belief or political activity' means engaging in a lawful activity through:

a) the expression of an opinion or the pursuit of a course of action made according to the tenets of a political party that is at the relevant time registered under the Societies Act 1966 [Act 355] as evidenced by-

(i) membership of or contribution to that party ; or  
(ii) open and active participation in the affairs of that party;

(b) the expression of a opinion directed towards any Government in the Federation; or

(c) the pursuit of a course of action directed towards any Government in the Federation

It is clear that the recent activities by Maria Chin Abdullah, namely in having an active role in organising the Bersih 5 rally falls under Section 12 (b) and (c) as it is a lawful activity (read this if you are not convinced) expressing an opinion directed towards any Government and is in the pursuit of a course of action directed towards such a Government.

Therefore, her recent activities involving Bersih 5 should qualify as a 'political belief or political activity' for the purposes of Section 4 (3).

The wording of Section 4(3) is noted to mean that unless there are other reasons for the detention of a person other than their 'political belief or political activity' such a detention would be unlawful.

In the current situation, the other reason or purpose alleged is an attempt to commit activities that are detrimental to parliamentary democracy as stated under Section 124C. The Union notes that such other reason(s) or purpose(s) could not be found from the recent activities of Maria Chin.

If anything, the Bersih 5 rally, which is a lawful [3] exercise of the right to freedom of assembly and association enshrined in Article 10 of the Federal Constitution and guaranteed under the Peaceful Assembly Act 2012, only serves to strengthen parliamentary democracy with its 5 demands which are [4] :

1. Clean Elections
2. Clean Government
3. Strengthen parliamentary democracy
4. Right to dissent
5. Empowering Sabah and Sarawak

# Official statement: 22 November 2016

It is alleged that the act of receiving funds from the Open Society Foundation could also constitute the reasons for her detention but as addressed by the Malaysian Bar in their statement, such an action does not constitute as an activity against parliamentary democracy as defined by the provisions of the Section 130A of the penal code.

We are confident that such activities are not detrimental to parliamentary democracy and any attempts to commit such an activity should not fall within Section 124C of the Penal Code.

Our confidence in the matter is also supported by our arrival at the conclusion that the extension of her detention to 28 days is disproportionate for the purposes of investigation under Section 4(5).

It is also unlawful as we observe that her activities are solely for her 'political belief or political activity' as defined under Section 12 of SOSMA.

Moreover, according to lawyer R. Sivarasa, Maria Chin is currently being held in solitary confinement in a windowless cell at an undisclosed location. [5] These are inhumane and oppressive conditions of detention that are extremely unwarranted.

We are in support of a habeas corpus application to court [6] through the enforcement of her right under Article 5(2) of the Federal Constitution, 'where the courts shall inquire into any complaints of unlawful detention and unless satisfied that the detention is lawful, shall order the person to be produced before the court and release him/her'.

As such, we stand in solidarity with Maria Chin and her family and outright condemn the unlawful detention of Maria Chin under SOSMA due to the reasons stated above.

# Official statement: 9

## December 2016

### Official letter regarding Temiar Orang Asli Situation

Dear Sir(s),

#### CONCERN AND OUTRAGE OVER LOGGING ACTIVITIES ON TEMIAR ORANG ASLI LAND

Referring to the title above, we, the United Kingdom and Eire Malaysian Law Students' Union (KPUM), are writing to express our concern and outrage that the Kelantan State Government, amongst others, are supporting logging companies to further destroy the Kelantan rainforest which has been home of the Temiar Orang Asli, in the name of profit.

2. The lives of many Temiar Orang Asli are in threat as over 50% of their ancestral land has been cut down to mono-culture oil palm trees or rubber plantations in which the Temiar Orang Asli get absolutely nothing out of the profits, pushing them to the edge where they have to struggle with the risk of having to be moved off from their land that they have inhabited for generations.

3. In Article 8(5)(c) of the Federal Constitution, it is clear that the Temiar Orang Asli are given utmost recognition and acknowledgement in their special position where it states that any provision for the protection, well-being or advancement of the aboriginal peoples of the Malay Peninsula will not be prohibited and invalidated. The Malaysian superior courts have reaffirmed these rights since the year of 1997 and for that reason, the lands of the Temiar Orang Asli should be accepted as native customary lands and therefore deserving of protection.

4. For the recognition of Orang Asli and Sabah and Sarawak native land and resource areas, the Malaysian Bar also urges the Federal Government to immediately act upon its decision in June 2015 to implement the 18 recommendations contained in the

2013 SUHAKAM Report of the National Inquiry into the Land Rights of Indigenous Peoples in Malaysia with regard to six main issues as follows:

- i) Recognise Indigenous Customary Rights to Land
- ii) Remedy for land loss
- iii) Address land development issues/imbbalances
- iv) Prevent future loss of native customary land of the Indigenous Peoples
- v) Handle land administration issues
- vi) Recognise land as the Central to Indigenous Peoples' Identity

5. The United Nations Declaration on the Rights of Indigenous People 2007 (UNDRIP), for which the Malaysian government voted in favour, is an international instrument adopted by the United Nations to emphasize on the rights that "constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world". Below are the relevant Articles that should be taken into account significantly:

Article 1 declares that "Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law."

Article 3 recognizes Indigenous peoples' right to 'freely determine their political status and freely pursue their economic, social and cultural development.'

Article 5 affirms their right "to maintain and strengthen their distinct political, legal, economic, social and cultural institutions."

Article 26 protects their right "to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired," in which it expressly states that legal recognition to these territories should be given.



# Official statement: 9 December 2016

6. It should be reiterated once again that the Malaysian government voted in favour for the Declaration and any development on native customary lands must conform to the principle of “free, prior and informed consent” as laid down by the UNDRIP.

7. This despicable destruction of the land of the Temiar Orang Asli for short-term profit will cause all kinds of devastating effects from different aspects and we hereby urge you to immediately halt all logging activities in the relevant areas. It is time not only for the legal rights of the Temiar Orang Asli be recognized but also be respected by the nation.

Yours sincerely,  
United Kingdom and Eire Malaysian Law Students'  
Union (KPUM)

# Official statement: 9

## December 2016

### The Rohingya Refugee Crisis

We, the United Kingdom and Eire Malaysian Law Students' Union (KPUM) condemn the widespread and rampant violation of human rights of the Rohingya people in Myanmar which we believe amounts to a genocide as defined under customary international law such as the Convention on the Prevention and Punishment of the Crime of Genocide Convention (CPPCG) 1948 as well as the Rome Statute of the International Criminal Court.

Article 2 of the CPPCG defines genocide as:

- (a) Killing members of the group;
- (b) Causing serious bodily harm, or harm to mental health, to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

A similar definition was adopted in the Rome Statute of the International Criminal Court.

There are three essential elements that form the crime of genocide:

- 2) the existence of a protected group,
- 3) the commission of one or more prohibited acts, and the required intent.

We understand and note that any allegation of genocide is a serious one and we seek to back our statement by attempting to look at the necessary elements that form the crime of genocide and to provide the necessary arguments for our claim.

### 1. "Protected Group"

In *Prosecutor v Akayesu* [1], the International Criminal Tribunal of Rwanda (ICTR) defined a national group as "a collection of people who are perceived to share a legal bond based on common citizenship, coupled with reciprocity of rights and duties."

The test for determining that a "racial group" exists is a subjective one that considers the perpetrators' perceptions of the victimized group. [2]

The definition of a racial group may also be similarly compared to the factors considered by the International Convention on the Elimination of All Forms of Racial Discrimination, which are "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin. [3]

The Rohingya people should qualify as a 'protected group' under Article 2 of the Convention.

The history of the Rohingya, going back as early as the ninth century and up to as recently as the mid-twentieth century, indicates that the group shares distinctive historical links and thus likely falls within the national group category of the Genocide Convention. Additionally, Rohingya share a distinctive language, Ruaingga, and may also form a 'protected group' on the basis of their religion as they are largely Muslim and have been frequently subjected to anti-Muslim sentiment by the Myanmar government and local Rakhine inhabitants.

### 2. "Acts"[4]

The Convention identifies the killing of members of the group as a prohibited genocidal act.

# Official statement: 9

## December 2016

The tribunal in *Prosecutor v Semanza* [5] held that establishing criminal liability for genocide by the act of killing members of a group requires showing that “the perpetrator intentionally killed one or more members of the group without the necessity of premeditation; and such victim or victims belonged to the targeted ethnical, racial, national or religious group.”

State security forces’ involvement in massacres of Rohingya satisfies the requirements for finding the commission of the prohibited act of killing members of a protected group. Moreover, failure to stop, investigate, or punish local violence against Rohingya also violate the Convention.[6] In *Prosecutor v Kambanda* [7] and *Prosecutor v Kovacevic and Drljaca* [8], it was found that both acts and omissions can constitute grounds of responsibility for killing in violation of the Convention.

With regards to the second limb of prohibited acts under the Convention, the ICTR and International Criminal Tribunal of Yugoslavia (ICTY) have found a number of non-fatal acts, including torture, rape, deportation, and cruel treatment to fit within this category. [9]

Alongside the decades of violence against the Rohingya, it is reported that dozens of Rohingya Muslims have been killed since early October, when the army launched a crackdown after an attack killed nine police officers. [10] Further reports have alleged that hundreds of Rohingya have been detained by the military, more than 150,000 aid-reliant people have been left without food and medical care, dozens of women claim to have been sexually assaulted, more than 1,200 buildings appear to have been razed and at least 30,000 people have fled for their lives. [11] The purported attacks against Rohingya women conform to the ICTY and ICTR’s definitions of rape as an act “causing serious bodily or mental harm”.

Taken collectively, these alleged acts appear to satisfy a violation of Article II (a), (b), (c) and (d) of the Convention.

### 3. “Required Intent”

A finding of responsibility for genocide requires that the perpetrators must have performed one or more prohibited acts with an intent to destroy a group of people protected under the Convention.

In *Akayesu*, it was stated that a perpetrator’s intent could be imputed through an examination of the totality of circumstances surrounding the execution of prohibited acts. In 2007 the European Court of Human Rights (ECHR), noted in its judgment on the *Jorgic v. Germany* case that the majority of legal scholars took the narrow view that “intent to destroy” in the CPPCG meant the ‘intended physical-biological destruction of the protected group’ and that this was still the majority opinion.

This view is supported by the judgments of the International Criminal Tribunal for the Former Yugoslavia and the International Court of Justice, both of which have agreed with the narrow interpretation.

The phrase “in whole or in part” has been subject to much discussion by scholars of international humanitarian law. The International Criminal Tribunal for the Former Yugoslavia found that “the part must be a substantial part of that group In *Prosecutor v. Radislav Krstic – Appeals Chamber – Judgment – IT-98-33* (2004) ICTY 7 (19 April 2004)

### Para 12:

The determination of when the targeted part is substantial enough to meet this requirement may involve a number of considerations. The numeric size of the targeted part of the group is the necessary and important starting point, though not in all cases the ending point of the inquiry. The number of individuals targeted should be evaluated not only in absolute terms, but also in relation to the overall size of the entire group. In addition to the numeric size of the targeted portion, its prominence within the group can be a useful consideration.

# Official statement: 9

## December 2016

If a specific part of the group is emblematic of the overall group, or is essential to its survival, that may support a finding that the part qualifies as substantial within the meaning of Article 4 [of the Tribunal's Statute]."

Para 13:

"The historical examples of genocide also suggest that the area of the perpetrators' activity and control, as well as the possible extent of their reach, should be considered. ... The intent to destroy formed by a perpetrator of genocide will always be limited by the opportunity presented to him. While this factor alone will not indicate whether the targeted group is substantial, it can—in combination with other factors—inform the analysis."

A finding of intent is clear when viewed holistically as according to numerous human rights reports that have outlined the targeting of the Rohingya community.[12] In some villages, assailants hacked dozens of children to death and threw their bodies into fires. [13]

Moreover, dozens of deaths have resulted from avoidable deprivation of health care and humanitarian aid in IDP camps and in communities of non-displaced Rohingya.[14] Thousands more have died en route their journey fleeing Myanmar, both at sea and at the hands of transnational syndicates involved in human trafficking. [15]

Ultimately, the strategically planned weakening of the Rohingya through widespread violence and other various measures, alongside the Myanmar government's continued implementation of discriminatory and persecutory policies amounts to an ongoing effort with intent to destroy either biologically or physically in whole or in part the Rohingya community.

### Redress for the Rohingya

The underlying question is whether the Rohingya could be vindicated under international law?

The International Criminal Court (ICC) is established through the Rome Statute of the International Criminal Court that came into force on July 1, 2002 and has the jurisdiction to try cases on the crimes of genocide as provided under Article 6(1) of the Rome Statute. Although Myanmar is not a State Party to the Rome Statute, Myanmar is a party to the CPPCG and as is obliged to prevent and punish those individuals that are responsible for the crime of genocide, meaning that the perpetrators cannot simply walk away without the risk of punishment.

Article 13(b) and (c) of the Rome Statute allows the ICC to exercise its jurisdiction over States which are non-parties with the requirement of a referral from either the State itself or by a United Nations Security Council Resolution. [16] With such a situation appearing unlikely to happen anytime soon due to various political reasons, many of the Rohingya refugees that have fled Myanmar will be left in their current situation without any form of justice or vindication.

Therefore it is important for us as a nation to evaluate our current efforts in aiding the Rohingya refugees that have risked their life and limb to cross our borders in efforts to escape the ongoing genocide in Myanmar, which is approaching its final stages.[17]

### Malaysia's Response

Before we proceed with such an evaluation, we would like to take a moment to commend Malaysia's efforts in accepting many Rohingya and global refugees.

# Official statement: 9

## December 2016

As of the end of October 2016, 150,669 refugees and asylum seekers have been registered with the United Nations High Commissioner for Refugees (UNHCR) in Malaysia. Of this, 54,856 are of Rohingya origin. The Prime Minister of Malaysia, Dato' Sri Haji Mohammad Najib bin Tun Haji Abdul Razak's efforts to urge the international community to step up the pressure to stop the violence against the Rohingya should be commended. Recent discussions regarding a pilot scheme to enable these refugees to work within the country is a move that is greatly welcomed by us. [18]

However, as Malaysia is not a signatory to the Convention Relating to the Status of Refugees 1951 and its 1967 Optional Protocol, refugees and asylum seekers who find themselves in the country lead an uncertain existence on the margins of society, at risk of arrest as "illegal immigrants" as Malaysia makes no distinction between undocumented workers and refugees. Currently, refugees in Malaysia do not have access to legal status and equal protection of the law [19], as there are no legal or administrative frameworks in place to address to refugee situation. [20] As they have no access to legal employment, they tend to work in the informal sector, where they are often subjected to dirty, dangerous and difficult jobs. [21]

Tan Sri Syed Hamid Albar, former foreign minister, has suggested that Malaysia should implement a separate registration system to keep track of Rohingya refugees in the country and has proposed a system of registration that would allow them to work. He explained that Malaysia has not signed the 1951 UN Refugee Convention as it would lead to an influx of refugees. [22]

Datuk Seri Shahidan Kasim, Minister in the Prime Minister's Department has said that "if we become a signatory, the implication is that we will encourage more foreign workers to come in as refugees and asylum seekers and this will increase the number of illegal immigrants, foreign labourers and refugees...

Malaysia will also become a transit for refugees because of our strategic geographical position".

We believe that such claims are unfounded as there are various international legal frameworks to curb this fear.

Regarding the scandal surrounding the UNHCR card registration system, Richard Towle claimed that the UNHCR should not be solely responsible for refugees and asylum seekers in the country. [23] If Malaysia ratified the Convention, a closer working relationship between the Malaysian government and UNHCR could be formed, which could strengthen the monitoring of refugees in Malaysia, reducing fears that Malaysia would be "promoted as a safe haven to illegals[24]".

Under the Malaysian Immigration Act, severe punishment will be enforced against any person who enters the country without valid documentation. The Malaysian Bar Association passed a resolution rejecting caning of foreign nationals for immigration offences, stating that it was "anachronistic and inconsistent with a compassionate society in a developed nation[25]". Furthermore, the UN Human Rights Council, to which Malaysia was elected in 2009, has adopted resolutions stating that "corporal punishment...can be tantamount to torture[26]".

There have also been claims that certain groups of refugees in Malaysia have been treated less equally than other groups of refugees.[27] These claims can be resolved if Malaysia seeks to ratify the international conventions mentioned above.

We believe that it is important that we start thinking of how we wish to be defined as a country. We could be a country that is a leading example in times of crisis or one that chooses to keep silent in the face of an ongoing one. Whilst we applaud recent efforts by the Malaysian government, more ought to be done.



# Official statement: 9 December 2016

Therefore, we urge the Malaysian government to sign and ratify the Convention in accordance with its international obligations and role as both the ASEAN chair for 2015 and a serving member of the UNSC for 2015-2016. Corporal punishment against foreigners without valid documentations should also be abolished as soon as possible.

# Official statement: 8

## February 2017

### UKEC/KPUM Joint statement on Trump's Executive Order on Immigration

As the matters discussed may be complex, before reading further, do familiarise yourself with the exact wording of the Order as issued by United States of America President Donald J. Trump as we will be referring to it in this statement, by clicking [here](#). (The link provided is to the annotated version by the NPR)

We, as members of the Executive Committee of the United Kingdom & Eire Malaysian Law Students Union (KPUM) by virtue of the mandate granted to us, would like to represent the members of our Union in issuing a joint statement alongside the United Kingdom & Eire Council of Malaysian Students (UKEC) to voice our disagreement with the recent Executive Order titled "PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES" issued by President Trump on the 27th of January 2017. Our reasons for doing so are set out below (if you are familiar with the issue we suggest skipping to the next section).

#### Brief recap of Recent Events

An Executive Order is a rule or order issued by the president to an executive branch of the government and having the force of law. [1] President Trump, in a brief summary, has done the following actions through his Order [2] (note that this is not an exhaustive list and you are still advised to read the full order to obtain an unbiased perception):

Suspend the entry of immigrants or non-immigrants without diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas (note that these are forms of diplomatic visa) from Iraq, Syria, Sudan, Iran, Somalia, Libya and Yemen for a period of 90 days with a possibility of such suspension being waived on a case-by-case basis.

The order leaves open the possibility of more countries being suspended. [3]

Suspend the U.S. Refugee Admissions Program (USRAP) for 120 days for review and to consider additional procedures to add to the pre-existing system. [4]

Suspend the entry of nationals of Syria from the refugee program until it has been determined that the new screening procedures are sufficient to ensure that admission of Syrian refugees is consistent with national interest. [5]

Prioritise refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality. [6]

Proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any such entry until such time as the President determines that additional admissions would be in the national interest. [7]

During the commencement of the Executive Order on Saturday, amongst the issues that were not addressed in the Order or caused some uncertainty [8] in its implementation was regarding:

The status of Legal Permanent Residents with Green Cards.

Dual Passport holders with one passport from the listed countries and another from a non-listed country. The confusion and lack of clarity as well as several contradictory statements issued [9] have been a cause of concern affecting those that are travelling to the United States with reported efforts by officials to halt Legal Permanent Residents from entering the country [10].

# Official statement: 8

## February 2017

The White House has since issued updated guidance on President Donald Trump's executive order, clarifying that Legal Permanent Residents, or green card holders, do not require a waiver to enter the United States [11]. Dual passport holders that hold a passport from one of the 7 listed countries but is also in possession of a passport from another country such as the United Kingdom is also allowed entry into the United States [12].

The removal of Attorney General, Sally Yates after she announced that Justice Department lawyers would not defend Mr. Trump's order against legal challenges has further complicated matters (read the AG's full letter here). [13]

President Trump's response [14] over concern regarding the Executive Order is as below, attempting to draw comparison with Obama's actions in 2011: On January 28, US District judge, Ann Donnelly granted an emergency stay of proceedings which ordered a restrain "from, in any manner or by any means, removing individuals with refugee applications approved by U.S. Citizenship and Immigration Services as part of the U.S. Refugee Admissions Program, holders of valid immigrant and non-immigrant visas, and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen legally authorized to enter the United States." [15] (read the full transcript here)

While Ann Donnelly's ruling applied only to valid visa holders and was followed by other subsequent judicial rulings, the most important one was on Friday night (3rd Feb 2017), when US District Judge James Robart issued a temporary restraining order against the Trump administration's restriction, ruling that the ban would be stopped immediately nationwide. [16] It was reported that within hours of ruling, "US Customs and Border Protection officials told American airlines on a conference call to begin allowing previously barred passengers on US-bound flights."

The Department of Justice filed for an emergency halt of the judge's order, but the Appeals Court has denied granting such a stay and ordering until Monday afternoon for Trump's administration to present and file more arguments. [17]

The Reasons For Our Stand

Illegal

We note that the President has a wide discretion on matters relating to immigration as granted by section 212(f) of the Immigration and Nationality Act 1965, the pertinent part of which reads as follows:

(f) Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.

However, this discretion is subject to 8 U.S. Code 1152 amendment of the Immigration and Nationality Act 1965 in cases involving an immigrant visa (non-refugees), which states the following:

...no person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of the person's race, sex, nationality, place of birth, or place of residence.

It is clear that the Executive Order by Trump goes against the wording of this provision as the suspension of entry of immigrants from Iraq, Syria, Sudan, Iran, Somalia, Libya and Yemen is based on nationality, place of birth or place of residence.

Arguments that the suspension was not based on these ground but rather on reasons of "determining individuals with terrorist ties and stopping them from entering the United States" [18] is not a strong argument as the Executive Order does not include any

# Official statement: 8

## February 2017

countries from which radicalized Muslims have actually killed Americans in the U.S. since Sept. 11, 2001 and oddly, does not apply to the nationalities of those who carried out the 9/11 attacks, such as Saudi Arabia, the United Arab Emirates and Egypt [19]. A complete suspension of all immigrants or non-immigrants from those countries is also not proportionate to any such aim.

### Unconstitutional

There is also a high chance that the Executive Order might be found to go against the Establishment Clause of the First Amendment to the United States Constitution (in cases involving both immigrants or refugees) by explicitly disapproving of one religion and implicitly preferring others (emphasis added), therefore also going against the separation of the church and the state [20].

The First Amendment to the US Constitution states the following:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for redress of grievances."

As mentioned by the American Civil Liberties Union, "while the Establishment Clause — like the rest of the First Amendment — is stated as a proscription on congressional action, it applies to executive branch action as well. Cf. *Shrum v. City of Coweta, Okla.*, 449 F.3d 1132, 1140 (10th Cir. 2006)(holding the Free Exercise Clause applicable because "the First Amendment applies to exercises of executive authority no less than it does to the passage of legislation")." [21]

Though the Establishment Clause law is often murky as noted in *Van Orden v Perry*, one clear point is that the government can't favor one religious denomination over another as seen in *Larson v Valante*. [22]

While President Trump may seek to argue that the suspension was not based on religious reasons, there is much evidence to suggest otherwise. One problem with Trump's argument is that the Executive Order seems to prioritise the admission of Christian refugees. This is because it is stated that priority would be given to those of "a minority religion in the individual's country" once the 120-day ban on all refugees expires. Such wording directly concerns the 7 Muslim countries and as the minority religion in such countries would mostly be Christianity, the Executive Order would likely disproportionately help Christian refugees in such countries.

Supporters can rightly argue this "minority religion" language is neutral but President Trump has gone on the record stating to the Christian Broadcasting Network that Christians would receive preferential treatment. [23] He has also stated during his Presidential Campaign in 2015 that, "Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our countries' representatives figure out what the hell is going on." [24] Rudy Giuliani, a former Trump campaign surrogate also told FOX News that Trump first called it a "Muslim ban" but asked him to assemble a commission to show him "the right way to do it legally." [25]

Furthermore, President Trump's claim below is is wholly false and misleading.

"My policy is similar to what President Obama did in 2011 when he banned visas for refugees from Iraq for six months. The seven countries named in the Executive Order are the same countries previously identified by the Obama administration as sources of terror" -Donald J Trump

# Official statement: 8

## February 2017

For a start, Obama did not ban visas for refugees from Iraq for six months as Trump had stated. Refugees do not travel on visas and new Iraqi refugees were continuously admitted throughout the year, albeit at a much slower pace than usual. [26] The Obama administration reexamined 58,000 Iraqi refugees who had already been admitted to the US, according to a 2012 congressional hearing and dramatically slowed the processing of refugee requests and "Special Immigrant Visas," meant for Iraqi interpreters who helped US forces, while it expanded its screening procedures. [27]

The reason for Obama's 2011 policy was a reactive one, responding to a specific threat: the two Iraqi refugees who had managed to resettle in Kentucky [28] while Trump's order appears proactive, preempting a potential attack. The 2011 policy also targeted only a narrow group of individuals: refugees and Special Immigrant Visa applicants from Iraq. In contrast, Trump's order casts a wide net, excluding millions of people across seven countries from nearly every type of available visa.

Also as pointed out by Stefanie Fisher, a Boston-based immigration attorney at Araujo & Fisher LLC, "Obama's policy tended to prioritize people who had been convicted of specific criminal offenses or about whom the US government had specific knowledge that suggested the person was a threat." [29]

Furthermore, President Trump's claim that the Obama administration identified the seven countries as sources of terror is leaving out important context as the policy did not bar the countries' nationals — it required travellers who had visited those countries since 2011 to apply for a US visa before entering due to a revision of the US visa-waiver program to "respond to the growing threat from foreign terrorist fighters," according to the Department of Homeland Security. [30]

We also note that regardless of similarity, the discussion of President Trump's Executive Order is a separate issue that cannot be simply justified by attempting to draw similar comparisons with another form of policy.

In defiance of international obligations

In 1980, Congress enacted the United States Refugee Act of 1980 (Public Law 96-212) to bring the US into conformity with its international obligations in particular, the 1967 Protocol Relating to the Status of Refugees which updated the post-World War II Refugee Convention of 1951, and other international human rights law that prohibits discrimination on the basis of race, religion, or national origin.

Article 3 of the Refugee Convention makes clear that all signatory states:

"apply the provisions... to refugees without discrimination as to race, religion or country of origin."

Besides the Refugee Convention, President Trump's Executive order also seemingly violates Article 4 of the International Convention on Civil or Political Rights, which notes that in a "time of public emergency which threatens the life of the nation", states cannot take any action to stray from their obligations that involve discrimination "solely on the ground of race, colour, sex, language, religion or social origin."

While governments are responsible for designing their own refugee resettlement programmes, these programmes must conform to international obligations. They must select refugees for resettlement only on the basis of their needs, regardless of nationality, ethnicity, religion, or other related characteristics.

The Convention allows exclusion of certain persons from refugee protection - for example, if they committed war crimes -

# Official statement: 8

## February 2017

but this exclusion is to be determined on a case-by-case basis and certainly does not allow any sort of blanket ban against a group of people or nationality. [31] President Trump's Executive Orders, on the other hand, imposes such a blanket suspension which provides a case-by-case basis for inclusion rather than exclusion.

By halting admission of refugees from Syria based solely on that community's country of origin, President Trump has carved out an impermissible exception to a key US treaty obligation. This is a clear violation of the Refugee Convention and the ICCPR.

While the order doesn't bar all Muslims from entering the US, barring immigration entry from seven majority-Muslim countries, especially when paired with his national security team's alleged record of Islamophobia [32], it is a high chance that the Executive Order will have a disproportionate effect on Muslims.

Unnecessary and disproportionate

Also on the issue of refugees, Donald Trump's suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review and to consider additional procedures to add to the pre-existing system is unnecessary and disproportionate to achieving the aim that is set out in the Executive Order due to the already vigorous vetting system which can take up to 2 years in addition to having their biometric information checked and having to undergo personal interviews with Department of State, Homeland Security (DHS) officials. [33]

As stated on the website of the US Refugee Admissions Program [34];

No traveler to the United States is subject to more rigorous security screening than the refugees the U.S. Government considers for admission.

Besides that, international treaties and declarations were enacted after the Second World War in an effort to learn from past mistakes and their importance cannot be understated unless we wish to see a repeat of historical events in the 1930's and 40's, which has shown that even democratically-elected governments are capable of the most heinous crimes.

We urge the Malaysian government as key leaders to the OIC and as members of the UN Security Council in 2015-2016 to take a stand and to break their silence on the issue.



# Official statement: 26

## April 2017

### On lowering the voting age

We, as members of the Executive Committee of the United Kingdom & Eire Malaysian Law Students Union (KPUM) by virtue of the mandate granted to us, would like to represent the members of our Union in issuing a statement to voice our wholehearted support for the #Undi18 campaign by Malaysian Students' Global Alliance - MSGA.

We understand that discussions on lowering the voting age may be divisive and as such we seek to list our reasons and justifications for our support within this statement while also taking a look at some of the reasons that may be held by those that disagree with us.

The reasons for our support are as follows:

#### i) Lack of representation and double standards

Despite the simplicity of its phrase, the historical significance of the quote below, [1] is immense.

“Taxation without representation is tyranny”

Taxation without representation reflects a situation in which the government imposes taxes on a particular group of citizens, without having their views represented when the taxation decision was made.[2]

The majority of the American Colonies believed that they were not directly represented by the distant British Parliament in the decision making process of laws such as the Stamp Act, considering it a violation of their rights as Englishmen. This arguably helped to spark the American Revolution, that in turn led to the formation of the United States Declaration of Independence. [3]

For the purposes of our statement, we would not be delving too much into the historical narrative of the phrase.

Instead, we shall focus more on the importance of the ideas behind it and its subsequent use (particularly in the US) in suffrage movements as well as in arguments for lowering the voting age.

The idea of “no taxation without representation” resonated greatly with a majority of the American Colonies primarily because it was based on the idea that it would only be fair to tax someone and obtain a share of their profits if they were represented in the decision making processes of such taxation laws in the first place.

This argument was extended to women suffrage movements, in particular that of Sarah E Wall who led an anti-tax protest in the late 19th century that had a measure of success. In the modern day context, similar arguments have been adopted by youth suffrage advocates as well. [4]

Perhaps the most important question for the purpose of this statement is whether we could adopt a similar argument in a modern Malaysian context.

The minimum legal working age for Malaysians as stated in The Children and Young Persons (Employment) Act 1966 [Act 350] is 15 years old. [5]

A problem in adopting the “no taxation without representation” argument lies with the public uncertainty in the actual number of working youths between the age of 18 to 20 that would need to pay income tax (see current income tax rates here).

This uncertainty coupled with general assumptions that most youths within that age group are not working and are mostly reliant on the income of their parents (who are very likely taxpayers themselves) does not help in extending the argument of “no taxation without representation” in favour of lowering the minimum voting age in Malaysia.

# Official statement: 8

## February 2017

One may argue that the burden of sales tax still lie on those within the age of 18-20 but since it is widely assumed that the income used in their expenditure are from their parents, the argument appears to be a weak one.

However, one should not be too quick to dismiss the argument. Just as there is uncertainty in the amount of youths working, without enough information, the assumption that most youths within the age of 18 to 20 do not work cannot be generalised. If it does appear to be true that there is a significant proportion of those within the age of 18 to 20 that do work and have to pay income tax, it does provide a strong argument in favour of lowering the minimum voting age due to a lack of representation in not only the making of such taxation laws but also on the spending of tax revenue obtained from the relevant age group.

Also, as we have implied above, focus should not be directed too much towards taxation itself but rather on the wider idea behind the “no taxation without representation” movement, which is the adoption of policies and legislation affecting a group of individuals through a decision making process that fails to be inclusive of the same particular group, which in this situation are the Malaysian youth from 18 to 20 age group.

A relevant case in example would be the lowering of voting age in US Federal Elections from 21 to 18 through a Constitutional Amendment that was caused by immense pressure put on legislators to lower the minimum voting age as young people had been drafted to serve in the Vietnam War without having a say in who decided a war involving their country or the chance to be represented in its decision-making processes. [6]

The argument that had driven such a change despite common misconception is not that if one is old enough to fight a war, one should be old enough to vote but rather, if one is old enough to be drafted to put his life at risk for his country, the same person has the right to be represented in decisions concerning such wars. To quote 14-year-old Rebecca Tilsen [7];

Various legislations and policies affect the youth of our country while they continue to have lack of representation in the decision making processes of such policy and legislations.

This is often worse for those within the age group of 18 to 20 as they are caught under a double standard of having adult responsibilities but not rights. 18 years old is the age of majority in Malaysia as provided in The Age of Majority Act 1971 [Act 21], allowing those at that age to enter into a valid contract, drive, have consensual sex, enter into a marriage, work and to be held criminally responsible for their own actions under the category of an adult but yet they are denied the opportunity to vote and participate in free and fair elections in deciding the various policies and legislations that govern their everyday activities. [8]

It is worse when such double standards continue for three years of a young adult's life from 18, 19 and 20. While these youths could be represented in the political process through other means, legislation such as the Universities and University Colleges Act 1971 seem to propagate a different kind of mentality in the matter by attempting to restrict student voices and opinion on political matters. [9]

# Official statement: 8

## February 2017

Common arguments by detractors upon hearing this would often be regarding “political maturity” and the lack of it amongst youths, to which we have the following section dedicated to:

ii) “Political maturity” arguments lack tooth and claw

Detractors who base their arguments on “political maturity” suggest that in order to have the ability to vote, a person should have reached a sufficient level of mental maturity to not only understand the implications of their vote but also to think and analyse critically various policies and their implications on the direction of their country or community. (For purposes of this statement, we will take this to mean “political maturity”)

They then dismiss the age of majority (currently 18 in Malaysia) as insufficient in determining that a legal adult has reached political maturity, suggesting and assuming that the physical and mental maturity of a person is distinct from “political maturity” and should be measured separately, preferring the age of 21 as a better determinant of said “political maturity” while continuing to operate on the basis that 18 years of age reflected the age at which one would be deemed physically and mentally mature in regards to other kind of activities.

For strong advocates of “political maturity” as a pre-determination of the ability of a person to vote, the only way perhaps to ensure a better electoral process for these advocates would be an impartial and objective test in determining the “political maturity” of people that are interested to vote.

While this sounds ideal in theory, it raises a number of issues in practice regarding the possibility of ensuring the impartiality and objectiveness of such a test as well as its legitimacy in the eyes of the public. The idea of a test filtering those it finds to be unpolitical mature amongst even adults would be a cause for controversy.

As such, age currently serves as the indicator on whether a person would be fit to vote. An acceptance of such a method then also means the acceptance of its flaws. Namely, that amongst those that are eligible to vote (even those well into their 30's or 40's), there would always be those that could be deemed to be not “politically mature”.

Such flaws seem to be evident of a democratic system. To suggest that “political maturity” is a prerequisite to voting is to falsely suggest that there is a right and wrong when it comes to voting. As seen in recent elections globally and even locally, there are politicians that have based policies on false science, false facts and misdirections, even getting elected on the basis of such flawed policies.

Are those adult voters that have voted in favour of such politicians politically immature due to their failure to think and analyse critically various policies and its efficacy? Should they then be excluded from participation in the voting process?

Political maturity, as vaguely defined as it is, seems to be an overstated pre-requisite for voting. It has also been used in arguments against women voting or the abolishment of property-based qualifications for voters in the past, arguments which would have been unthinkable today. [10]

Determining maturity has always been a tricky issue from the age of consent to the age of criminal responsibility but dismissing a democratically agreed upon age of majority merely because it is assumed not to be representative of the vaguely defined “political maturity” of the majority of a group of certain individuals is not the best step to take.

It should be accepted that there is weakness in determining the age that one actually matures but it should also be accepted that “political maturity” is perhaps an overstated pre-requisite to voting that

# Official statement: 8

## February 2017

should not be a primary argument against lowering the age to vote.

Besides that, an assumption that there is a higher proportion of unpollitically mature individuals within that age group than older age groups is an assumption that cannot simply be accepted on one's personal judgment or experiences without the appropriate data.

As for those detractors that argue that those within the age of 18 and 20 have their parents to represent them in political decisions or that they would be unduly influenced by their parents, such arguments are similarly flawed as well.

It hinges on the assumption that these individuals share similar political views as their parents and that that their parents are in a better situation and are more capable to decide these views for them.

Evidence suggest that these assumptions might be incorrect and perhaps even unfounded. An American study based on longitudinal surveys done in 1988, 2005 and 2006 found that most young Americans don't just blindly follow their parents' political beliefs. [11] Instead, more than half of respondents either rejected their parents' beliefs outright or failed to even correctly identify their parents' political affiliations.

The difference from the study compared to past research was that other studies had looked at shared party affiliations, but not necessarily the reasoning that led to those affiliations. (although admittedly, one may argue that results of such a study cannot be said to be truly reflective of the situation in Malaysia; a common argument concerning research and study from other countries in this area of topic)

### iii) Other advantages

While young voters might not necessarily follow their parents' political beliefs, there is evidence that their

parents' voting habits may influence the voter turnout rate for young voters. The opposite could also be said to be true. There has been research in Denmark showing that voting is essentially a social act with voter turnout being influenced by the voting habits of those around them. [12]

There may also be a possibility of a "trickle up" effect on civic participation. When 16- and 17-year-olds engage in "civics, conversations about politics and local issues are brought to the dinner table. Parents and family members are engaged in civic life through the 16- and 17-year-olds in their household, with a positive impact on voter turnout for people of all ages." [13]

While these same studies also indicate that young adults from the age of 18 to 21 upon first moving out of their household may experience a lower voter turnout once they move on to live with peers that may have lesser interest in voting, the similar comparisons cannot simply be made with the youth within the 18 to 21 age group in Malaysia due to respective cultural differences, particularly the age period in which Malaysian youth move out to live in separate households from their parents.

While arguably young Malaysians within that age range would still move out to live at university or college, the same study showed that education also played a key role in increasing voter turnout. Those who attended university were more likely to be an active voter. [14]

# Official statement: 8

## February 2017

If anything, voter turnout might not be too important of an indicator of the capability of an individual to vote as it might be influenced by a whole range of other factors other than age. Research in Austria surrounding the low voter turnout amongst those in the 16-18 group showed that despite low voter turnout (which was still higher than those from the older age group), those within the age range were ready to contribute sound decision making and quality participation in democracy and were actively doing so through other means. [15] This is supported by events in Scotland where 16 and 17 year olds who were allowed to vote on the Scottish Independence referendum saw 3/4 of those registered turning up to vote. [16]

### iv) A tried and tested blueprint

Malaysia is one of the 10 countries in the world to have a voting age of 21 or above. [17] To give an impression of how dire the situation is, there are a total of 196 countries (or 195) in the world.[18]

While countries are beginning to debate on lowering their voting age to 16, we have yet to even have a fruitful discussion on our current minimum voting age on a national level. Having a minimum voting age of 18 is a tried and tested blueprint that is used not only in western countries but also in Eastern and Southeast Asian countries. [19]

Detractors that argue that the country is not ready is perhaps misled in their argument.

Responsibility comes from rights, not the other way around.

### Conclusion

We note that while there may be other pertinent issues that one could advocate for in which we do not deny might also require a pressing need for reform, these issues such as the need for an automated voter registration system or for a more effectively enforced and transparent registration system for voters do not detract from the current campaign and one must accept that if one is also in support of lowering the minimum voting age, that the existence of the current campaign is better than a complete non-existent of any form of discussion or support for the current topic at hand.

Even if one is not in support of the #Undi18 campaign, one should also accept that a discussion on the topic has been sorely needed and the campaign might open doors for more fruitful discussions for the topic at hand, regardless of the outcome of the campaign.

For those seeking to argue that the importance of lowering the voting age is of negligible value and should hence, not even be discussed, we hope our statement and the arguments and reasons that we put forward above had managed to convince you otherwise.

A final thing to note is that the campaign is arguing for a solution that is not merely driven by a need to be done before a certain period or before the commencement of any upcoming General Election.

It is arguing for the political enablement of not just those that have surpassed or are at the age of 21 but also the various Malaysian citizens that make up the age of 18, 19, and 20 that might be working or still be in university or college for not just the next General Election but for various others that are to come in the near and far future.

