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ICERD and Old Politics: New Twists in Post-Election Malaysia?

By Prashant Waikar

SYNOPSIS

The Malaysian government's move not to ratify the International Convention for the Elimination of Racial Discrimination (ICERD) despite an earlier decision to do so has dominated headlines. The events surrounding the ICERD imbroglio reveals three new political developments in post-election Malaysia.

COMMENTARY

AT THE September 2018 United Nations General Assembly (UNGA), Prime Minister Mahathir Mohamad announced that Malaysia would be ratifying the remaining human rights accords it had yet to sign on to. The most notable of these was the International Convention for the Elimination of All Forms of Racial Discrimination (ICERD).

Mahathir's announcement sparked uproar from opposition groups and parties at home. Their fear was that ICERD would undermine Malay rights and thus catalyse a process of pushing Malay-Muslims to the margins of society. In an about turn in November, Mahathir said that Malaysia would no longer be ratifying ICERD due to its racial sensitivities. The two-month long ICERD-related developments reveal three twists in "New Malaysia" ushered in by the 9 May general election which overthrew the 61-year rule of the UMNO-led Barisan Nasional (BN).

UMNO's Non-racialists: Counter-currents

The politics of race remains entrenched in Malaysia. Leaders from UMNO and the Islamist PAS pounced on Mahathir's announcement. Having insisted for months that Pakatan Harapan's (PH's) election victory will lead to the erosion of Malay-Muslim rights – especially with the Chinese-dominated Democratic Action Party (DAP) finally

in government – UMNO and PAS believed they had proof at last of a conspiracy at play.

More intriguing, though, is the admittedly small segment of UMNO members in particular who either want nothing to do with race-based politics, or have a different vision of what Malay rights should entail. These individuals were not interested in rallying against Mahathir's ICERD announcement. They believe that narratives on Malay rights should be reconfigured into discourses of social confidence, political moderation, and economic empowerment – not the politics of fear.

That said, they have not yet figured out how to articulate these ideas in ways that would not alienate the party's natural base of support. They also have to contend with leaders who are intent on consolidating electoral support through ethno-nationalism. The more successful efforts to galvanise people around ethno-nationalist issues prove to be, the more difficult for these non-racialist members to oppose the leadership.

Whether or not they can stop UMNO from veering further to the right will depend on the extent to which senior party members allied to their cause – some of whom are former ministers, as well as current and former parliamentarians – can adequately support them in the party's backroom politics. Failure will lead to further disillusionment and greater outflow from the party.

ICERD and Coalition Politics

Critics have argued that Mahathir's U-turn on the ICERD ratification is a sign of him tanking under pressure from opposition groups and parties. This, however, may be an oversimplification. The potency of ethno-nationalist politics in Malaysia renders it unsurprising that UMNO and PAS exploited the announcement to ratify the convention. Given Mahathir's experience, he would have seen this coming – so why did he make the declaration in the first instance?

Some quarters within PH believe that coalition politics could be a factor. The Parti Keadilan Rakyat (PKR) and the DAP have nearly 100 parliamentary seats between them. Mahathir's Parti Pribumi Bersatu Malaysia (PPBM) has 16, and Amanah has 11. Superficially, this would imply that PKR and DAP should have more bargaining power within the coalition than PPBM.

According to these pundits, Mahathir used the ICERD episode to signal to PKR and DAP that they ought not to overestimate their clout. Using an issue important to them – the notion of a 'Malaysian Malaysia', which ratifying ICERD would symbolise – to show how it could undermine their interests was a cautionary signal to both parties of the dangers of overreach. It was also a reminder that the two parties should accept that the PPBM has an important role to play in dealing with issues relating to ethno-nationalism.

More Challenges Ahead

The earlier decision to announce the ratification of ICERD enabled PH to project itself as distinct from past Barisan Nasional (BN) governments. To shun the BN 2.0 label,

PH needs to consistently show that it is pro-reform. Yet, the ‘U-turn’ on ICERD is double-edged.

On the one hand, it may not necessarily hurt PH’s credibility with progressive voters. Indeed, PH has already blamed ethno-nationalist groups for rescinding on its commitment to ratify ICERD. PH is thus likely to urge progressive members of its support base to exercise patience towards the fact that the reform agenda is proving challenging to implement. On the other hand, it has emboldened and encouraged the opposition, who will now know that they can mobilise the ground against the government.

That said, whatever the motivations that drove the decision to make the ICERD announcement, it is clear that the government has inadvertently handed a political victory to UMNO and PAS. Some will argue it is a godsend to UMNO in particular. UMNO is still getting used to the fact that it is no longer in government and is trying to regain its footing post-GE.

The PH government will now have to regroup and will need to learn the lessons from this episode. How this will impact on the reform process remains to be seen. What it means for coalition dynamics will also bear some watching. 2018 has been a dramatic year for Malaysia but the recent events herald more challenges in the new year.

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