Minorities Matter

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Minorities Matter

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Edited by

Sophie Lemière

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Foreword

Ambiga Sreenevasan

Many of us have fought for years to bring a change in government. We were clear that the abuses of the Barisan Nasional government had to stop if there was to be a better future for all. We were equally clear that it was near impossible to displace Barisan Nasional who had been there for 61 years.

Despite all the challenges, Malaysians changed the government for the first time on 9 May 2018. The Pakatan Harapan government was elected on a grand manifesto and many promises of human rights and institutional reform. Many who are now in power have led, marched and fought alongside civil society, calling for change and reform. They spoke our language and understood our aspirations for the people.

Once in power, we were pleased to see progressive appointments made to head key institutions such as the Election Commission, the Attorney General's Chambers and the Judiciary. The Institutional Reforms Committee, which I was a part of, was formed to hear from stakeholders and make recommendations to the government on a roadmap for reform. This, and other work, was done in record time as the excitement of a brand new future for this country saw many giving their time and energy to make change happen. It was a promise of a just nation built on the rule of law that brought Malaysians together to help wherever we could.

Many of us believed that human rights and institutional reform would take place swiftly and decisively. We assumed that after our years of struggle, things would move quickly to make Malaysia a more democratic country. We believed that we could count on some of our colleagues in the new government.

Stagnation of reform

As the editor of this book Sophie Lemière has stated, there has unfortunately, been a stagnation of reform in new Malaysia.

Significant U-turns have been made with regard to the reform agenda, even when they involve straightforward legislative reform. After all, the repeal of the Sedition Act was a no-brainer, given the fact that many who are new in government had faced investigations and charges under that extremely archaic Act, which was a relic of our distant British colonial past. But that Act remains and investigations continue under it. We now hear some members of government justifying its use.

The bogey of racial and religious conflict has been consistently evoked by the now mono-ethnic Opposition combination of UMNO and PAS. Lemière states that the stagnation of reform reveals the existence of a deeper systemic problem in Malaysia – one where inequalities and privileges have become entrenched and legitimised "on the basis of ethnicity and a subjective and twisted interpretation of history, dwarfing the political, social and cultural importance of the contribution of minorities to nation building".

This collection of ten chapters examines the 14th General Election results from the perspectives of minorities in Malaysia and assesses whether their prospects have improved following this historic change in government.

They reveal that whatever the issues are – whether it is empowering women politically, providing more autonomy to Sabah and Sarawak, granting the Orang Asli rights to their customary land, or resolving the immigration status of refugees – changing the government is merely one step, albeit a significant one, in a very long journey.

The writers help us to understand the complexities of reform and reveal narratives that may differ from the mainstream ones dominating the media. For the Orang Asli, for instance, concerns about large-scale corruption and the 1MDB financial scandal are dwarfed by more pressing worries about their rights over their customary land. Those in Sabah and Sarawak see the change in government as an opportunity to assert their autonomy and to put an end to decades of federal meddling in state politics. For women, although political representation has inched upwards with the new government, mindsets about women's political ability and patriarchal attitudes are still prevalent, hindering further empowerment.

Competing voices

The articles also explore political hindrances slowing down the reform process. Despite its considerable majority in Parliament, the coalition seems insecure, and easily swayed by pressure groups opposed to human rights reform.

Frighteningly, it appears that not all in Pakatan Harapan share the same views about human rights for all, as is evident from the slow pace of the Child Marriage Act and the disgraceful treatment of the lesbian, gay, bisexual and transsexual community. It seems that personal prejudices trump a human rights approach to ensuring that the most vulnerable communities may live free from abuse and fear.

As one article states, there are competing voices within the Pakatan Harapan coalition within which there are considerable ideological differences. This may explain the mixed messages that have emerged from the government, such as on child marriage and on condemning discrimination and violence based on sexual orientation and gender identity. The author warns however that by 'fearing to trip the volatile fuse of Malay racial sensitivities, [Pakatan Harapan] paradoxically, perhaps habitually, attends most to the voices of reaction and so feeds the fire.'

Another article demonstrates that for certain reforms, the government may not be willing to expend political capital if it is unclear whether the majority of voters demand it. This means that even reforms with clear benefits, such as the reinstitution of local council elections, are being delayed or put off altogether.

Invaluable resource

I have known Sophie Lemière for a few years now and I have always enjoyed reading her works on Malaysia, which are insightful, well-researched and often come from a unique perspective. This is her third book on Malaysian Politics and People and an important one, as it helps us to understand our nation and government better, post GE14.

On 9 May 2018, Malaysians ushered in a new government, but the old political culture, where race and religious rhetoric plays a too-dominant part, and where political patronage is key to maintaining power, remains. To change that, we need to appreciate the complexities of Malaysian political life. This includes paying attention to the viewpoints and perspectives of minorities, especially those whose narratives are often lost amidst the

political clamouring of the day. I am grateful to Sophie Lemière and the other writers of this book for doing so and helping us to continue our journey of reform for all.

Introduction
Changing Political Culture: Malaysia's (Im)-possible Reform

Sophie Lemière

On 9 May 2018, a New Malaysia was born. Like an ellipse in time, this moment finished 61 years of single-party dominance and has made its mark on history by bringing to an end the rule of one of the oldest post-colonial dominant ruling parties. A historical moment that opened the doors to a new government was achieved by the unexpected coalition of the former old guard of the United Malays National Organisation (UMNO) who had resigned in the years and months before the election, their former opponents from Parti Keadilan Rakyat (PKR), the Democratic Action Party (DAP) and the Islamist Party (PAS) breakaway party Parti Amanah Negara (AMANAH). Yet, in spite of the uniqueness of this victory, Malaysian democracy has yet to show its true colours.

A year later, the stagnation of reform in New Malaysia reveals the existence of a deep structural problem in Malaysia: the nature of its political culture. Political culture is a window through which people perceive the functioning of politics. It is entrenched in a society's political imaginary, culture, beliefs and contributes to the shaping of their opinions, and their social and electoral behaviour. Political culture is at the origins of the recurrent abuse of power at every level of society. The resistance in the administration as denounced by the Prime Minister (*Free Malaysia Today*, 2018e) is one of the symptoms of a more systemic problem.

In Malaysia, the question of identity is tied to that of politics, religion, and the political imaginary. For many years the fate of the Malays, the majority of the population, was intrinsically linked to the destiny of

UMNO. Yet over the years, UMNO's advocacy for the Malay agenda lost its nationalist and anti-imperialist tone and turned into a sterile ultra-nationalist, and sometimes religious (Islamic), rhetoric. The agenda of the New Malay (*Melayu Baru*) (and not the New Malaysia) gave way to years of misguided State-led economic and socio-political policies and to an intellectual apathy which failed to craft an inclusive national identity.

Malaysia is one of the few countries in the world where the majority of the population is economically advantaged by legal provisions and State policies; the others are Fiji, Brunei and South Africa. The policies of these two other countries are both informed by the Malaysian model. By constitutional right (Art. 153), the Malays and other indigenous populations are entitled to a special position that was originally aimed at correcting the disadvantages they suffered under colonial rule. Yet it has been argued that such a special position has led them to reassert their indigenous position to secure political supremacy and engender an ideological reverse racism.

Instead of creating more equality, successive economic policies have generated tremendous inequalities and with this have emerged feelings both of entitlement and resentment (see Fukuyama, 2018). Entitlement because of a fear of loss of economic and social protections, and resentment from the political and economic challenge of non-Malay ethnic minorities, mostly Chinese and Indian. In fact, this resentment exists on all sides of the ethnic divide – the playing field of political parties.

Malaysia is a society where inequalities and privileges are politically justified and legitimised on the basis of ethnicity and a subjective and twisted interpretation of history, dwarfing the political, social and cultural importance of the contribution of minorities to nation-building. These elements have contributed to shaping the nation's political culture. From one legitimation to the other: practices of corruption, curbing electoral laws, cronyism on all sides of the political spectrum are widespread. Discrimination and the abuse of authority have been banalised for so long that it has now become part of the daily practice of power and ways to ensure power stability. A political game disguised and legitimised on the basis of communal interests and as a condition for social peace. The institutionalisation of these undemocratic practices is at the origins of the sclerosis of the state apparatus.

Bersatu, Mahathir's party created in 2016, a new umbrella for Malay desiderata, has not yet been able to offer an alternative to UMNO's Malay-centric rhetoric. With the victory of Mahathir Mohamad and his Pakatan Harapan coalition, UMNO has begun to disintegrate. The Malay party has

entered a difficult period of transition. The re-construction or emergence of a meaningful opposition to Pakatan Harapan is essential to the functioning of democracy. The collapse of UMNO, the split between the ethno-religious Islamist Party (PAS) and Pakatan Harapan (then Pakatan Rakyat) and the emergence of its mirror party in the opposition, Bersatu, has further blurred the line of Malay political representation. Despite the ethnonationalist tone that the leadership rhetoric is often taking, Mahathir and some other leaders have attempted to slowly instil the idea of the need for reform (*Free Malaysia Today*, 2018e). Nevertheless, the vision shared by the party leadership remains entrenched in old-fashioned racialist schemes and fails to address economic disparities in other ways than purely racial.

In his attempt to point out structural problems, Mahathir has created suspicion and increased resentment from parts of the society who are resistant to reform. Mahathir has conceptualised this challenge, as he has always done, as a 'racial' problem (in racist terms) and reduced it to its economic dimension. According to Mahathir, and as highlighted in his book *The Malay Dilemma* (1970), 'Malays are lazy' by both nature and culture. Over the past few months, the Prime Minister has offered contrasting and controversial declarations from patronising motivational speeches tinted with racism, to demagogic calls for the awakening of the Malays and heavy-handed blame for 'their mentality'.

The Malay majority is being hammered by the rhetoric that they have failed the system by taking advantage of affirmative action. In fact, it is the system of affirmative action that has failed all Malaysians: by debilitating rather than empowering its majority and reinforcing the feudal foundation of patronage instead of ensuring a balanced distribution of resources. The reluctance to create alternative models and the stuttering of the new government policies are the consequence of a lack of perspective on the recent political history and the absence of ideological references and/or coherence.

Despite appearances, the inadequacy of Mahathir's political speeches might be a distorted reflection of his true intention for reform. In February, the Prime Minister appointed a special council made up of prominent academics and practitioners to focus on economic issues. This rapid decision follows a succession of heated debates over Malay economic privileges. Mahathir is pragmatic and a fine tactician; rather than addressing the issue by a controversial quota reform, the revival of the National Economic Action Council to look at economic and social inequalities is a move that could bring a social consensus cutting through all controversies and balance

government unpopularity for its inaction. The creation of this council, operating at the discretion of the Prime Minister and including some of his key Ministers Darell Leiking (Trade), Azmin Ali (Economy) and Lim Guan Eng (Finance) increases the Prime Minister's hand on the economy and diffuses the power of some members of his Cabinet. The strategy was also used in 1997 during the economic crisis, but history has shown that the National Council was far and foremost a political move and that past recommendations were not implemented. This new council is also a way to circumvent ministry bureaucracies and implement rapid reform plans which reproduces Mahathir's preference for highly-centralised governance. But is this enough?

Whilst there is a lot of talk of an economic reform agenda, the culture of politics and the practice of power survives and is carried on by the members and leaders of all major political parties. Anwar Ibrahim, leader of the now largest parliamentary party PKR, and the 'Prime Minister in waiting', has been accused of abusing electoral laws during his campaign for a parliamentary seat in Port Dickson. Abdul Rashid Ab Rahman, Bersatu party Vice President, declared during the party convention that party chiefs must be given significant development projects by the Federal Government – an abusive practice that has occurred in most, if not all, parties at state and federal levels. Whilst the Deputy Foreign Minister Marzuki Yahya has been confronted with lying on his academic credentials but despite public outcry has not faced any legal or disciplinary action from the government or from his party. In the recent weeks, seven other members of the former ruling party UMNO, attacked and criticised for its structural cronyism and abusive practices of power, have joined the new ruling coalition. In terms of political culture, therefore, there seems to be no gap between the 'evil' Barisan Nasional and the 'good' Pakatan Harapan. Abuses are coming from all sides, to the extent of overshadowing the genuine attempts for reform and democratisation efforts of a few politicians in the ruling coalition.

Malaysian democracy remains in stagnant waters. In the days that followed the victory of Pakatan Harapan, a breeze of solidarity won over many of the nation's hearts and minds. The New Malaysia was to be the realisation of the multiculturalist utopia that the country had yet to become. For a few weeks, it seemed the conservative discourse had lost its Malay-centric roots and had somehow shifted to a different semantic field. Democratic transition is associated with 'liberalisation', a concept re-interpreted by some through a moral lens. The liberalisation that is intrinsically linked to democratisation would be a challenge to traditional

values and a celebration of 'liberal' (understood by conservative elements as immoral Western practices) values. Yet the months that followed the birth of New Malaysia saw a rise of violence both verbal and physical against the most vulnerable parts of society, and in particular the LGBTQ+ community (*Free Malaysia Today*, 2018a, b, c, d). This violence reminds us of the controversies that arose during the Abdullah-era regarding individuals who had decided to leave Islam (Lemière, 2007). The controversy around apostasy in Islam was inversely proportional to the number of cases (statistics are extremely rare and most individuals who have renounced Islam would not advertise it; as such, the number of known cases is limited). Since the Indira Gandhi case (*Straits Times*, 2018), the question of apostasy has lost its political impact. Sexual 'deviance' is a perfect political tool that cuts across religious and ethnic lines directly in the traditional constituencies and allows the emergence of new motives for contestation against the government.

As the Deputy Prime Minister and Minister of Women Affairs explains, homosexuality should not be 'glamourized', but remain behind closed doors. While the opposition has weaponised sexuality issues with the support of conservative elements of civil society the government has maintained a populist and electoralist position, rather to the detriment of democratic principles. The Department of Religious Affairs under the Prime Minister's Office has maintained a hard line against sexual minorities, praising the benefit of rehabilitation (*Free Malaysia Today*, 2018f) – a discourse in line with PAS and UMNO rhetoric but also cutting across ethnic and religious lines in the conservative reservoir of Malaysian voters.

The question of LGBTQ+ is in fact not limited to the question of the minority itself, but is part of a wider debate about the role of the state in the private sphere, and as a regulator of moral issues, which is rooted in the legacy of post-colonial state building. The Malaysian State under a reform agenda finds itself in an inextricable position, where legal provisions support child marriage, public canning, conservative religious education, on the basis of Islamic law, but reforming politicians talk of female empowerment, inclusivity, human rights and democracy.

Democracy does not only lie in institutions, as proved by the heavy manipulation of the pillars of the Malaysian electoral system by previous governments. Revolutions come from the margins, the unexpected push of groups and individuals that governments or states have not been able to absorb in their propaganda or annihilate with their political machinery. In New Malaysia, the shift of the political landscape has created new pockets

of contestations that challenge the contemporary norms. And norms are resisting the change brought by the political transition.

In fact, the norms, or social boundaries of what is acceptable or not, are the elements of a political culture which hasn't been impacted by a change of government. This culture has yet to see the revolution that happened at the ballot box. Ironically, perhaps, cultural norms are sharper today than before. Whilst under the previous government, officially sanctioned extremist rhetoric could allow for difference within limits, it appears today that individual freedom, and thus the freedom of being or thinking outside of the majority's norms is sacrificed in political battles for State power.

The problem of norms and political culture cannot, however, be solved only by tackling economic issues. The ideology of Malay supremacy, as such, is on the verge of a redefinition. The collapse of 61 years of the ethno-nationalist rule of UMNO, on the eve on its 75th anniversary, and the victory of a multi-ethnic political formation are signs that multi-ethnic politics is now dominant in the country, and offers a victory to the non-racial votes. However, at the same time it has scratched further the political scars of religious and ethnic exceptionalism. For a section of society, democratic reforms means a loss of economic and political privilege, yet reformers would argue that in the long term, reforms, if well planned, could uplift all Malaysians from all sections of society. Democratic reforms would bring development and equality to those elements of the Bumiputera community who haven't necessarily benefited five decades after the launch of the New Economic Policy. Much of future Malay politics will therefore centre around the relationship between the definition of Malay supremacy in a multi-ethnic political environment and the quality of economic transformation to uplift the Malay community alongside all others.

To navigate this, the government needs to marry economic reforms with changes to the country's political culture. The training of civil servants, the rewriting of school textbooks and curriculae, as much as the government's ability to communicate a cultural reform agenda are pressing. The stagnation of Malaysian democracy lies in the (im-)possibility of reshaping this political culture: the culture of power. The (im-)possibility of changing or reinventing the political perceptions and beliefs that motivate an individual's social and political behaviour. A schism has emerged between old and new Malaysia opposing the vestiges of authoritarianism to the mirage of democracy. And here lies the long, long, struggle for Democracy.

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