



## ANTI-ICERD RALLY IN KUALA LUMPUR: WHAT WAS THAT ABOUT?

BY MUTHIAH ALAGAPPA

*Muthiah Alagappa (muthia.alagappa@gmail.com) is distinguished scholar in residence at American University in Washington, DC. He will be visiting professor at Asia-Europe Institute, University Malaya in Kuala Lumpur beginning January 2019.*

Kudos all around for those involved with the recent rally in Kuala Lumpur against the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD). To the organizers and the police force for the peaceful rally. To TV Malaysia for covering a rally by the opposition. Malaysia is maturing as a democracy. However, the rally protested a non-issue. The government already indicated that it would not accede to the ICERD as the Malaysian Constitution had to be amended first and that the Pakatan Harapan (PH) government did not have the numbers in parliament to realize that. To uncover the real purpose of the rally, the first step is to debunk the claim that the ICERD is against the Malaysian Constitution.

ICERD is a UN convention signed and ratified by 179 of its 197 member countries. Malaysia is one of fourteen countries that has not recognized or acceded. Prime Minister Mahathir pledged in his speech to the 73<sup>rd</sup> UN General Assembly on Sept. 28, 2018 that Malaysia would accede to all remaining six core UN human rights conventions including the ICERD. However, the Malaysian government has since decided not to accede to the ICERD on the grounds that the Constitution had to be amended first before it can accede to the Convention.

The United Malays National Organization (UMNO) and the Pan Malayan Islamic Party (PAS), which actively participated in the anti-ICERD rally, claimed they were protesting to protect the rights of Malays and the position of Islam in the country as enshrined in the Constitution. Although these could be viewed as constitutional issues to be settled by discussion

among legal experts, they are primarily political. In participating in the rally, UMNO and PAS were playing the race and religious cards to shore up their political base.

That some Malays along with the poor in other communities require affirmative action is not in doubt. However, the Malay domination of government approach adopted by the Barisan Nasional (BN) government has not produced the desired results. After more than 50 years of communal-group affirmative action, the Malay community should be able to rely on itself. Sadly, this is not the case. In fact, it can be argued that Malays helming government linked companies like the Tabung Haji (TH) have defrauded the weak and marginalized Malays. Hence, something must be wrong with the BN policy that emphasized group affirmative action on the basis of race and religion. Many in the PH government had earlier (when its component parties were in the opposition before general election 14) stressed that justice should be delivered at the individual level and not the group level where it has been subject to abuse. The group affirmative action policy of the BN based on race and religion disproportionately benefitted the affluent in the Malay community. The poor Malays, mostly in rural areas, remained weak and marginalized. The real issue is not intercommunal (between Malays and non-Malays) as portrayed by those against ICERD, but how to uplift the living conditions of the weak and marginalized in all communities. If those requiring affirmative action are mostly Malays, then they would benefit directly by a shift in policy. The issue here is whether justice should be delivered at the group or the individual level.

The fact is that the BN and PAS seek political power through the group affirmative action policy. By accepting the argument that the ICERD goes against the Constitution, the PH government has fallen into the same trap. Government and civil society leaders must show that there is no contradiction between the Constitution and ICERD and that what is at stake is the policy for delivering affirmative action. They must communicate that justice at the individual level will benefit the Malays who most deserve such assistance.

On the claim that the anti-ICERD rally was aimed at protecting Malay rights and Islam, it should be evident that ICERD is not against the rights of any community. The Malays and other bumiputeras constitute about 65 percent of the population of Malaysia. In a democratic system relying on one person one vote, political power will remain in Malay hands for the foreseeable future. What UMNO and PAS are really worried about is not

protecting Malay rights but ensuring that the basis for power and authority in the country does not shift away from them. ICERD threatens to undercut the support they receive from communal groups.

Likewise, the claim that the rally was to protect the position of Islam does not hold water. As pointed out by many, 55 of 57 Muslim majority countries have ratified ICERD and it has not affected the position of Islam in these countries. Thus, the claim that ICERD is against Islam and by extension the Malay monarchy is false.

The rally was about the composition of the Malaysian nation and the political basis for power and authority in the country. By emphasizing Malay rights and the protection of Islam, both UMNO and PAS were harking back to the older ethnic and religious bases of political power in the country. Since they view the outcome of GE 14 as undermining their basis of political power, they are deploying race and religion to stoke fears in the Malay community and roll back the progress made in making Malaysia a civic nation. Reverting to an ethnic nation suits their purpose well.

The PH government inadvertently fell into that trap by agreeing that it is necessary to amend the constitution first. This must be seen as a temporary move. In the longer run it is crucial for the PH government and civil society leaders to see what the anti-ICERD rally was really about and move toward constructing a civic nation in which all citizens share equally in opportunities and obligations. They must educate the Malaysian public, especially the Malay public, on the ICERD and the benefits of a civic nation as well as explaining the drawbacks of the ethnic nation approach. The educational role of civil society leaders is critical here. Those in authority should not shy away from these tasks or hide behind excuses like the claim that the Constitution has to be amended before ICERD can be ratified.

UMNO and PAS are political parties seeking to shore up their political base. There is nothing wrong or inherently anti-democratic with their participation in the rally, especially as it was peaceful. However, they do a disservice to themselves and the country by not accepting the basis for a new Malaysia. The educated public must see through their pretenses. It is incumbent upon political leaders and leaders in civil society to critique and lay bare the issues underlying such rallies to educate the Malaysian public. Malaysia must move toward becoming a civic nation in which each and every citizen has an equal share in privileges and obligations. It is a rare opportunity that should not

be missed. Malaysia can become a beacon of hope for the rest of Asia and indeed the world. Tactical delays should not become permanent.

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