

# REFORMS FOR A PROGRESSIVE MALAYSIA

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JANUARY 27, 2018

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G25 MALAYSIA  
IDCC SHAH ALAM

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KEYNOTE ADDRESS

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Key highlights of the presentation:

- 1) Political leadership must ensure that the sovereign debt is well managed so that the people are able to enjoy a minimal level of comfort, and not unnecessarily burdened by financial pressures, out of proportion to the national ability to handle and manage. Rising of debts attributed to financing economic growth - as opposed to servicing of old debts - is justifiable. Notably, household debts in Malaysia, the lowest in Asia, also continue to rise.
- 2) Graduate unemployment is rampant especially among those without skills; and on the other hand we are overly relying on cheap foreign labour to avoid facing the reality of labour cost. In turn, this will stagnate income and condemn our workers to earnings below the level enjoyed by the first world. The net effect is that we will be trapped in the middle-income category for an unnecessarily long time.
- 3) There are two elements governing the right to lead in a constitutional democracy. Firstly, the physical right, which is that the political party must win a fairly contested election, in order that it, may govern a country. Should that election be run on the principle of victory as reflected by being first past the post, then a political grouping without a majority of popular votes but having the majority of elected seats will be on a sticky wicket. This would amount to a lack of moral right to lead, which is a second element to leadership right. The reality is that this moral right is not given enough weight in democracies of lesser maturity. Also, buying MPs to cross the aisle to create a majority is an insult to the voters. If they had wanted a particular political party to form the government they would have voted the party in with a simple majority.
- 4) In politics, at least two elements in the practice of constitutional democracy are sacrosanct. Firstly, a democratically adopted constitution - that is acknowledged to be supreme in nature and effect – cannot be amended willy-nilly. Should an amendment be considered in order, it must be done solely to improve the national quality of life. Amending a constitution to shore up and strengthen the power of an incumbent, first among equals, amounts to no more than an abuse of power. Secondly, there must not be any interference in the finely balanced separation of powers between the three branches of government - namely the legislature, executive and judiciary - that form the foundation of the constitutional democracy.
- 5) There is now almost a resigned acceptance, that the economy is being advanced, by forces not within our control. It would seem that economic undertaking of any significance is in foreign hands. This brings into focus the possibility of our country being colonized economically. Getting back on track demands requisite manpower. The tragedy here is that our education system is in a sorry state and will not be able to meet that demand and has been treated as a political football much to the detriment of our children and grandchildren.

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Key phrases and quotes:

The ripple effect of unbridled sovereign debts can create a negative impact on the people's lives and could stagnate income. There is also the possibility of capital flight if the general perception is that investment opportunities are curtailed.

To my mind a good leader must be essentially an ethical person, of high integrity, imbued with honesty and sincerity.

Good leadership dictates that services rendered must always be for the benefit of the people and its followers and in so rendered must be above self. Such qualities must also be present in the near and absolute state. It therefore follows that such a view that our leaders are cleaner from those from other countries is not acceptable to us. It should be, and I quote, our leaders are clean.

A morally upright leader would have a strong moral high ground as his leadership base. Conversely, once that high ground is lost, his right to remain in office becomes, very, very ticklish.

List the suggestions and recommendations:

- In the future, any investment by the government must be approved as an item in the annual budget after its resolution had obtained approval of the Dewan Rakyat. Similarly, an investment by a statutory body or agency must go through the same process, so that these bodies will be accountable for every cent invested or expended, after Parliament has given its approval. Also, collusion between politics and business must end, as the former will turn to the latter when it's in dire straits. This contributes to the situation relating to Malaysia's sovereign debt.
- All leaders - everyone vested with executive authority - in the public and private sectors, including their nominees and trustees, must subject themselves to public scrutiny. This is important because politics and business have a habit of feeding off each other. This scrutiny and examination should be across the board. It must be done by Parliament through a permanent independent multi-party commission responsible only to Parliament. This commission should be given wide powers to investigate and confiscate assets and properties illegally obtained including those where the transfer of ownership were effected earlier on.
- The assembly of politicians must keep to their pledge of office in protecting the sanctity and supremacy of the Federal Constitution.

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- Under our system, a law must be passed or enacted to define and determine this separation of powers between the three organs of state - legislative, executive, judiciary - and severe penalties imposed on the transgression of this doctrine. Similarly, a law should be enacted to forbid or prohibit authorities to exercise discretionary powers independently as this often could lead to abuses. Such executive decisions or exercises should only be exercised upon joint consultation with at least two other persons.
  - Educational reform is not out of order. At the same time we must think about the drivers of economic and social growth in the years ahead. This is important, as we will be addressing the needs of the millennial who are into communication, media and digital technologies. In this regard, our leaders owe it to the millennial to give AI (artificial intelligence) its due importance to ensure that they will not be left behind in a post-digital world.

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## Session 1

Topic: Moderation and Administration of Islam in Malaysia

### Speakers:

Dato' Noor Farida Ariffin

Dato' Latifah Merican Cheong

Tan Sri Mohd Sheriff Mohd Kassim

Moderator: Tan Sri Dr Ismail Merican

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## Main Points

Good governance means upholding the integrity, transparency and accountability of public institutions to ensure clean and responsible government. These institutions also have a primary duty to protect the rights and freedoms of citizens under the Federal Constitution and uphold the rule of law to ensure fairness and justice for all.

The institutional reforms that are most important are those related to law and order. The institutions that need reforms include the parliament, judiciary, legal and administrative services, the Attorney General's Chamber (AGC), the Malaysian Anti Corruption Commission (MACC) and the Royal Malaysian Police (PDRM). Their independence and professionalism are essential for good governance in protecting the rights of citizens to hold government ministers, civil servants and religious authorities accountable for their actions.

The basic principle of good governance is that the institutions of law and order and the regulatory agencies should be free of ministerial control and that they should have the integrity to act in accordance with their legal mandate, in line with public expectations that their primary role is to uphold the supremacy of the constitution and the rule of law.

To achieve this, we need institutional changes to empower parliament, the judiciary, law enforcement agencies, civil service and the religious authorities to be professional, independent, free of ministerial control and not politicised.

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## **Dato Noor Farida Ariffin**

### **Institutional Reforms for the Rule of Law**

#### AG Chamber

AG chamber has 2 roles – Public prosecutor and legal advisor to the Government. The roles should be split to avoid politically vested interest and to promote transparency and accountability. Though the Agong appoints the AG, the PM makes the selection, hence making the AG beholden to the PM. It should be that an independent commission vets through prospective candidates for the post of AG and the post of public prosecutor as practiced in UK, Canada, and Australia.

In the case of a former AG who was appointed by PM to investigate SRC and 1MDB, but was replaced within 24 hours shows interference by PM. This is inconsistent with good governance.

#### MACC

Must be independent of Government control, and be accountable to Parliamentary Select committee to eradicate corruption in the country. However, this requires amendments to the Malaysian Constitution.

#### PDRM

PDRM is a highly centralised institution with the IGP answerable to the Home Minister. The powers of PDRM should be decentralised, by establishing Police Commission for Misconduct or an independent Enforcement Agency Integrity Commission (EAIC). The EAIC would require amendments to the Constitution to ensure that it goes beyond the scope of the Cabinet, and instead report to the Parliament, and that it is able to act independently.

#### Judiciary

There must be separation of powers, Article 121 Clause 1 of the Constitution must be amended to restore to its original powers. Appointment and promotion of judges should be submitted to the Conference of Rulers who will identify the candidates for submission to the Agong for his ratification, in order to avoid circumstances that the judges are beholden to the PM. PM should have no role in appointing and promoting judges.

#### **Conclusion**

To restore public confidence in the rule of law with appropriate checks and balances were necessary in order to:

- a) Strengthen the independence of the Judiciary
- b) Improve public service
- c) Have a clean government
- d) Engender judiciary dynamism



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**Dato Latifah Merican Cheong**  
**Reforms for Stronger Economic Growth**

Government should focus on long-term economic growth base upon fundamentals in tandem with global economic approach with emphasis on high quality growth.

To achieve high quality economic growth, the Government must review policies on:

- a) Low wage workers
- b) Low skill foreign workers employment
- c) Managing labour related issues
- d) The impact of high price on the labour market
- e) The implications of low disposable income

There is a need to have a fairer distribution of disposable income of bottom 40%. Price inflation must be balanced with improvement on quality of the manufactured goods.

With the implementation of GST, fiscal deficit was addressed but there was a severe cutback in education and health, which impaired human development.

Fiscal inefficiencies were caused by leakage in costs of infra structure development, weak current account and low inflow of service sector that resulted in exchange rate depreciation and rising significantly of contingent liabilities. Current debt stood at 65% of the GDP, which was regarded as highly indebted.

The role of GLCs in the country should be reviewed in order to open the market for competition to an acceptable level, and without them controlling certain sectors. Due to the uneven playing field given to GLCs, private enterprises would rather relocate and invest elsewhere.

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## **Tan Sri Sheriff Kassim**

### **Reforms for Stronger Oversight by Parliament and Civil Service**

Malaysia is in need of good governance and reforms.

Various bodies should be established:

- a) Parliamentary Select Committee (PSC)  
The Parliament should function as an oversight body by establishing PSC on matters of national concern, ex. 1MDB, ECRL. PSC could hold public hearing, and be supported by professionals as advisers as per the UK PSC.
- b) Special institutions and regulatory bodies – to process tenders and award contracts and ensure transparent processes and that top civil servants are not beholden to their political masters by way of their promotion or appointment. Thus will ensure that only candidates with merits deserve the top positions in the civil service.

Notable quotes:

Sabah should reclaim its rights enshrined in the 20 Point Agreement and that RUU 335 affected the two States as it was against the 20 Point Agreement – DFA

Reforms are not from the Government but from the people. The Government will listen and may or may not be willing to introduce the reforms –TSS

Overtime with persistence from NGOs agitating the Government for reforms will bear fruit one day. One must not lose hope and the sense of idealism - DLM

“ Mere good governance is not enough, good governance is putting people bold in national ambition, fight against poverty and change the character of politics....” -TSIM

#### Suggestions for Reforms and Conclusion

1. Establish Parliamentary Select Committee (PSC) to oversee matters of national concern and set up of various commissions that would have influence to check and balance the public service sector to ensure that the government is effective, efficient, transparent in their operations.
2. Strengthen judiciary and ensure separation of powers in AGC, MACC, and decentralise PDRM.
3. Review education policy and move away from the industrialised base model of education.
4. Review labour policies and ensure fairer wage and income distribution.
5. Review the role of GLCs and allow greater competition in an open market environment.

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## Session 2

Topic: Promoting a Clean Government

Speakers:

Dr. Terence Gomez

Ms. Cynthia Gabriel

Dr. Wong Chin Huat

Moderator: Dato' Zainuddin Bahari

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## Main points

Civil society plays a big role in demanding that the Government at all levels (district, state, and federal) adhere to principles and practices of good governance. This is to ensure that the representatives remain clean, efficient and are trustworthy to serve the people.

The current scandals like the 1MDB, FGV, and the way political parties raise funds are matters of priority concern to the public because it involves huge sums of money. The current methods being employed for big projects and money transaction are questionable, and some are evidently downright scams.

The public must be given a voice and a channel in making sure that those who they voted for into office would undertake their duties with responsibility, accountability and with transparency.

In light of the current situation plaguing the country and a growing public outcry, a reform to ensure good governance and political financing is a must. The reforms being discussed are most crucial in order to promote a clean government.

### **Cynthia Gabriel - Public participation in fighting corruption**

Public scandals in the nature of the 1MDB and Felda scandals reflect the non-independence of public institutions.

Civil society has a responsibility to keep our politicians and government officials in check.

The current political regime uses the racial and religious card to distract the public from being united in their demand for a system of governance imbued with integrity and accountability.

Such regime must be replaced because they are not being in favour of an empowered citizenry. They will continue to pass; and use oppressive laws to stifle the voice of the citizenry protesting corrupt practices and a governance without integrity and accountability.

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## Dr Terence Gomez - Governance of GLCs: Core Players in the Economy

Three fundamental issues that need to be discussed:

- Affirmative action
- The role of GLCs
- Political Financing

Civil society has to address the above issues because politicians are avoiding them.

Policies that are premised on affirmative action (e.g. NEP, Bumiputra Economic Empowerment (BEE)) need to be re-examined and debated as they have an adverse effect on racial harmony, and economic progress. Also, the BEE policy, based on the statistics, does not seem to have succeeded in meeting its objective.

Current affirmative action policies and behaviour of GLCs might affect the growth and progress of SMEs in Malaysia in terms of them (SMEs) making investments in general and investments into research and development in particular. Hence, one needs to ask what incentives are actually in place to promote SMEs.

Roles of the GLCs need to be debated, as their presence at the Federal, State and Ministerial levels, indicates that some of them are mired in corrupt practices; and that they can be used as a channel for the state - both at the federal and state level - to intervene in the economy, to the detriment of the progressive growth of SMEs. GLCs were introduced to implement affirmative action policies. However, it must be debated whether GLCs need to play that role.

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## Dr Wong Chin Huat - Public Financing of Elections

How to keep political parties clean? There is a three-way strategy:

- 1) Decide how much the party can receive, from where it can receive the funding, in what way it can be received, and where and how to spend it.
- 2) Make sure the party is accountable for everything that is done and any conflicts of interest should be made clear.
- 3) Should the political party face a problem to raise funds, a private financing could be an option. In short, public funding might be substituted with private funding. However, the use of private funding should be restricted as could lead to political expediency, conflict of interest and corruption. This would best be mitigated by transparency and state impartiality in the system.

It would be best to acquire taxpayer's money in order to avoid adverse consequences of obtaining private funding. Furthermore, public funding would enhance multi party competition.

To qualify for public funding each party must meet a minimum threshold. The system of public funding of elections as it applies in Germany might be used as a reference point.

Public funding of elections will have three benefits: preventing perpetuated inequalities, promoting competitive politics, striking out corruption and conflicts of interest.

Notable quotes:

Are our public institutions independent enough to protect our rights and interest instead of the political leadership's? - CG

The NEP when it was introduced was a good policy and was needed at that time. There were resulting benefits: rise of a middle class, reduction of poverty, and better distribution of wealth. It was supposed to end in the year 1990. Its perpetuation has led to adverse effects: patronage and rent seeking, perpetuation of racial discourse, bypassing of entrepreneurial capacity, brain drain, institutional decline, fear of expropriation of wealth, electoral support etc. – TF

Money politics nowadays exist, because modern politics in modern democracies does not enable effective representational politics without money. In election time, mobilisation of workers, with all the flag lines, posters, everything is money, and there is no such thing as a free lunch. The money must come from somewhere. - WCH

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The 1MDB scandal is more than just personal greed. It was necessitated by elections. You would never be able to pay parties enough money to buy votes. However, parties still need money to run - WCH

Suggestions for reforms and conclusions:

- Public institutions must be independent. If the persons running the institutions feel obliged to protect the interests of their appointers or political leaders, then their independence can be questioned.
- Reform GLCs because they enable an enormous amount of economic power to be vested in the Prime Minister, who is also the Minister of Finance. In addition, one questions - the need to have politicians sitting on the Board of Directors of GLCs.
- Reforms must be made to the current political financing practices as they might encourage foreign intervention in the domestic electoral process.
- Consideration should be made for political parties to raise funds, based on their share of the votes in the most recent elections, as practiced in Germany.
- Federal funding should be available for federal elections and state funding should be available for state elections.
- The public must be persistent and strong in their demand for the following:
  - a) Politicians and government officials to function with integrity by making pledges against anti-corruption and declaring their assets
  - b) Full and frank disclosure of how GLCs are managed, their roles and vested interest.
  - c) Passing of political financing laws to curtail monetary politics
  - d) Preservation of laws that protect the public's right of assembly and association, and the harmonious relations amongst all Malaysians.
  - e) The government must be made of those who possess integrity and accountable for their actions and ensure efficient delivery of their services at levels – federal, state and local government level.
  - f) Review affirmative action to ensure it meets its objective

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Session 3  
Topic: Whither National Unity

Speakers:

1. Dato' Johan Ariffin – 16yrs Exxon Mobil – Sabah Foundation /Shell Timur/Malaysian Insight /G25 member
2. Mr Daozhang Tan Hoe Chiew – President of Federation of Taoist Malaysia/Consultative Council of Religions
3. Mr Gerald Joseph – Commissioner of Suhakam/Human Rights of Indigenous peoples' communities

Moderator: Tan Sri Rafiah Salim



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## A: MAIN POINTS FROM SPEAKERS

- Moderator Tan Sri Rafiah shared her experience during her university years living in Northern Ireland in a society that was disunited and marred with sectarian violence. The root of the problem was the deep division between the Catholics and Protestants. These communities never mix, the children go to different schools: Catholics went to Catholic schools and Protestant went to state schools. They didn't mix until they go to university and this was only 5% of the population. 95% never knew each other.
- As a grandmother, she was concerned with the state of our education system where children of different races were no longer mixing. She dreaded that one day what happened in N. Ireland could happen here in Malaysia. She cited her grandson's case in Standard 1 in St John, KL where there is not a single Chinese child in his class. There were 5 or 6 Indians in the class. In the old days we had a good mix of all the races in a class. Children now are not mixing, there was clear division by type of schools – private schools for the haves and the Government or national schools for the have-nots. What is the nation going to be if this persists?

### Speaker No.1 : Dato Johan Ariffin

- Dato Johan recently attended a forum in Penang which discussed the coming GE14, Islamisation and Malay nationalism. As a Sabahan, the concept of Malay nationalism was quite alien. In East Malaysia religion is discussed freely whereas in West Malaysia, discussions on religion would be serious. There is a stronger feel of Islamisation and Malay Nationalism in West Malaysia.
- There are clearly differences between West Malaysia and East Malaysia but what binds us as a nation? Is it the national flag, national anthem? It could be the Rukunegara or the supremacy of the Constitution but sadly they are rarely mentioned nowadays.
- Sports like badminton and soccer used to bind us but less now. Political preferences aside, unity and pride were most felt during Tun Mahathir's administration. We were that united proud nation with the tallest building in the world and on the way to become the most advanced nation. We had a 'recalcitrant PM' who stood up against powerful nations. There was a Department of National Unity and Integration headed by Sabahan. We had the Malaysian ferry plying the South China Sea between West & East Malaysia at one time. The ferry burnt down and had been forgotten. Air Asia has sort of taken over that role of ferrying Malaysians now. It is still discouraging to know that only 60% of people in West Malaysia have been to Sabah. They prefer to go outside Malaysia instead of visiting East Malaysia.
- Where we are now with the unity between East and West Malaysia? It is disturbing that the date of the formation of Malaysia is not even known or widely accepted. When asked when Malaysia Day is, Aug 31 1957 seemed to be the answer that is known whereas the right answer is 16<sup>th</sup> Sept 1963. 31st August is when Malaya got its independence. Dates are important and it is wrong to try to change history

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- Malaysia is 54 years. Malaysia as 60 years is the narrative of West Malaysia. Only in 2009 was Malaysia Day officially declared a holiday. Malaysia Day is only celebrated in Sabah and Sarawak. Our history is disjointed – how can we achieve unity when we have different takes on our history? The forms we have to fill at Immigration –if you are not Chinese or Indian you are clumped into dan lain-lain. Sabah is a melting pot of races and to put the races as dan lain-lain is a disgrace. The attempt to fit the 3 races is a narrative of West Malaysia. We put up our flags twice – first to celebrate Merdeka on 31st August and by 16th September the flags are torn and faded.
  - Another example are the Petronas adverts. There was one in particular where the three races were brought into a longhouse in Sarawak. Why not bring the Aki, the Iban to KL? In the Ola Bola movie where the Malaysia football team that won a place in the Russian Olympics was featured. In the movie, a Malay scored the goal but in reality it was the Sabahan James Wong that scored that goal. Clearly, the movie maker twisted the narrative. These little anecdotes are stumbling blocks to national unity.
  - Sabah & Sarawak are now fighting for more autonomy under the MA63. The Malaysian Agreement 1963 signed between the UK, Northern Ireland, Federation of Malaya, Singapore, Sabah and Sarawak is an important document outlining the formation of Malaysia. Both states are fighting for the rights to oil (not only royalty), education, freedom to practise our own religions, the reimbursement of 40% of taxes collected to the two states. East Malaysians are certainly disappointed with the usurpation of rights and power granted to the two states in the MA63. There are instances of jobs in Sabah where the main contractor is from West Malaysia and by the time the work are filtered to subcontractors in Sabah, the project quality is compromised because of the reduced funds available. Borneonisation of the civil service is also another concern. Unless special skills are needed, why do we need West Malaysians to do the run of the mill jobs?
  - East Malaysians want to be able to control their education system and place English as one of the official languages. Sarawak is already well ahead and has made English an official language. Correspondence in English is allowed at government level.
  - East Malaysians are wary that issues of religion and Malay nationalism may filter to them. There are already instances of teachers posted from West Malaysia who had converted some students in Sarawak.
  - In summary, we must recognize each other's history and as a nation we must have one history. There should be one major celebration that is Malaysia Day. In Sabah and Sarawak, we raise our national flags twice in a year and the flags have to last from August 31st until 16th September. We all want to be proud Malaysians, respect each other's religions and culture. The question of cessation from Malaysia does not arise as we want to be united and integrated with West Malaysia. Unity must be discussed as a subject in schools. TS Rafiah commented that this is the perspective of unity that West Malaysians tend to overlook. Perhaps issues that 1MDB can help unite us too?

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## Speaker No.2 : Mr Daozhang Tan Hoe Chieow

- Mr Tan is not in academia or a researcher and his personal observation of the fabric of Malaysian society is through his involvement in religious associations. He agreed Sabah is a role model of what Malaysia should be. In the days of English medium school, the three races were well represented in the schools. He was doubtful whether the proposal to have a single type of school again will materialize.
- G25's efforts are commendable and they are courageous in Voicing out concerns that could jeopardise unity. G25 gives consolation that unity in the country will still remain firm. Many civic organisations are behind G25 to promote unity.
- Born in a Malay kampong in KL, Tan remembered mixing well with all the races in the neighbourhood. Watching TV and sharing food with neighbours were common activities. They would get invited to kenduri and hari raya. His mother would in turn invite friends and neighbours for New Year and she would make sure the Muslim neighbour cooked the food for the open house in addition to the Chinese delicacies. Back then we felt like belonging to a nation and religion never defined us. That same Malaysian spirit of 60 years ago can still be felt in Sabah and Sarawak today.
- Times are changing. Islamisation is creeping into society. We are becoming sensitive in many aspects of our lives that touch on religious issues. He believed that it was during Tun Mahathir and Anwar Ibrahim's time that he felt that the Islamisation process in the country was catching up fast e.g introduction of Islamic banking systems, amendment to 121A where civil court judges abdicated their judicial duties to the Syariah courts when dealing with matters involving Muslims and non-Muslims. Conversion cases and body snatching became controversial issues. The Indira Gandhi case was one such high profile case.
- The RUU355 amendment which is a private member bill proposed by PAS Hadi Awang will make way for the enhancement of punishment allowed under RUU355 syariah offences. From a maximum sentence of 3 years imprisonment, fine of RM5000, 6 strokes of the whip to sentences of 30 years, RM100,000 and 100 lashes. These proposed amendments would allow three hudud laws to be implemented- zina, qazaf & consumption of alcohol. The opposition to this amendment by non-Muslims was not that they wanted to interfere with matters of Islamic Syariah but amending the RUU355 would be the first step to Malaysia becoming a theocratic Islamic state and this would affect all Malaysians – both Muslims and non-Muslims. Remarks from Muslims who say that non-Muslims should be thankful that they had been given citizenships and they should not interfere with the administering of the Islamic Syariah in Malaysia are certainly alarming. All Malaysians are equal citizens and there are no second class citizens. This new trend is alarming.
- The Federal Constitution is the supreme law of the land, it is ultra vires to have two sets of criminal law. Malaysia is one of a few countries that does not have a Department of Religion.

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Jakim, Jawi and state Islamic institutions only deal with matters involving Muslims. Non-Muslims do not have a department they could refer to solve or assist with the development of their religions. There is even a division in the AG's chambers which ensures Syariah compliance with the law and it won't be long before every aspect of our lives will be Islamised.

- Tan cited a case where a piece of land for non-Islamic use in Alam Impian was converted without the knowledge of State Exco and Jabatan Tanah & Galian. A surau was built on the land even if there was already a big mosque in the vicinity. The solution advised by the Non-Muslim affairs committee was to find an alternative site for their building. This clearly shows the extensive influence of Jawi. The guidelines of place of worship for non-Muslims are also being reviewed. To non-Muslims, these are infringement of their rights and it would affect their development as Malaysians.
- Tan believes that in spite of all these Malaysia will continue to be very united. At the core, we are peace loving and kind people and we will look after each other's interest. We must all do our part in our small way to promote unity and harmony in Malaysia. Follow the Golden rule – 'Do unto others what you want others to do unto to you and do not undo others what you don't want others to do unto you.' We need more civic societies activities for opportunities to interact and engage with the different communities and organize activities with neighbours and communities. We must always be helpful to our neighbours and spread the goodwill. Most important is engagement at the community level.
- The government is serious about promoting unity. There is the Department JPNIN (Jabatan Perpaduan Negara & Integrasi Nasional) in the PMO. The formation of JKMPKA (Jawatankuasa Pempromosikan Persefahaman Dan Keharmonian Antara Penganut Agama) promotes engagement with members of different religions and to find suitable ways to reduce friction and overcome problems faced by the different religious communities. Believe we can all do our part to make Malaysia a harmonious and united country.
- TS Rafiah commented that it was very refreshing to hear the optimism and positive thinking that we can stay united. She strongly believes that politicians are the ones that divide us.

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### Speaker No.3 : Mr Gerald Joseph

- It is amazing that we champion the rights of minority outside Malaysia eg the Rohingya's plight but we ourselves are guilty of discriminating the minority.
- We have heard of politics of race not played by Sabah and Sarawak but when it comes to election, the principal of divide and rule applies. The concept of tribalism was taken advantage during one of the elections in the Bakun dam area in Sarawak. He observed that although all the 15 longhouses were angry with the building of the dam but during the election 7 candidates from 7 different communities contested. The total of the 6 minority groups was bigger than the incumbent BN and the divide and rule tactic was conveniently used.
- We deny that racism exists in Malaysia but we accept that it happens in places like South Africa. There are enough stories to see racism does exist in Malaysia. It is not only in Sabah and Sarawak that the ethnic groups are not happy with the 'dan lainlain' category of race. The Orang Asli in West Malaysia are also not happy with the category. We must have a box without anything nullifying or impairing the recognition of enjoyment or exercise on an equal footing.
- We hear of politicians telling the 'pendatang' to go back to where they came from - India, China or Indonesia. Archaeological finds in Grik (the Perak man of 25,000 years, Gua Niah 40,000 years) predates anyone of us here. In that respect we are all 'pendatangs'. We are all Malaysians and the land should belong to all of us. Wawasan 2020's Aku Bangsa Malaysia is the tickbox that we are fighting for.
- The concept of Malaysia Day is still work in progress. An attempt to celebrate Malaysia Day two years ago on a big scale even with celebrity singer Zainal Abidin did not receive good response. Malaysia Day still has not resonated with the same energy as Merdeka Day.
- We loudly pronounce that we are not racists but silently allow it to happen. We feel that there are privileges that come with ethnicity, being the majority and how Malaysia should be because of the social contract. We must move away from this brand created by Britain and totally embraced by political parties.
- The good news was that youth groups are discussing these issues loudly. There was uproar about the Selangor Indian and Chinese football leagues. Football that unites us at the national level are segmented at the grassroots levels. We have no need of football teams of ethnic or race groups. It was heartening to see the fast and strong reactions from the university when one of their lecturers made a racial comment about Indians sitting together. There are moments of unity but there are not enough. These stories are not systematic and institutionalised. What is institutionalised is race-based politics.

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- Eating food together is a Malaysian thing. There used to be durian parties to celebrate unity. The question was would the cost of unity go up because durians have gone up in price? Food could certainly bind us. With the different standards for different groups e.g toilets for Muslims and non-Muslims, we see people being segregated. We were now all sensitive to the differences because of religious practices. The Sultan of Johor asked a pertinent question that if we were to go down the road of the Muslim-only laundrette case, when and where will it stop? When the purity game divides us totally, we would live in separate spaces.
  - Politicians would urge the rakyat to choose a political party which safeguarded the interest of the Bumiputera. They would also blatantly utter that equality was not a good thing in Malaysia as the Bumiputera rights needed to be defended. The suggestion to expand Bumiputera status to the Indian Muslims was regressive. It just helped split us further apart. Affirmative action is a human rights tool, but is not supposed to be a permanent feature. It has to achieve certain objectives and should have time limit.
  - Recent race-based advertisements showed pockets of racism pervading our society. Bodyshop's Chinese only job vacancy, Watson's black face advert, rooms or houses advertised with specification for what kind of people they want to live in their houses. In some countries, these actions would be against the law. We have to speak out against these practices where we have comfort with only our own kind. We must learn to tolerate and be accepting. These are tough issues that need to be called out. By not speaking about it people will get away. Journalists would write these stories for a day or two and then would get on with the next hot story. What is our progress for Institutional race-based discrimination? Are there policies that need to be dismantled? Are there school or university systems that need to be dismantled? What is the role of Media? When election comes the media forget their ethical role & responsibility and they become tools to perpetuate racism. Progress on education of non-discrimination? Do we have discussions in schools that we are equal or are we reminded that we are not equal. What is the message that our young are getting from school? What are the small stories of what the teachers said or did that is implicitly saying that we are differentiated?
  - We must keep documenting racial discrimination and we need to bring it down and the only way to bring it down is to know that it exists. Is there Racial profiling in law enforcement?. There are questions of why many of the Indian community get arrested or tortured. Discussions are taking place to study this trend. Most linked these to poverty issues and social depression.
  - What are the implications of raced based political parties? Although some would argue that is freedom of association, we need to tackle the repercussions of race-based politics. After GE12 during Tun Abdullah Badawi's time, there was a discussion to think of a brand of becoming a more united Barisan National. This also applied to parties in the opposition.
  - Affirmative Action is not sacrosanct and needs to be discussed openly. If affirmative action was sacrosanct then it would be institutionalized racism. The only way for Malaysia to have a systematic discussion on this is if Malaysia is party to an International Convention. 'We are all Malaysians' in Tunku Abdul Rahman's famous quote is what that has not been fully captured.

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We are now all differentiated Malaysians. We must remain steadfast that we are Bangsa Malaysia.

#### B: NOTABLE QUOTES & KEY PHRASES BY SESSION SPEAKERS

- Malaysia will continue to be very united as we are a peace loving and kind people and we will look after each other's interest. All of us must play a part in our small way to promote unity and harmony in Malaysia. Follow the Golden rule – 'Do unto others what you want others to do unto to you and do not undo others what you don't want others to do unto you.'
- It was very refreshing to hear the optimism and positive thinking that we can stay united. Its the politicians who are the ones that divide us.
- We hear of politicians telling the 'pendatang' to go back to where they came from - India, China or Indonesia. Archaeological finds in Grik (the Perak man of 25,000 years, Gua Niah 40,000 years) predates anyone of us here. In that respect we are all 'pendatangs'. We are all Malaysians and the land should belong to all of us. Wawasan 2020's Aku Bangsa Malaysia is the tickbox that we are fighting for.
- We loudly pronounce that we are not racists but silently allow it to happen. We feel that there are privileges that come with ethnicity, being the majority and how Malaysia should be because of the social contract. We must move away from this brand created by Britain and totally embraced by political parties.
- Affirmative action is a human rights tool, but is not supposed to be a permanent feature. It has to achieve certain objectives and should have time limit.
- The Muhibbah cruise of 1.5 days linking Malaya and East Malaysia was abandoned as the second hand ferry from Scandinavia had to be refurbished to install the air conditioning. In addition, the one arm bandit game was disabled because it was haram. The journey became unbearable due to lack of entertainment and it became unpopular and was eventually burnt down.
- The government of the day has a duty in the balancing act. This clause is often wrongly used as special rights of the Malays whereas they are privileges – 'bukan hak istimewa tetapi keistimewaan'. After 60 years of a great development success story, the appeal for affirmative action on needs or class is what Malaysia is ready for now.

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## C: PROPOSALS AND SUGGESTIONS FOR REFORM

### Proposals

1. Integrate West Malaysia and East Malaysia by maintaining good relationships between people. Visits during major festivals like the Harvest festival in Sabah must be encouraged.
2. Have a good understanding each other's statuses in the formation of Malaysia. Revisit the Malaysian Agreement 1963 for a better understanding of the rights of the states of Sabah and Sarawak.
3. Look for agreement on the historical facts on the formation of Malaysia and the significant dates and milestones of our nation.
4. Have one big national celebration every year on Malaysia Day
5. Promote more engagement between all the races at neighbourhood and community levels. Everyone must do their part to promote unity and harmony. Unity should be discussed in our schools.
6. Be wary of Islamisation creeping into our society. The Federal Constitution as the supreme law of the land should remain at the core of our nation building.
7. Work towards the Bangsa Malaysia tickbox.
8. Start to review the Affirmative Action Policy of New Economic Policy. It is time to start dismantling the NEP as it has outlived its purpose. Have affirmative action for the underprivileged and the poor.
9. Be willing to talk more and loudly on instances of systemic racial discrimination in our communities and societies.
10. Remain steadfast in being united and not let politicians divide us.
11. Spread goodwill among members of different communities by organizing activities with neighbours and be helpful towards each other.
12. Promote unity by having the Government through the Department JPNIN (Jabatan Perpaduan Negara & Integrasi Nasional) in the PMO and the Jawatankuasa Mempromosikan Persefahaman Dan Keharmonian Antara Penganut Agama create initiatives for members of different religions to find suitable ways to reduce friction and overcome problems faced by the different religious communities.



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13. Examine our progress for institutional race-based discrimination by starting to hold an open discussion on Affirmative Action and how it can be deconstruct to avoid being labelled as a form of institutionalized racism. The only way for Malaysia to have a systematic discussion on this is if Malaysia is party to an International Convention.
  14. Review policies that need to be dismantled in schools or university systems. The media should cover stories promoting tolerance and acceptance of diversity, organize education programs on non-discrimination and speak out against these practices where we only promote our own ethnic group. Journalists can keep documenting racial discrimination and address it by writing stories that promote positive messages. Media can also promote unity through media adverts of all races coming together. What happened to 'The Best of the Malaysians' where the best of all races getting together and doing things together?
  15. Have teachers who are catalysts for unity in schools hold discussions that students are equal and share stories on unity and what they can do in schools. Teachers of all races should be able to play their role in uniting the children because they are respected by children of all races.
  16. Conduct a study on racial profiling in law enforcement as there are questions of why many of the Indian community get arrested or tortured. Discussions that are taking place linked the incidents to poverty issues and social depression.
  17. Harness the multiple languages to be a point of unity and understanding. Nelson Mandela said 'if you talk to a man in the language he understands that goes to his head; if you talk to him in his language you talk to a man that goes to his heart'. Our education system can consider implementing Bahasa Malaysia that may consist of Bahasa Melayu, Mandarin and Tamil languages to strengthen unity and which can also act as an edge for progressive Malaysia

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## D: QUESTIONS FROM THE FLOOR

### 1) Abdul Aziz Abdullah – a sea farer

Abdul Aziz shared his understanding on the abandonment of the Cruise Muhibbah. It was a typical Malaysian story. Instead of buying a new ferry to acclimatize to the tropics, a second-hand ferry from Scandinavia was selected. They had to refurbish to install the airconditioning. When the one-arm bandit game was disabled because it was haram, the journey of 1.5 days became unbearable to some because of lack of entertainment. It became unpopular and eventually burnt down. Aziz has also worked in Sarawak for six months and spoke that West Malaysians should not be squarely blamed for the local suffering. He had been to rural Sarawak and saw the misery there and then he saw the grandiose homes of some of the politicians. Their local politicians should also be responsible for their misery. He agreed that East Malaysia ( Sabah and Sarawak) is the best reflection of a true Malaysia where people of different races could eat together in a Chinese coffee shop where a Muslim lady was also selling mee. We must not let politicians divide us.

### 2) Karen Lai – chief operating officer, Selangor Women Empowerment Institute

Discrimination is a double-edged sword, it can benefit one positively and the other negatively. She did not have trouble finding a place to rent while her Indian counterpart found it hard to rent a place. This is disappointing in this day and age in a democratic and equal country. She does not agree that in national unity, the opposite of diversity is homogeneity. Diversity is a good thing. In other words 'Aku maybe bangsa apa-apa aje tapi aku ok di Malaysia'.

### 3) Third speaker (no name identified).

In Article 153 of the Federal Constitution clause 1 - It shall be the responsibility of Yang diPertuan Agong to safeguard the special position of the Malays and natives of any of the states of Sabah & Sarawak and the legitimate interest of the other communities in accordance with the provisions of this Article. The speaker believed that the second part of the clause is often neglected. Basically, provisions must be made when assisting Malays and natives, and government agencies must not take what is already held by other races. With regards the tudung, the discussion in media about hotels being discriminatory towards those wearing headscarves. There was a demonstration outside the Singapore High Commission because the Singapore government schools did not allow girls to wear the headscarves. In Brunei all girls whatever religion must wear the tudung in government school. People here protest about rules against those who wear but what about the other way round when scarves are imposed on non-Muslims? He quoted a case of a Sikh school boy in Britain was expelled from school for wearing his turban. With assistance of the race relations board, he took his case to court and won his case. The race relation board being mindful of a fair contest told the headmaster to engage a Queens Counsel (QC) of their choice and they would pay. The QC originally took the case but when the case went to the House of Lords, the QC was told by the headmaster that he would conduct the case himself. The headmaster lost the case.

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#### 4) Lim Heng Seng

Taking on education as being part of the problem, Lim did not think that merely having separate schools was the problem. He felt that the teaching of Islam in schools was divisive in nature. He had a friend in Sarawak who was concerned with the situation. The son told the father that he couldn't be friends with a 'kafir' as the Ustaz said the kafir 'tak boleh dipercaya'. What is going on in our schools? Lim's wife worked in a Sekolah Menengah Kebangsaan (SMK) and was asked, 'kenapa cikgu baik sangat'? kerana Ustazah kata org kafir tak boleh dipercaya". We could have the best schools but the mindsets of young people are being re-programmed in the name of God. Having worked in Sarawak for 7 years, he was aware of a very deep sentiment in Sabah and Sarawak of this poisonous influence on our young. They are very much against this WMD – Wabak Malaysia Barat. If this persists it will undermine the last bastion of our national unity.

#### 5) Sarojini of NCWO

She stated that what the people of Sabah and Sarawak are enjoying now was what West Malaysians enjoyed 50 years ago. She warned that if they were not careful it could happen to them too. What can unite us? Both ruling and opposition should be talking about what can unite the people. Why can't the two sides say that they are for AA but it is AA for the underprivileged and poor of all races? Teachers can be the catalyst of our unity. Teachers of all races should be able to play their role in uniting the children because they are respected by children of all races. Media can play a big part in promoting unity. They can have adverts of all races coming together. What happened to 'The Best of the Malaysians' where the best of all races getting together and doing things together? Right now, parties are all fighting one another.

#### 6) Haziq Aiman- Fresh graduate IUM

We live in a multi-racial country where people speak multiple languages. Unlike Indonesia, we don't assimilate into one single identity, we retain our differences. Shouldn't we harness the multiple languages to be a point of unity and understanding? Nelson Mandela said 'if you talk to a man in the language he understands that goes to his head; if you talk to him in his language you talk to a man that goes to his heart'. Should our education system consider implementing Bahasa Malaysia that may consist of Bahasa Melayu, Mandarin and Tamil languages to strengthen unity and which can also act as an edge for progressive Malaysia?

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## Comments from Speakers

Gerald Joseph agreed that the next sentence of Article 153 where the legitimate interests of other communities is mentioned is often forgotten. Article 8 touches on equality. The government of the day has a duty of the balancing act. This clause is often wrongly used as special rights of the Malays whereas they are privileges – ‘bukan hak istimewa tetapi keistimewaan’. After 60 years of a great development success story, the appeal for affirmative action on needs or class is what Malaysia is ready for now.

Tan commented that Brunei implemented hudud that cuts across all races. There was one registered Taoist society in Brunei but it also is not allowed now. People are not allowed to celebrate Christmas publicly although they can do it privately in their homes. Politicians have to win elections and to win elections divide and rule is the best weapon. Hence they will never be united on this issue of Islamisation.

Tan also explained the reason why there are no Chinese in government schools is because they need a minimum of 25 students before the ‘people’s own language’ class can be provided. Parents have to set up these classes at their own expense.

Dato Johan warned of the danger of the practices of West Malaysia being transferred to East Malaysia. G25 had made statements now and again on our hardy past and the dangers of RUU355. Last year a full page advert as taken out by G25 joined by key politicians in Sabah, to declare opposition to RUU355. Johan had written articles on this and even suggested banning Hadi from entering Sabah. They are fighting the potential onslaught of deconstructive ideas and practices from West Malaysia on different levels through organization and various groups. In Sabah, 30-35% of students in Chinese schools are bumis. Bumis compete to have the much-coveted places in Chinese schools. They already had the foresight of the importance of the Chinese language as China was going to be the biggest market. Talk in the public sphere was always mentioning Malay, Malay nationalism and Malay national rights and not much on the ‘lain-lain’. In Sabah the bumis don’t classify themselves as Malays because they are no Malays in Sabah. They are Muslim Bumis of mixed races and there are Christian Bumis of the same.

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## APPENDICES (from Mr Gerald Joseph)

Article 1 – Racial Discrimination shall mean any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural

Racism is the belief that a particular race is superior or inferior to another, that a person's social and moral traits are predetermined by his or her inborn biological characteristics. Racial separatism is the belief, most of the time based on racism, that different races should remain segregated and apart from one another.

### Efforts to promote Unity

- Youth groups want action on racism and education
- No more race-based football teams – Tunku Ismail Sultan Ibrahim has disbanded the Johor Malays, Indian and Chinese associations
- An independent committee was set up to probe the UM lecturer's racist comments (lecturer said that she did not like Indians sitting together)
- Moments of Unity – public university students, school students and civil servants from different ethnic groups came together for a unity morning dance.

### Different treatments for different communities

- A toilet sign purported to restrict toilets to Muslims only was found at a rest area on the East Coast Expressway (Phase 2)
- McDonald's and A&W do not allow customers to bring in cakes which are not certified as halal
- Segregation of drinking cups between Muslims and non Muslim students in a primary school in Hulu Langat
- Paintbrushes made with pig bristles were seized by officials from the Domestic Trade Ministry
- Muslim-only self service launderette in Muar, Johor
- Muslims were not allowed to wear a tudung if they are working as front desk representative in a hotel.

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## Politics

- Racist comments made by UMNO Minister – Ismail Sabri asked if Malaysians want to keep the present government who can safeguard the rights of Bumiputeras or DAP-led government that emphasizes on equality of races
- Datuk Seri Dr Ahmad Zahid Hamidi was racist for mentioning Mahathir's Kerala ancestry
- Dr. Mahathir was also found to be attacking Prime Minister Datuk Seri Najib's ancestry by saying '...it may be because he comes from Bugis pirates'
- Prime Minister Najib Razak suggested to include Indian Muslims as bumiputeras
- Ibrahim Ali calls himself the King of Malaysia racist – stating that his racist actions were based on the Federal Constitution where it is enshrined that the Malays have special rights
- PERKASA wants Bumi quotas for commercial properties

## Advertisements

- Racist Body Shop Advertisement which shows a Chinese only job vacancy
- Watson's Malaysia 'blackface' advertisement which is racist in nature
- Racist rentals where Malaysians have a specific racial preference in renting their units out

Gerald also posed the question that 54/60 years as a nation what is our progress on:

- Institutionalised race-based discrimination
- Use of media to perpetuate racism
- Education on non-discrimination
- Documenting racial discrimination
- Racial profiling in law enforcement
- Race-based politics

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- Race-based affirmative action
  - Ratify ICERD (International Convention Elimination Racial Discrimination)

‘We are all Malaysians. This is the bond that unites us. Let us always remember that unity is our fundamental strength as a people and a nation.’

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## Session 4

Topic: Moderation and Administration of Islam in Malaysia

### Speakers:

Mr Aston Phillip Paiva

Ms Zainah Anwar

Dr Syed Farid al-Atas

Dr Chandra Muzaffar

Moderator: Tan Sri Asiah Abu Samah



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A: MAIN POINTS FROM SPEAKERS

**Speaker No.1 : Mr Aston Phillip Paiva**

- Muslim law has been in Malaysia for more than 100 years. It was a project that the British government had effectively put into place. In 1874, the first British Resident JW Birch acted on the Pangkor Treaty and drew up the law that the Sultan should take advice from the British on all matters except on matters concerning the Malay religion and custom.
- The Sultan as the head of the religion of Islam later realised the fact that he had no platform to exercise his prerogative powers, thus the British came in to assist in making laws for the administration of Muslim law by setting up religious publications, fatwa committee, majlis agama Islam.
- However, there seems to be occasions when the law seemed to be abused.
- The Syariah Court jurisdiction is only within the respective States, only on Islamic laws and applicable to Muslims only.
- There is misconception/misunderstanding that Syariah law is not in the Constitution. The rule on imprisonment upon insulting a Fatwa, has been there since 1952. The rule against religious teaching without written permission of the Rulers, has been there since 1904. The rule against wrongful publication which affected Zaid Ibrahim's son, Ezra, has been there since 1938. These laws are NOT UNCONSTITUTIONAL. However, there seems to be occasions when the law seemed to be abused.

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## Speaker No. 2: Ms Zainah Anwar

- In Malaysia Muslims themselves are allowing Muslim women to be discriminated against. Recent rounds of reform have led to further discrimination against women at the same time rounds of reform for non-Muslim have led to equality between non-Muslim men and non-Muslim women. Thus, Muslim laws are moving backwards, while non-Muslim laws have been moving forward. The two rounds of reforms in 1994 and 2000 were seen as regression, not progression.
- Current Muslim family law remains a legal framework that recognizes that men as being superior to women and having authority over women. Thus, it is considered as a discriminatory legal framework that is disconnected with realities.
- Men are regarded as the providers and protectors of the women, but the reality is that women are also providers and men are not necessary the providers of the family. Yet the Muslim laws have not recognised this. Women group's demand for law reform is generally seen as against Islam and Allah SWT and leads to silence the search for solution for all arising problems for decades.
- Time has passed and there was nothing much to move forward to on law reforms in Malaysia. Meantime, some other Muslim countries Morocco, Turkey, Egypt have taken efforts to reform its law.
- In Faraid rules, why discriminate against women? Is this the intent of Islamic law? To bypass Faraid, women execute Hibah, wills, trusts, etc. For example, a financially poor widow who has a daughter but no sons, will lose her matrimonial home as it has to be sold and sale proceeds divided and shared with her late husband's brothers too. Singapore has started reforms, it forbids the house to be sold. Instead, the wife is allowed to continue living in the matrimonial home.

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### Speaker No.3 : Dr Syed Farid al-Atas

- He spoke on the influence of Sectarianism in Is and maintained that we are re not able to persuade those who are in power to bring about the necessary changes on the sectarianism problem in Malaysia. Problems exist at three levels which as follows:
  - exclusivism on the part of religious authorities;
  - political elite that support exclusivism;
  - apathetic population that fails to put pressure on the elite to bring about the necessary changes.
- Exclusivism is equivalent to sectarianism which refers to a kind of bigotry or hatred towards groups that are different from us.
- Malaysia has distinguished itself among the Muslims countries by actively persecuting Shi'ites which is quite rare. There is legal condoning of persecution of Shi'ites.
- Exclusivism is not from the point of view of liberal or modern values but from Islamic tradition.
- The political elite is seen as providing administrative support of exclusivism which is manifested in the persecution of Shi'ites. Malaysia is actively condoning raids and arrests of Shi'ites. Since the Shi'tes are in the minority, the logic of those in power are to get rid of the minority troublemakers, instead of trying to bring peace and harmony with the minorities. This problem will never end, as next, they may want to get rid of the Sufis and Wahabis too.
- An apathetic population is not applying pressure for change. Exclusivism was never part of Traditional Islam.

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#### Speaker No.4: Dr Chandra Muzaffar

- Dr Chandra spoke on the deviations and neglect of Rukun Negara
- Rukun Negara (RN) paves the way for a spiritual society. It provides the moral basis.
- The Constitution is a balanced document, but it failed to socialize the nation and get Malaysians to appreciate the concept of balance in the Constitution. One of the reasons for the failure may be due to our failure to understand the history of the country.
- If we understand the history of the country, it will explain why Islam is the religion of the Federation, the position of the Rulers and special position of the Malays.
- The greater failure is that of the RN, which is a good document, a product of consultation with several people, including Taoists,
- Buddhists, Hindus, atheists. It contains five (5) principles to journey towards five (5) aspirations.
- RN was also neglected by our political leadership in the past who ignored it partly due to rivalry between Tan Sri Ghazali Shafie and Dr Mahathir. This is a great tragedy.
- Anwar Ibrahim also ignored the RN. He had a certain notion of Islam: He wanted a projection of the religion. For the first time, Malays became conscious of their identity and RN didn't fit in.
- The non-Malays did not see RN as a critical document. There is nothing concrete they can identify with the RN that is important to their ethnic interest. This is a great pity.
- In Feb 1991, Dr Mahathir unveiled Wawasan 2020 with 9 strategic challenges, 5 of which are associated with RN.
- Advocates of RN have a) no political power and b) there is no emotional potency of the masses to resist those who
- We neglected the RN, unlike in Indonesia, where they uphold the Pancasila firmly. We will not be able to formulate another document like the RN, considering how divisive we have become.

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- We have a remarkable document in the RN now, something that we have from the past that is still alive, that can bring people together. We need to continue to support the RN. Thanks to G25, one of the earliest groups that voice support for the RN, along with Dialog Rakyat and several other groups. Individual issues are very important: sectarianism, women's rights and justice, etc. But all these are related to this question: If the nature of our society changes and something else takes over and that is installed either formally or informally, then everything else will be lost. So, let's understand what is at stake. We want to restore dignity to the RN and empower it once again and strengthen the Constitution, which we know is linked to the RN.

#### B: NOTABLE QUOTES & KEY PHRASES BY SESSION SPEAKERS

- Muslim law has been in Malaysia for more than 100 years and that is a key thing that Malaysians have to understand, and it is not something that Kerajaan Barisan Nasional brought about. It has always been there. - By Mr Aston Phillip Paiva
- If you want to talk about something generally about Islam, you are completely permitted to do that. Otherwise, we cannot live in a plural society. We have to be able to talk about each other's religion in a very general sense to explain what it is about. -  
By Mr Aston Phillip Paiva
- Khalwat laws have been in the country since 1938. - By Mr Aston Phillip Paiva
- Why is it that Muslims themselves themselves allow fellow Muslim women to be discriminated against in the name of Islam? - By Ms Zainah Anwar
- It seems the Muslim laws in this country are moving backwards, but non-Muslim laws are moving forward" - By Ms Zainah Anwar

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- In Islam men are regarded as protectors and providers. The reality today is, Women are also providers, yet the law has not recognised this. This is against the principle of Justice in Islam. – By Ms Zainah Anwar
  - The problem that we are facing is not just the substantive provisions that in the laws that discriminate against women and that caused injustice, but the problem is also with the way laws and decisions are made in the name of Islam” – Ms. Zainah Anwar
  - In a country where Islam is used as a source of law and public policy, everyone has a right to speak out on how these laws and practices affect them, how they are understood, how they are codified, especially when they cause harm, pain and injustice” – Ms. Zainah Anwar
  - Exclusivism is not part of traditional Islam” - By Dr Syed Farid al-Atas
  - The very existence of different groups does not mean that we have sectarianism, but when we attach superiority or inferiority to the different groups, then there is accompanying bigotry - Dr. Syed Farid al-Atas
  - Sectarianism is less an administrative issue but a moral problem - By Dr Syed Farid al-Atas
  - We deserve the government we have, we deserve the form of Islam we have...due to our apathetic population not pressuring for changes - By Dr Syed Farid al-Atas
  - As far as sectarianism is concerned, the problem is not so much about the administration of Islam but rather the failure of the majority to exert sufficient pressure - By Dr Syed Farid al-Atas
  - The greatest failure in relation to the Constitution since Merdeka has been our inability to socialise the Malaysian nation into the Constitution - By Dr Chandra Muzaffar
  - If we understand the history of the country, it will explain why Islam is the religion of the Federation, the position of the Rulers and special position of the Malays. – By Dr Chandra Muzaffar

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- There has been utter failure to understand the history of the country, hence the spirit of the Constitution.” – By Dr Chandra Muzaffar
  - For a multi-religious society, we need the RN. – By Dr Chandra Muzaffar
  - The current problem is not that the RN is against atheists. The current problem is, the emergence AND strengthening of an extreme section of society. – By Dr Chandra Muzaffar

#### C: SUGGESTIONS FOR REFORM

- Start an open-minded conversation to discuss and to understand the Islamic inheritance jurisprudence by engaging all stakeholders and members of the public such as governmental authorities, Muslim NGOs, Muslim Women Groups etc. to recognise marriage as a union of equals.
- Set up a Parliamentary Committee to travel to all parts of the country to record submission from experts and various groups of stakeholders to comment on Sharia law in a democratic process in Malaysia
- Organise Gender sensitisation course for judges, JAKIM and others involved in the administration of Sharia law.
- Acknowledge the structural roots of inequality in Muslim family laws and recognise that a diversity of opinions and juristic concept exist within the Muslim legal tradition; to examine new ground-breaking scholarship that reconcile Islam with women’ rights in Islam; to consider the efforts of other countries where progressive law reform has taken place that recognises equality between men and women;
- Engage in a consultative process towards law reform with civil society groups and individuals working on gender equality and family law to ensure that the daily realities are urgently addressed.
- Get Council of rulers to play a greater role as the Constitution allows for them than what they have played before. E.g. roll back some of the enactments (that are against Sharia law) which had the blessing of the Rulers.

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- Involve members of civil society to play a greater role - i.e. so far there have been very little outrage on Sharia law persecution
  - Continue to work with the Rulers. On 10 Oct 2017, Sultan of Perak urged Malaysians to hold the Rukun Negara (RN) as a compass for Malaysia. In early Jan 2018, the Yang di Pertuan of Negeri Sembilan also gave positive comments about RN. PAS leaders have said before, that RN is in line with Islam.

END OF REPORT