

Social Cohesion, Racial Campaigning and the Collapse of Pakatan Harapan: Malaysia's National Harmony Bills and Harmony Commission



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Introduction

This report analyses debates and political dynamics surrounding a proposal by Malaysia's short-lived Pakatan Harapan government (2018-2020) to enact a set of three "Harmony" laws to regulate racially provocative and/or discriminatory speech and action in the "new Malaysia" it proposed to build. Drawing on groundwork laid by the previous Barisan Nasional government, proponents of these laws had hoped to replace Malaysia's notorious Sedition Act, in particular, with legislation that was more easily defensible in terms of its democratic aspirations. The laws in question consisted of a Racial and Religious Hate Crimes Bill, a National Harmony and Reconciliation Bill, and a National Harmony and Reconciliation Commission Bill. This proposal, however, had not progressed by the time the Pakatan government collapsed, and it has since been shelved by the present Perikatan Nasional-led government in favour of a return to the five Rukun Negara (National Principles) drawn up in 1970. Indeed, even during Pakatan's brief tenure, it decided to abandon two of the three bills in question, opting to focus only on the prospect of creating a National Harmony and Reconciliation Commission. Despite Pakatan's Minister for National Unity and Social Well-Being Waytha Moorthy

Ponnusamy participating in some discussions around potential models for a Commission with international partners and donors, even this more limited proposal made no progress.

This report argues that Pakatan's inability to manage racial and religious grievances in Malaysian society, and, especially, to manage racially provocative political campaigning, was the key reason that all three Bills were ultimately abandoned. To begin with, the damaging mobilisations against a separate, but connected, plan to ratify the International Convention for the Elimination of Racial Discrimination (ICERD) inflicted significant humiliation on Pakatan in general, and Waytha in particular. When I consulted with Pakatan MPs and civil society and other stakeholders in September 2019, it was apparent that the government was reeling from the ICERD fiasco and divided over how best to manage accusations that it was empowering minorities at the expense of Malay Muslims. Later in 2019, the result of the Tanjung Piai by-election reinforced the lesson that some Pakatan MPs took from the ICERD experience, namely that the power of racial and religious campaigning was too great for Pakatan to challenge. Pakatan collapsed in February 2020. In addition to considering arguments for and against a Harmony Commission, including hopes expressed for its potential usefulness and concerns about its potential institutional

Summary and recommendations

capture, this report is therefore also an assessment of how the Harmony push fell apart along with the government. I make several recommendations to present and future Malaysian governments, and donors supporting political reform efforts in Malaysia, should such a proposal come up for debate again.

There is no principled reason to oppose a Harmony Commission, especially if it is intelligently designed and resourced to take on forces in Malaysian society that perpetuate racial and religious provocation and discrimination. The power such a Commission could possess to investigate and, hopefully, resolve everyday grievances would allow it some potential to improve outcomes for Malaysians.

1. There are, however, good reasons to be concerned that the structure and culture of Malaysian public life, especially in political campaigning, creates risk that such a Commission might be captured by chauvinist forces and deployed against the Malaysian public instead. In the Malaysian context, racial and religious political campaigning is extremely effective and is informed

by the way the distribution of public and private benefits is organised.

2. One important method for safeguarding a Commission of this nature against this potential risk would be to embed it within knowledge, policy, and advocacy partnerships that allow it to also play a central role in creating new citizenship narratives for Malaysians. For the first time, the development of such narratives could therefore be teamed with genuine power to address complaints, for example, in the context of broader political, and economic reforms.
3. Such narratives should speak two languages—“secular” and “Islamic”—to address the increasing polarisation of Malaysian public debate between these competing constituencies, which is one key challenge in managing discussion around reform proposals of any nature.
4. A Commission should be based in models that might suit the Malaysian context, for which a process of research and deliberation should proceed if this proposal is debated again.

First, however, the role and power of racial and religious campaigning in causing the Commission to be shelved should be

understood. This report begins that process by setting this recent debate in its context, namely the process by which the Pakatan Harapan government collapsed in 2020.

Tanjung Piai and Racial Campaigning

On 16 November 2019, Malaysia's Electoral Commission organised a by-election in Tanjung Piai, a federal constituency in southern Johor state. Its representative to federal parliament, *Pakatan Harapan* (Pact of Hope, Pakatan) Deputy Minister for National Unity Farid Rafik, had died prematurely at only 42. The title of his portfolio, "National Unity," encapsulated much of the debate about the process that selected his successor, which coincided with a suspension of Malaysia's regular national unity discourse to clear the field for polarising, racial and religious, political campaigning. By this stage in Pakatan's short-lived government, the opposition coalition *Barisan Nasional* (National Front, Barisan) had already won three by-elections in a row, and its main party, UMNO, had recently signed a cooperation agreement with Islamist party PAS, previously one of its

competitors. For analysts in think tanks and the media, the Tanjung Piai by-election was shaping up as a test of this agreement and the enhanced potential it was thought to have created for racial and religious campaigning to shift disaffected voters, especially Malay Muslim ones, away from Pakatan.¹

True to analysts' concerns, in the days preceding the by-election, Malaysians witnessed a familiar dynamic playing out on their smartphone screens, consisting of a media cycle triggered by a scandal that amplified public anxiety concerning the nation's racial balance of power. Such "scandal cycles" are typically initiated with a media grab featuring a public figure making a provocative statement about one of Malaysia's "racial" groups—"Bumiputera" (mostly Malay Muslims), Chinese, Indians, or, occasionally, "Others," as set out by the nation's official classification system.² Framed as a comment on the threat this group might pose to Malaysia's social and political order, such statements push the boundaries of public acceptability, wherever these boundaries might be set at the time. As a result, they draw responses from figures from both sides of politics, civil society, and academia, who issue reactions, rebuttals, and counter-reactions—sometimes several

¹ For an example of this kind of framing, refer to Francis E. Hutchinson and Kevin Zhang, *The Tanjung Piai By-Election: A Riddle Wrapped in a Mystery?*, ISEAS Yusof Ishak Institute (Singapore, 2019).

² This system is used in the national census and national statistics. See, for example, the various

products produced from Malaysia's 2010 census results on "Census 2010," Malaysian Government, 2020, accessed 7 September, 2020, <https://www.mycensus.gov.my/index.php/census-product/publication/census-2010>.

rounds over days or even weeks, before the story dies down and public debate moves on to other issues. The result is that Malaysians' racial anxiety is compounded even as the cycle ends, paving the way for the next cycle to begin at a future time.³

The impact of these repeated cycles is to irreversibly shift public policy debates and outcomes in the direction signalled by each provocation, namely towards increasingly differentiated citizenship for majority Malay Muslims on the one hand and minorities on the other, as Moustafa has shown.⁴ As social trust is undermined, these differences deepen further, and, as Nasr has argued, the state gains opportunities to expand its ambit into more aspects of Malaysians' lives. It increases its capacity for majority/minority boundary policing by Islamising aspects of public life, for example, a function it

presents "as a public good to be provided by the state."⁵ These results empower further appeals to identity politics in "highly theatrical" public campaigns, whose impact is amplified by easy access to ubiquitous and affordable communications technology.⁶ Over time, past provocations no longer appear as outrageous aberrations. Instead, they appear to reflect the direction of mainstream voter sentiment, which, as any casual observer of Malaysia will recount with pathos, appears to be growing more polarised since they were at school. The mirror image of the scandal cycle, then, is the outpouring of public nostalgia for past times, when identity categories were purportedly not so clearly marked, and group boundaries appeared softer and more malleable.⁷

³ For more on how this dynamic works, refer to my analysis of a previous episode –around the use of the term "kafir harbi" to describe the Democratic Action Party, in Amrita Malhi, "Social Cohesion and Scandal Cycles in Malaysia," *New Mandala*, 20 July, 2016. *Kafir harbi* is a term deriving from Islamic scholarly debate and jurisprudence dating back to the time of the Prophet Muhammad, that refers to unbelievers living beyond the sphere of Islamic law, and who are in a state of war with Islam and Muslims. Its application to Malaysian Chinese in the context of contemporary, competitive electoral politics has been controversial.

⁴ Tamir Moustafa has recently demonstrated this dynamic at work in his study of the Malaysian courts, explaining that where cases touch on relations between majority Malay Muslims and minorities, they fuel the creation of competing public constituencies: "Islamic" and "liberal." These constituencies influence how the courts manage these relations, which is by reinforcing the discrete institutional channels into which the state organises each side. See Tamir Moustafa, *Constituting Religion: Islam, Liberal*

Rights and the Malaysian State (Cambridge University Press, 2018).

⁵ Seyyed Vali Reza Nasr, *Islamic Leviathan: Islam and the Making of State Power* (Oxford University Press, 2001).

⁶ For more on how populism is reshaping politics in Asia and around the world, refer to Paul Kenny, *Populism and Patronage: Why Populists Win Elections in India, Asia, and Beyond* (Oxford University Press, 2017); Benjamin Moffit, *The Global Rise of Populism: Performance, Political Style, and Representation* (Stanford University Press, 2016).

⁷ One such episode was the "Found in Malaysia" column published on the Malaysian website *The Nut Graph*, co-founded by journalist Jacqueline Ann Surin, which ran for six years from 2008 to 2014. The column reflected the mood of Kuala Lumpur's urban intelligentsia in the wake of the 2008 election and consisted of a series of empathetic interviews recounting the experiences of a range of Malaysian public figures as they grew up in Malaysia. See <https://thenutgraph.com/category/interviews/found-in-malaysia/>

In the Tanjung Piai by-election, the provocation in question appeared in a video circulating via Facebook and WhatsApp from Thursday 14 November. The video featured UMNO Youth Executive Council member, Wan Muhammad Azri Wan Deris, who also goes by an online *nom de guerre*, Papagomo, speaking in Malay. "I really hope the unity of the *ummah* [the Muslim community] will succeed," he said. We will be able to form a *Bumiputera* [effectively, a Malay Muslim] government." Papagomo continued, "If we get a two-thirds majority in Parliament, I want to withdraw voting rights. Indians and Chinese will not be allowed to vote in Malaysia."⁸ With this statement, Papagomo appeared to be raising the prospect of Malaysia creating two tiers of citizenship to permanently disempower minority voters, most of whom had voted for Pakatan in 2018.⁹ Further, with the video now circulating, the grievance Papagomo was giving voice to had to be openly acknowledged after circulating tacitly on Malaysian social media channels since before the election.¹⁰ A proportion of Malay

Muslim voters believed that the very presence of Malaysia's DAP, the Democratic Action Party, in the Pakatan government was undermining Malay Muslim political and economic rights, as its leaders and members are mostly ethnic Chinese. The next day, police reports were lodged, and Papagomo was held and questioned for spreading racial hatred. He immediately blamed the DAP for circulating the video—it was filmed the previous year, he argued—after editing it to cast him in a bad light. Papagomo also issued a follow-up statement that he was only referring to people aligned with the DAP, the largest party in the Pakatan Harapan coalition, and not to every minority citizen. Either way, according to DAP leader Lim Kit Siang's political secretary, Syahredzan Johan, Papagomo's comments might have violated Section 505 of Malaysia's Penal Code, which criminalises "statements conducing to public mischief."¹¹ Yet regardless of who released this particular video, Papagomo has made his career from such provocations, after which he is frequently questioned by police, then

⁸ Zaim Ibrahim, "Papagomo Accused of Fuelling Racist Sentiments," *The Malaysian Insight*, 16 November 2019,

<https://www.themalaysianinsight.com/s/197646>.

⁹ FMT Reporters, "Report: 95% Chinese But Less Than 30% Malays Voted For PH," *Free Malaysia Today*, 14 June 2018, <https://www.freemalaysiatoday.com/category/nation/2018/06/14/report-95-chinese-but-less-than-30-malays-voted-for-ph/>.

¹⁰ So powerful was this argument despite its largely quiet circulation that Pakatan mounted an extraordinary campaign externalising the "Chinese threat" away from the DAP and onto the People's

Republic of China instead, which it linked to Barisan Nasional via the 1MDB scandal and Chinese investment via the Belt and Road Initiative. For more details, refer to Amrita Malhi, "Race, Debt and Sovereignty - The 'China Factor' in Malaysia's GE14," *The Round Table: The Commonwealth Journal of International Affairs* 107, no. 6 (2018).

¹¹ Jerry Choong, "Syahredzan Slams Old Video of Papagomo as Hate Speech and Public Mischief," *Malay Mail* 2019, <https://www.malaymail.com/news/malaysia/2019/11/14/syahredzan-slams-old-video-of-papagomo-as-hate-speech-and-public-mischief/1809947>.

released soon afterwards. This episode was no different in this respect.

Pakatan was thrashed in the by-election, not only losing the seat, which it won in 2018 as part of its historic federal victory, but also delivering the “worst performance for any ruling coalition in a parliamentary by-election” in Malaysia’s history.¹² The result demonstrated strong protest votes against the government from both of Malaysia’s key aggregate political constituencies—Malay Muslims on one side, and minorities, especially ethnic Chinese, who reacted even more strongly, on the other.¹³ It effectively reversed the gains Pakatan made with both groups in 2018, which according to analysts, meant both groups seized the opportunity presented by the by-election to teach the government a lesson. Naturally, it was not only the racial atmospherics that determined the outcome: Pakatan had descended into bickering over who would succeed then Prime Minister Mahathir Mohamad, and by all accounts was

failing to fulfill many of its election promises.¹⁴ Some commentators, however, also saw Pakatan being punished for backtracking on its commitment to multiracial politics, opting instead to compete with UMNO and PAS by appealing to Malay Muslims for support on racial grounds. One analyst, P. Ramasamy, argued that Pakatan was spooked by the UMNO-PAS alliance, responding by positioning its own members, too, as “champions of race and religion,” and disappointing those voters who had hoped it would take stronger action to end racial campaigning.¹⁵ As if to prove Ramasamy’s point, after the scale of Pakatan’s loss was revealed, several influential figures began to argue publicly for more race and religion in its campaign strategies, following internal calls for it to cast off the DAP to continue in power.¹⁶

The Pakatan government began to collapse on 23 February 2020 after the so-called “Sheraton Move,” a meeting of a group of its MPs at the Sheraton Hotel in

¹² “Tanjung Piai is Dr M’s Worst By-Election Loss,” *Malaysiakini* 2019, <https://www-malaysiakini-com.virtual.anu.edu.au/news/500148>.

¹³ Nigel Aw, “Chinese Voters Abandon Harapan at More than Double the Rate of Malay Areas,” *Malaysiakini* 2019, <https://www.malaysiakini.com/news/500113>.

¹⁴ James Chin, “Ultimate Game of Thrones in Malaysia,” *The Interpreter, Lowy Institute*, 22 November, 2019, <https://www.lowyinstitute.org/the-interpreter/ultimate-game-thrones-malaysia>.

¹⁵ P. Ramasamy, “Tanjung Piai Debacle, Lessons to Be Learnt and Pitfalls to Be Avoided,” *Malaysiakini* 2019, <https://www.malaysiakini.com/news/500144>. The new alliance is known as the Muafakat Nasional (or “National Consensus”). The government’s

response to this development has included Mahathir’s attendance at a “Malay Dignity Congress” organised by four public universities, and attended by UMNO and PAS, on Sunday 6 October. The event also featured calls for minorities’ citizenship to be suspended, this time if they broke Malaysia’s purported “social contract,” namely by challenging any of the premises of “Malay special rights.” Although this call was issued by university academic Professor Zainal Kling, the idea that such a “contract” has ever existed in Malaysia is not supported by historians.

¹⁶ Alfian Z.M. Tahir, “Muhyiddin Asked Me to Ditch DAP, Says Mat Sabu,” *The Malaysian Insight* 2020, <https://www.themalaysianinsight.com/s/226662>.

Petaling Jaya, at which they announced they would leave Pakatan to form a new coalition government with UMNO and PAS. When I suggested in September 2019 to one of its senior members that Pakatan was failing to manage the impact of successive scandal cycles on its coherence, he responded with unusual frankness. “The problem with you,” he said to me, “is you state the problem very well. You assume everybody [in the then Pakatan government] knows [what it is].” His meaning, by implication, was that they did not.¹⁷

Malaysia's Approach to Social Cohesion

The Tanjung Piai by-election scandal cycle crossed a new line by suggesting that a future Malaysian government could strip minorities of their citizenship for voting for the DAP. Because this form of campaigning is known to normalise its provocations over time, Papagomo's call must be taken seriously even if the nation seems to have moved on to other issues for now.¹⁸ After all, future debates might recall and deploy the suggestion in the context of Malaysia's hyper-competitive politics, now lacking a

single, dominant, “Malay Muslim” party, and subject to internecine power struggles and campaigns that prioritise ethnic and religious outbidding. The new government, whose nucleus is the *Perikatan Nasional* (National Alliance) power bloc, features Prime Minister Muhyiddin Yassin and a few other elements supported by UMNO and PAS together in their own, smaller group, called *Muafakat Nasional* (National Consensus). This government is widely believed to hold a majority of only two seats in the 222-seat *Dewan Rakyat* (House of Representatives) and is dominated by several Malay Muslim parties competing for the same voters, generating potential conflict over resources such as money and seat allocations.¹⁹ Having brought PAS into a federal government for the first time since 1977, it also faces contestation over bigger questions like the place of race and religion in the nation's politics. Indeed, it is possible that the ground is already being prepared for some of the culture wars to come, including after an apparent joke by the Prime Minister at a recent conference in Kuala Lumpur. There, he suggested that the COVID-19 pandemic and the resulting economic shutdown might be a good time to reconsider

¹⁷ Discussion with senior Pakatan Harapan leader on 18 September 2019.

¹⁸ The range of political options that is considered “normal” is called the “Overton window” by the Mackinac Centre for Public Policy in the United States, after its late senior vice president, Joseph Overton. Effective campaigns can shift this “window”

over time. For more details, refer to “The Overton Window,” Mackinac Centre for Public Policy, 2020, accessed 4 September, 2020, <https://www.mackinac.org/OvertonWindow>.

¹⁹ Jerry Choong, “Perikatan Govt Majority Falls to Two after Sarawak MP Masir Kujat Insists Still Part of Opposition Bloc,” *Malay Mail* 2020.

whether bars and pubs, frequented by non-Muslims, should re-open at all.²⁰

Whether or not such suggestions become fodder for future policy debates, however, will likely depend on how well—or how badly—the Malaysian government manages the serious economic crisis it now finds itself in. Malaysia's economy has reportedly contracted by around 17 per cent in the second quarter of 2020, triggered by the COVID-19 pandemic. This new crisis is further diminishing household incomes already running short after several previous years of low growth, in which cash transfer measures such as the former Barisan government's BR1M scheme had to be applied to support household consumption. In addition to the outrage caused by the 1MDB scandal, it was this economic environment that made the 2018 pre-election environment so febrile in the first place. Now, on to top of the voting public's pre-existing problems, this new contraction is the economy's worst performance since the Asian Financial Crisis of 1998, an event whose political consequences the nation is still living with today.²¹

²⁰ Syed Jaymal Zahiid, "At Convention, PM Muhyiddin Says Only Bars and Pubs Still to Reopen Under RMCO," *Malay Mail* (Kuala Lumpur), 1 September 2020, <https://www.malaymail.com/news/malaysia/2020/09/01/at-muslim-intellectual-event-pm-muhyiddin-says-maybe-a-good-thing-if-pubs-n/1899182>.

²¹ D. Kanyakumari, "Malaysia Economy Contracts 17.1% in 2nd Quarter, Worst Slump Since 1998 Financial Crisis," *Channel News Asia* (Singapore) 2020,

Before it collapsed, the Pakatan government had been working to address the resulting cost-of-living pressures through stimulatory budget measures, albeit in the shadow of the 1MDB scandal and its fiscal implications.²² In this vein, in one of his last moves as interim Prime Minister, on 27 February, Mahathir launched an economic stimulus package worth MYR 20 billion to mitigate the impact of the pandemic on household incomes. Since then, the scale and scope of the crisis has increased dramatically, prompting the government to increase its spending accordingly to support households and businesses. Since succeeding Mahathir, Prime Minister Muhyiddin has announced a further MYR 295 billion, or nearly 15 times the original amount and 17 per cent of GDP, in social protection and stimulus spending. Muhyiddin's social protection package, known as *PRIHATIN* ("compassionate" or "caring"), includes cash transfer payments, wage subsidies, medical screening, food assistance, income replacement funds, public housing rent exemptions, and provident fund drawdowns.²³ His stimulus package, known

<https://www.channelnewsasia.com/news/asia/covid-19-malaysia-gdp-economy-contraction-17-1-per-cent-slump-13020582>.

²² See Amrita Malhi, "Malaysia's Election - Electric and Exhausting," *The Interpreter* 2018, <https://www.lowyinstitute>. See also IDEAS, "Public Forum: Budget 2020 - Making Shared Prosperity a Reality," (Kuala Lumpur: Institute for Democracy and Economic Affairs, 19 September 2019).

²³ "Prihatin Rakyat Economic Stimulus Package (PRIHATIN) Speech Text.," 2020, accessed 9

as *PENJANA* (“generator”), covers protective measures for gig economy workers, hiring incentives, childcare assistance, investment in internet coverage, and a range of industry-specific stimulus measures including to support new enterprise creation. Malaysia’s COVID-19 stimulus response package is one of the largest and most comprehensive in the world, and Muhyiddin has announced he will spend more if necessary.²⁴

In these intractable economic and political conditions, it is not surprising that Malaysia’s approach to maintaining social cohesion has also come up for discussion over the past few years. The work of managing Malaysia’s balance of racial and religious forces has, for many years, been seen as intrinsically linked with the nation’s economic success by almost all political actors aside from Islamist party PAS, which prefers to shift the discussion to “Malay Muslim unity.” For members of the previous Pakatan government, the state of the economy was seen clearly as fuel for a racialised backlash they sensed had the potential to pull the government apart. “It’s easier said than done but we really need to

give people a sense that the economy is turning around,” one Pakatan MP said to me when I asked in September 2019 how its government intended to tackle the problems it was facing. “Because at the end of the day, racism, discrimination, populism, whatever, it emerges when the economy is bad, or when people *feel* that the economy is bad,” the MP said. “And I think that’s where the lesson is,” the MP continued, “the economy is important.” Further, “when people lose jobs, it has nothing to do with race, it just happens that a lot of workers are Malays. So, it can be racialised.” The MP concluded, “And when they lose jobs then they will blame the other race.”²⁵ Yet if the economy is so important, and social cohesion so reliant on good economic conditions, then how should these interrelated issues be addressed in a worsening economic climate?

This line of questioning tends to lead back to the past, suggesting a shortage of answers for the present. Most often, it leads back to the New Economic Policy (NEP), announced in 1970 by then Prime Minister Abdul Razak Hussein as part of a suite of policies launched after the race riots, or anti-Chinese pogroms, of 1969. Harking back to

September, 2020, <https://www.pmo.gov.my/2020/03/speech-text-prihatin-esp/?highlight=prihatin>.

²⁴ "Govt Efforts to Contain Virus, Help People Will Continue, Vows Muhyiddin," *New Straits Times* (Kuala Lumpur), 18 August 2020, <https://www.pressreader.com/malaysia/new-straits-times/20200817/281522228453003>; "PENJANA Initiatives," Government of Malaysia, 2020, accessed 9 September, 2020,

<https://www.pmo.gov.my/penjana-initiatives/?highlight=penjana>; "Government Prepared to Implement Additional Economic Stimulus Package if Necessary - PM," Government of Malaysia, 2020, accessed 9 September, 2020, <https://www.pmo.gov.my/2020/09/government-prepared-to-implement-additional-economic-stimulus-package-if-necessary-pm/>.

²⁵ Discussion 2 on 25 September 2019.

the NEP, the MP added, “it had its own success which I think people generally accept: the eradication of poverty, economic development, the creation of a middle class, including a Malay middle class.”²⁶ Running from 1971 to 1991, the NEP established an approach to maintaining social cohesion that was premised on economic growth.²⁷ As Malaysian sociologist Sharon Siddique has pointed out, this approach was typical across Southeast Asian societies “during the boom period from the late 1960s to the late 1990s.”²⁸ It instituted a combination of market-driven, export-oriented economic growth and state-directed social reconstruction based in consociational racial and religious balancing, or “mediated communalism,” as Malaysian political scientist Johan Saravanamuttu has called it.²⁹ Further, as the MP in question pointed out, it “had its own success,” in the sense that it achieved most of its stated objectives. As Malaysian economist Jomo K.S. wrote in a powerful assessment of the NEP in 1989, “The NEP's national unity

objective [was] to be achieved through its two ‘prongs’: eradicating poverty regardless of race, and restructuring society to eliminate the identification of race with economic function.” According to Jomo, the targets the NEP set out under these goals were largely achieved, with only “wealth restructuring, particularly the 30 per cent target for Bumiputra share ownership by 1990,” left unrealised.³⁰ For example, during the first Mahathir period (1981-2003), the NEP was succeeded by the National Development Policy (NDP, 1991-2001), which reiterated its aims and set it alongside Vision 2020, an aspirational plan for a developed, and, importantly, “ethnically integrated” society by 2020.³¹ Polling firm Ipsos has recently found that only 40 per cent of Malaysians believe that Vision 2020 has been achieved. Whatever its value, Australian political scientist John Hilley has argued that its true function was reinforcing acceptance of

²⁶ Discussion 2 on 25 September 2019.

²⁷ For more on this period, start with the two best books written during this period, namely John Hilley, *Malaysia: Mahathirism, Hegemony, and the New Opposition* (Zed Books, 2001), especially Chp. 1; Khoo Boo Teik, *Paradoxes of Mahathirism: An Intellectual Biography of Mahathir Mohamad* (Oxford University Press, 1995).

²⁸ Sharon Siddique, “Social Cohesion and Social Conflict in Southeast Asia,” in *Social Cohesion and Conflict Prevention in Asia: Managing Diversity through Development*, ed. Nat J. Coletta, Teck Ghee Lim, and Anita Kelles-Viitanen (Washington: The World Bank, 2001), p. 22.

²⁹ Refer to William Case, *Elites and Regimes in Malaysia: Revisiting a Consociational Democracy* (Melbourne: Monash Asia Institute, 1996); Johan

Saravanamuttu, *Power Sharing in a Divided Nation: Mediated Communalism and New Politics in Six Decades of Malaysia's Elections* (Singapore: ISEAS Publishing, 2016).

³⁰ Jomo Kwame Sundaram, “Malaysia's New Economic Policy and National Unity,” *Third World Quarterly* 11, no. 4 (1989). This wealth restructuring goal is still unrealised. See Muhammed Abdul Khalid, *The Colour of Inequality: Ethnicity, Class, Income and Wealth in Malaysia* (MPH Group Publishing, 2014).

³¹ For fuller treatments of this period, refer to Hilley, *Malaysia: Mahathirism, Hegemony, and the New Opposition*; Khoo Boo Teik, *Paradoxes of Mahathirism: An Intellectual Biography of Mahathir Mohamad*.

Mahathir's approach across Malaysian society.³²

Indeed, in addition to driving progress, realised or unrealised, towards their formal goals, the NEP, NDP, and Vision 2020 did also perform the function that Hilley identified. They enabled widespread acceptance of the trade-offs embedded in Malaysia's political system, allowing most Malaysians to share in the benefits of growth, even while deliberately overseeing a process in which those benefits were unevenly distributed along racial lines to restructure society. In doing so, they supported Malaysia's clientilistic state to both reinforce and manage "race politics" in a way that justified its methods, along with the longevity of its rule.³³ In Siddique's words, "[s]ocial cohesion and economic growth, and the intrinsic link between the two, were taken for granted. In the ever-expanding-pie scenario, everyone's slice would grow, even if some received slices that were slightly more generous than others."³⁴ "The question is like this," one MP told me in September 2019, "if everyone lives a better life, then they have a stake in

the whole thing."³⁵ Indeed, through the first Mahathir period, "having a stake" enabled Malaysians to tolerate another aspect of public life: government and opposition parties perfecting techniques of racial and religious outbidding while vying for power via appeals to Malaysia's majority Malay Muslim voter bloc. The manufacture of racial and religious provocations was one of many tactics employed by Mahathir's government, Barisan, as well as key Islamist and opposition groups including the *Angkatan Belia Islam Malaysia* (ABIM, Muslim Youth Movement of Malaysia) and Islamist party PAS.

Together, these competing forces achieved the reorientation of Malay nationalism towards a more explicitly "Islamic" comportment and discourse, as Barisan moved to co-opt the Islamist movement and its leaders, including Anwar Ibrahim, now Pakatan leader, who joined UMNO in 1982. In line with Mahathir's developmentalism, even as he adopted the Islamist grammar of his critics, his government infused Malaysia's "official" brand of Islam with narratives distinctly

³² Hilley, *Malaysia: Mahathirism, Hegemony, and the New Opposition*, pp. 6-7; "Is Malaysia On Track to Achieve Vision 2020?," Ipsos, updated 19 January, 2020, accessed 16 September, 2020, <https://www.ipsos.com/en-my/malaysia-track-achieve-vision-2020>.

³³ Edmund Terence Gomez and K.S. Jomo, *Malaysia's Political Economy: Politics, Patronage, and Profits* (Cambridge: Cambridge University Press, 1997); Edmund Terence Gomez and Ralph Premdas, "Introduction: Affirmative Action, Horizontal Inequalities, and Equitable Development," in

Affirmative Action, Ethnicity, and Conflict, ed. Edmund Terence Gomez and Ralph Premdas (London: Routledge, 2013); Garry Rodan, *Participation Without Democracy: Containing Conflict in Southeast Asia* (Ithaca: Cornell University Press, 2018); Meredith Weiss, *The Roots of Resilience: Party Machines and Grassroots Politics in Southeast Asia* (Ithaca: Cornell University Press, 2020).

³⁴ Siddique, "Social Cohesion and Social Conflict in Southeast Asia," p. 22.

³⁵ Discussion 3, 25 September 2019.

friendly to capitalism, while suppressing counter-narratives expressed by precisely those critics, especially PAS.³⁶ Over time, the resulting confrontations changed the nature and structure of the Malaysian state, society, and economy in line with the NEP and the direction signalled by Islamist contestation. While Malaysia developed, its growing wealth cushioned the social impact of Islamisation on its minorities along with a large proportion of Malay Muslims, even while activists and campaigners benefited from divisive techniques. For those unable to accept these conditions, the economic benefits they had access to supported educational attainment and skilled emigration, which has served as an important safety valve releasing political discontent. As a result, Malaysia was able to contain racial and religious outbidding within a bounded realm of politics and political contestation, without conflict spilling out into wider society.³⁷ The Asian Financial Crisis, and Anwar's spectacular ejection from UMNO, made this balancing act much more difficult by splitting Malaysia's ruling elite in a manner that continues to play out today.³⁸ This increased difficulty explains, at least in

³⁶ Nasr, *Islamic Leviathan: Islam and the Making of State Power*; Khoo Boo Teik, *Paradoxes of Mahathirism: An Intellectual Biography of Mahathir Mohamad*; Amrita Malhi, "The PAS-BN Conflict in the 1990s: The Politics of Islamic Modernism," in *Malaysia: Islam, Society and Politics*, ed. Virginia Hooker and Norani Othman (Singapore: ISEAS, 2003).

³⁷ For more on how this dynamic works, refer to Chantal Mouffe, *On the Political* (Routledge, 2005).

part, why nostalgia for this earlier period pervaded Pakatan's successful 2018 election campaign. As Pakatan found, however, it could not replicate this period or its growth/cohesion model. "The PM [Mahathir] has an economic vision which is more suited for the 1980s," one MP told me in September 2019.³⁹

By then, Pakatan MPs appeared distinctly uneasy that even after forming government, they could not seem to find a way to change the way Malaysian politics is conducted. As a result, despite exercising caution in making predictions, they seemed to perceive that their government was being pulled apart by the pressures being exerted on it by racial and religious campaigning, along with their inability to resolve the Malaysian public's economic grievances. For example, they were struggling to shift the racial clientelism that structures many Malaysians' relationships with UMNO. They had been trying for months to reframe public discussion about the economy so that the NEP language of Malay Muslim "special rights" and "special benefits" was replaced by a new grammar of class and household income. In line with this decision, they had

³⁸ See Edmund Terence Gomez and Mohamed Nawab Mohamed Osman, "Introduction: Malaysia's 14th General Election and UMNO's Fall: Intra-Elite Feuding and the Pursuit of Power," in *Malaysia's 14th General Election and UMNO's Fall: Intra-Elite Feuding and the Pursuit of Power*, ed. Edmund Terence Gomez and Mohamed Nawab Mohamed Osman (London: Routledge, 2020).

³⁹ Discussion 3, 25 September 2019.

emphasised the term “B40,” or the “bottom 40 per cent” of households, to present the group in Malaysia that most needed assistance in socio-economic and not racial or religious terms, stressing instead that they served all Malaysians equally. Yet, this new language had not been well received. As one MP told me, “whenever Malays hear the word ‘equality’ ... they are very scared, and they assume they will lose out.”⁴⁰ Indeed, Malay Muslim voters had responded negatively even when the B40 orientation was adopted by former Prime Minister Najib Razak’s Barisan government. As Malaysian consultant and thinktank director Adib Zalkapli and Wan Saiful Wan Jan have explained, the Malay Muslim focus group participants they spoke to before the 2018 election were already aggrieved by this socio-economic, and not racial, emphasis. “To them,” Adib and Saiful wrote, “this was an unfair situation, because they believed that as ethnic Malays, they were supposed to enjoy special privileges regardless of their socio-economic status.”⁴¹ In September 2019, another MP I spoke to told me that the problem of race politics was so severe that “this government is either a half-term government,” meaning it might collapse at any time, or, if it survived, then, perhaps, it might have resolved its contradictions and be

able to win again.⁴² For my part, I realised that I was observing a government on the brink of falling apart.

The Failure of ICERD and Legislating “Harmony”

The Pakatan government did fall apart, and after days of complex machinations by a number of different political power blocs, a new government, led by Mahathir’s former deputy Muhyiddin, was sworn in by Malaysia’s King in late February 2020. Saiful, who left his thinktank position and was elected as a Pakatan MP in 2018, was one of the MPs who left with Muhyiddin to form a new government in 2020. A few months later, Saiful pointed out that Pakatan had always been aware of the pitfalls of attempting to challenge Malaysia’s racial and religious political paradigm, causing it to continue to accommodate identity considerations in its campaign decisions, including seat allocations. In Saiful’s view, Pakatan’s lack of willingness to work to improve its image among Malay Muslim voters was a critical problem in its internal dynamics, with the result that by the time of

⁴⁰ Discussion 2 on 25 September 2019.

⁴¹ Adib Zalkapli and Wan Saiful Wan Jan, “From Council Flats to Government Quarters: GE-14 in Urban Malay Constituencies,” in *The Defeat of Barisan Nasional: Missed Signs or Late Surge?*, ed.

Francis E. Hutchinson and Hwok Aun Lee (Singapore: ISEAS - Yusof Ishak Institute, 2019), p. 196.

⁴² Discussion 2, 25 September 2019 and Discussion 3, 25 September 2019.

the Tanjung Piai by-election, UMNO and PAS were “already able to command the Malay voters.”⁴³ Yet the nation-rending tensions underlying these internal Pakatan problems, related to how best to manage worsening economic conditions and the nation’s various identity constituencies, all remain. The boom conditions that fuelled Malaysia’s progress against the NEP’s goals, to the point where Malay Muslim voters’ expectations remain shaped by the NEP and its emphasis on racial identity categories, are plainly gone, and there is no telling if or when they might come back. Nor is it clear if Muhyiddin’s stimulus response packages will help maintain the trust of a public that was already impatient with the nation’s elites in comparatively better times in 2018.

One ready approach for dealing with this impatience—especially where it drives the expression of racial and religious grievances—is to conclude that the Malaysian public was not ready for Pakatan, which, however briefly and informally, introduced a period of freer online and media expression. Without any legal or institutional underpinning, however, this moment of purported freedom might well have ended even under Pakatan rule, including potentially as a means of holding its component parties and power blocs together

and avoiding collapse. By September 2019, even Pakatan Ministers appeared to be drawing the conclusion that Malaysians could not manage too much new-found freedom. In November 2019, for example, Minister for Religious Affairs Mujahid Rawa told his BBC interviewer Zeinab Badawi that “when we took over the government, we promised to give [Malaysians] freedom of speech.” “But at the same time...,” he continued, “you have to be responsible for the freedom that we are giving you.” Mujahid concluded, “there are people who have no control over what they want to say, and what they want to post in their posting, [and] then that [has an] effect on race [relations].”⁴⁴ Indeed, during my consultations two months earlier, I had heard this suggestion from several of the stakeholders I had conversations with, all of whom framed it as a regrettable insight into Malaysia’s reality despite their initial high hopes for successful reform. As one of them put it, “personally, I think we also need to start clamping down on people who start spreading hate speech. And this is coming down from a human rights lawyer. But the things that I have seen in WhatsApp

⁴³ Wan Saiful Wan Jan, *Why did Bersatu Leave Pakatan Harapan?*, ed. Kee Beng Ooi, Trends in Southeast Asia, (Singapore: ISEAS-Yusof Ishak Institute, 2020), pp. 11-12, 196.

⁴⁴ Mujahid Yusof Rawa, "Are Racial and Religious Divides Threatening Malaysia's Stability and Future Prospects?," interview by Zeinab Badawi, *HARDtalk*, 2019, <https://www.bbc.co.uk/programmes/w3csy9f6>.

messages and online is actually quite scary.”⁴⁵

This interpretation, however, risks the conclusion that the solution to Malaysia’s difficulties is to tighten the constraints around public expression, including by using laws that enable such tightening, while working in the background to stimulate economic growth at 1990s rates. With the growth factor in this formula practically impossible due to COVID-19, the suppression factor, too, may not suffice to prevent Malaysians from expressing their various grievances, exacerbating the risk that government action escalates into an outright

clampdown.⁴⁶ Importantly, this possibility would alienate that section of Malaysian society that has democratic aspirations, a constituency that must also be considered by any Malaysian government in policy proposals in areas associated with “managing diversity” or “social cohesion.”⁴⁷ Many of the Pakatan MPs and other stakeholders I met with in 2019 recognised the nature of the trap involved. Having had laws like the Internal Security Act (now known as SOSMA), and the Sedition Act, used against them, they could not justify their use against their opponents while in government. “We have taken a consistent position against the Sedition Act,” a Pakatan leader told me. “It’s

⁴⁵ Discussion 4, 27 September 2019.

⁴⁶ See, for example, the spiral of restriction, criticism, and further restriction that almost began after the Malaysian Government announced that Middle Eastern broadcast network Al Jazeera did not possess a valid license to film a program about Malaysia’s treatment of migrant workers in its response to COVID-19. After the program aired in July 2019, Malaysian police investigated Al Jazeera under the penal code. In the controversy that resulted, Communications and Multimedia Minister Datuk Saifuddin Abdullah argued that all producers, even members of the public creating personal videos, are required to hold licenses issued by the authorities permitting them to do so. Later, however, Saifuddin clarified that this statement was not true and this aspect of the controversy was de-escalated. Instead of broadening the clampdown, the government deported a migrant worker who was interviewed on the program and refused to renew the work visas of two Australian journalists who worked for the network in Malaysia. Refer to AFP, “Al Jazeera Says Malaysia Rejects Visas for Aussie Staffers,” *New Straits Times*, 7 August 2020, <https://www.nst.com.my/news/nation/2020/08/614716/al-jazeera-says-malaysia-rejects-visas-aussie-staffers>; “Malaysia: Government Claims All Film Needs Licence as Al Jazeera Attacks Increase,” updated 23 July, 2020, accessed 21 September, 2020, <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/malaysia-government-claims-all-film->

[needs-licence-as-al-jazeera-attacks-increase.html](https://www.ifj.org/media-centre/news/detail/category/press-releases/article/malaysia-government-claims-all-film-needs-licence-as-al-jazeera-attacks-increase.html); Reuters, “Malaysia Deports Bangladeshi Man over Al Jazeera Documentary on Migrant Workers,” *South China Morning Post*, 22 August 2020, <https://www.scmp.com/news/asia/southeast-asia/article/3098433/malaysia-deports-bangladeshi-man-over-al-jazeera>; Rizalman Hammim, “Saifuddin Admit Social Media Filming Licence Gaffe, Apologises for Error,” *New Straits Times*, 9 August 2020, <https://www.nst.com.my/news/nation/2020/08/615295/saifuddin-admits-social-media-filming-licence-gaffe-apologises-error>; Wern Jun Soo, “All Film Producers Must Apply for Finas Licence Even for Social Media, Multimedia Minister Insists,” *Malay Mail*, 23 July 2020, <https://www.malaymail.com/news/malaysia/2020/07/23/all-film-producers-must-apply-for-finas-licence-even-for-social-media-multi/1887234>.

⁴⁷ For a range of approaches to this question, refer to Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* (New Jersey: Princeton University Press, 2002); Nicholas Brown and Linda Cardinal, *Managing Diversity: Practices of Citizenship* (Ottawa: University of Ottawa Press, 2007); Susan J. Henders, *Democratisation and Identity: Regimes and Ethnicity in East and Southeast Asia* (Lexington Books, 2004); Benjamin Reilly, *Democracy and Diversity: Political Engineering in the Asia-Pacific* (Oxford: Oxford University Press, 2006).

oppressive.”⁴⁸ “This Act was enacted by our colonial masters during the Emergency period,” continued a Muslim civil society activist.⁴⁹ In contrast with this approach, “we can have ... a new act that is perceived as more democratic,” or so another Muslim civil society activist told me.⁵⁰

What type of new legislation might be appropriate had been the subject of some debate since the final term of the previous, Najib-led Barisan government, which had had a suite of three “National Harmony” laws drafted for consideration in 2014, apparently after discussing them since 2002. Consisting of a Racial and Religious Hate Crimes Bill, a National Harmony and Reconciliation Bill, and a National Harmony and Reconciliation Commission Bill, the whole suite was eventually shelved instead of being introduced into Parliament, after which Barisan was defeated in 2018.⁵¹ Even so, the process through which the bills were drafted appears to have been valuable, including an extensive process of stakeholder consultation carried out by the National Unity Consultative Committee (NUCC, or *Majlis Konsultatif Perpaduan Negara*,

MKPN).⁵² Established in late 2013 with the aim of “reducing racial polarisation and working to build a united Malaysian people,” the NUCC had conducted wide-ranging stakeholder discussions on the sources of the racial and religious challenges that Malaysians experience. Its membership and stakeholder discussions had brought together academics, politicians, corporate figures, lawyers, youth, and representatives from Sabah and Sarawak – all from a range of different ethnic groups – to discuss “education, ethnicity, socio-economic [issues], culture, and politics.”⁵³ These consultations were supported by the Institute of Ethnic Studies (*Institut Kajian Etnik*, KITA) at the National University of Malaysia (*Universiti Kebangsaan Malaysia*, UKM), which also supported it to develop a comprehensive action plan. Among other recommendations, the plan had called for the creation of a mechanism for mediating and resolving racial and religious grievances and conflicts, active in every state, and with the staff and resources necessary to act effectively.⁵⁴ One important champion of these initiatives was Saifuddin Abdullah,

⁴⁸ Discussion 1, 18 September 2019.

⁴⁹ Discussion 5, 22 September 2019.

⁵⁰ Discussion 6, 18 September 2019.

⁵¹ Drafts of all three bills were shared with me by a contact in Kuala Lumpur, and all three were current on 28 May 2014. I have not been able to access any later drafts, and indeed later drafts might not exist.

⁵² On 1 July 2013, then PAS MP Hanipa Maidin referred to a speech that Najib made in 2002, where he said that the then Barisan government would replace the Sedition Act with a National Harmony

Act. See Kerajaan Malaysia, “Penyata Rasmi Parlimen Dewan Rakyat,” Parlimen Ketiga Belas, Penggal Pertama, Mesyuarat Pertama, 1 July 2013.

⁵³ Majlis Konsultatif Perpaduan Malaysia, *Pelan Perpaduan, Kesepaduan, dan Penyatupaduan Malaysia* Institut Kajian Etnik, Universiti Kebangsaan Malaysia (2015), Ringkasan Eksekutif.

⁵⁴ Majlis Konsultatif Perpaduan Malaysia, *Pelan Perpaduan, Kesepaduan, dan Penyatupaduan Malaysia* pp. 233-37.

now Minister of Communications and Multimedia in the Perikatan Nasional government.⁵⁵ At the time, Mahathir had been one of their critics, arguing that the bills would undermine the special position of Islam and Malay Muslims in the Malaysian polity.⁵⁶ Regardless of these criticisms, and less visibly at the time, it seems that in 2016 the government was also studying the development of a “national unity composite index.” This index would apparently be aimed at quantifying the state of “national unity” in Malaysia, so that it could be evaluated, and presumably improved, including by the actions of the proposed mechanism, every year.⁵⁷

In the lead-up to its collapse, Pakatan, too, had examined these bills and their prospects for enacting them as laws. Just as in 2014, observers had hoped that such laws might replace the Sedition Act, Pakatan MPs too hoped they might offer a way forward for managing racial and religious grievances while also demonstrating the government’s commitment to democratic reform. Some, as my conversations in September 2019 suggested, had also hoped that the Bills

might offer a way for Pakatan to seize the initiative in public debate back from UMNO and PAS. If debated or even enacted correctly, the Bills might have created some valuable political space for other reform initiatives to be discussed, such as modernising the economy and selected public institutions, including the electoral system. By the time I arrived, however, nobody seemed especially hopeful that the Bills might be introduced to Parliament. It appeared that although many stakeholders appreciated that their aims had merit, all hopes had been dashed by the preceding, very bitter, public debate about Pakatan’s plan to ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Before introducing these national Bills to the public, first, the Pakatan government had aimed to ratify a group of international rights instruments, as Mahathir announced in his speech to the United Nations General Assembly on 29 September 2018.⁵⁸ Around a month later, Minister for National Unity and Social Well-Being Waytha Moorthy Ponnusamy spoke at a national conference organised by a civil society organisation (CSO) called Pusat

⁵⁵ Refer to Saifuddin’s discussion of these initiatives in Saifuddin Abdullah, *New Politics 2.0: Multiracial and Moderate Malaysian Democracy* (Institut Darul Ehsan, 2017), pp. 147-50.

⁵⁶ Jo-Ann Ding, “Why Malaysia Needs the National Unity Bills,” *The Nut Graph*, 7 July 2014, <https://thenutgraph.com/why-malaysia-needs-the-national-unity-bills/>.

⁵⁷ This index was mentioned in Parliament by then Speaker of the House of Representatives, Ismail Mohamed Said 2. See “Penyata Rasmi Parlimen Dewan Rakyat,” Parlimen Ketiga Belas, Penggal Keempat, Mesyuarat Ketiga, 2 November 2016, p. 94. ⁵⁸ “Dr Mahathir at 73rd UN General Assembly,” *New Straits Times*, 29 September 2018, <https://www.nst.com.my/news/nation/2018/09/415941/speech-text-dr-mahathir-73rd-un-general-assembly>.

KOMAS. In his comments, he stated that ICERD would be one of these treaties. Even as he made his announcement, however, Waytha foreshadowed some potential roadblocks. "We need to remember that the ratification of ICERD may require the government to modify several existing legislations and policies," Waytha stated. "As the minister responsible for the National Unity and Social Wellbeing, I will hold dialogues with the main stakeholders on the ratification of ICERD," he continued.⁵⁹

Even before such dialogues could take place, Waytha's announcement had triggered a serious mobilisation against the Convention, and against Pakatan, by UMNO, PAS, and a constellation of CSOs linked to these two parties, on the basis that ICERD would eliminate Malay Muslim "special rights." By November, Saifuddin, then serving as Minister for Foreign Affairs in Pakatan, had begun to walk the announcement back, stating that the government would prefer to focus on other UN instruments on forced disappearance and torture first, while a technical committee scrutinised ICERD.⁶⁰ The anti-ICERD mobilisation continued nevertheless, and

later that month, Mahathir, then Mujahid, then Saiful, all argued publicly that perhaps ICERD did not need to be ratified after all. On 18 November, Mahathir declared it "almost impossible" to implement because it would require amendments to Malaysia's Federal Constitution, a reference to Article 153. This controversial Article affords Malay Muslims a "special position" in Malaysian society, even while it refers to the "legitimate interests" of other communities.⁶¹ By 23 November, Mahathir's office announced that Malaysia would not ratify ICERD.⁶² "Without a proper explanation, we just [lost] the case!" one senior Pakatan leader exclaimed to me. Not only did Pakatan lose the case, however, but, "[i]ronically, a policy that was meant to promote antidiscrimination in fact led to more contentious racial debates within Malaysia," as Pakatan leader Anwar Ibrahim wrote in 2019.⁶³ In the aftermath of Pakatan's humiliating reversal, a decision was taken at a meeting of three senior ministers that only the National Harmony and Reconciliation Commission Bill remained politically viable, as the others could have triggered mobilisations similar to that which followed the ICERD

⁵⁹ Mohd Afiq Zulkifli, "Govt to Ratify Six Treaties Including ICERD in Q1 - Waytha Moorthy," *Bernama*, 24 October 2018, <https://www.bernama.com/en/news.php?id=1657617>.

⁶⁰ Amin Ridzuan Ishak, "ICERD to be Last Convention to be Ratified," *New Straits Times*, 2 November 2018, <https://www.nst.com.my/news/nation/2018/11/427228/icerd-will-be-last-convention-be-ratified>.

⁶¹ Mohd Iswandi Kasan Anuar, "Mahathir Says Almost Impossible to Implement ICERD," *Bernama*, 18 November 2018, <https://www.bernama.com/en/general/news.php?id=1666285>.

⁶² Muna Khalid, "The Statement of the Prime Minister's Office on ICERD," *Bernama*, 23 November 2018.

⁶³ Anwar Ibrahim, "Confronting Authoritarianism," *Journal of Democracy* 30, 2 (2019): p. 12.

announcement.⁶⁴ This question of viability extended to the capacity of the Minister responsible to manage accusations that he was personally leading a charge to damage Malay Muslim interests. As part of the anti-ICERD campaign, Waytha had become the target of a viral video campaign, in which old footage of him speaking to a Dutch TV station was circulated widely via Facebook and WhatsApp. In the video, recorded in 2011, Waytha was speaking as chairman of the Hindu Rights Action Force (Hindraf), an organisation he established to campaign for better conditions for Malaysia's Indian, largely Tamil, minority.⁶⁵ Among other comments, Waytha decried discrimination in relation to civil service employment and scholarships, stating without evidence that Indians were forced to convert to Islam to secure benefits while vast sums of money were spent on schemes and allowances for Malay Muslims.⁶⁶ These comments led to Waytha being called a "racist" for telling purported untruths about Malaysia in Parliament. Not only was Waytha humiliated, but the viral campaign ensured that ICERD was permanently linked to

rumoured efforts by minorities to upset Malay Muslims' "special position."⁶⁷

Following the ICERD reversal, Waytha nevertheless began a process of consultation with selected civil society figures, other government colleagues, and SUHAKAM, about what a suitable Commission might look like. On balance, it appears these consultations did not run smoothly. "They do consult a bit more," one former civil society figure told me in September 2019, referring to the Pakatan government in general in comparison with Barisan. "But there's a fear [that they reveal, namely] that the more that they consult, [the more] people will pull [the consultation process] in every direction," he continued. So, all in all, "the communication has been quite bad," he concluded.⁶⁸ Another former civil society figure put it more bluntly. After ICERD, he said, Waytha had become withdrawn, "just shied away and moved on." Several stakeholders pointed out that the Minister was in a weak and isolated position after ICERD, but, one added that "he's isolated himself." "It's very difficult to invite him to speak," they continued, meaning that

⁶⁴ Discussion 7, 20 September 2019. See also Ahmad Kushairi, "National Harmony Bill to be Tabled Early Next Year," 2018, 11 October 2018, <https://www.nst.com.my/news/nation/2018/10/419929/national-harmony-bill-be-tabled-early-next-year>.

⁶⁵ Refer to Andrew C. Willford, *Tamils and the Haunting of Justice: History and Recognition in Malaysia's Plantations* (Honolulu: University of Hawai'i Press, 2014), especially ch. 10.

⁶⁶ Zurairi A. R., "So What is the Real Reason Why the Opposition is Attacking Waytha Moorthy?," *Malay*

Mail, 19 November 2018,

<https://www.malaymail.com/news/malaysia/2018/11/19/so-what-is-the-real-reason-why-the-opposition-is-attacking-waytha-moorthy/1694934>.

⁶⁷ Mohd Iskandar Ibrahim, "Chaos in Parliament as Waytha Moorthy Slammed as 'Racist Minister'," *New Straits Times*, 19 November 2018, <https://www.nst.com.my/news/nation/2018/11/432613/chaos-parliament-waytha-moorthy-slammed-racist-minister>.

⁶⁸ Discussion 8, 18 September 2019.

Waytha preferred not to speak freely, or in public, after his previous experience.⁶⁹

Several contacts referred to the viral video, asserting it was difficult to associate themselves with him in public after the resulting damage to his reputation.

Nevertheless, Waytha sought advice on appropriate models and processes for establishing a Commission from Australian Human Rights Commission (AHRC), including Race Discrimination Commissioner Chin Tan.⁷⁰ During my consultations in September 2019, however, I heard strong disapproval expressed for the AHRC model, which houses the functions of Australia's Race Discrimination Commissioner, along with a President and six other Commissioners each covering a separate form of discrimination. Given the issue's structure and salience in Malaysia, the argument was that simply "embedding" this easily politicised function inside SUHAKAM would not give it the clout or resources required to address it. "We should be pushing for even more," one stakeholder said, stating that "embedding this one person is really not taking it seriously enough."⁷¹ In addition to concerns about under-resourcing, others I spoke to objected to the very idea of a Commission, arguing that the structure of Malaysian society and politics meant it could be captured and used "by the majority,

against calls for equality." One stakeholder told me that chauvinist CSOs might seize on complaints made to the Commission by members of Malaysia's minority groups to accuse those groups of "racism" against Malay Muslims. Such fears are not misplaced, given this was precisely the accusation that has followed Waytha since he led Hindraf. Further, the risk of public humiliation is not only a consideration for members of minority groups like Waytha, rather, it is also a consideration for MPs and other figures leading advocacy campaigns that target the "Malay Muslim" side of Malaysia's divided public sphere. One Malay Muslim stakeholder told me about viral social media attacks made on him by Islamists for being too "liberal" and interested in minorities.⁷² I also heard about the risk that a Commission, interacting with the Penal Code, SOSMA, and other similar legislation, might become an instrument through which the anti-democratic reflexes of a nervous government might be exercised. If the Government feels overwhelmed by the tone of Malaysians' speech acts—many of which reveal just how much "race" structures their lived experiences—then it might be tempted to put the lid back on the discussion, using "protecting Harmony" as a euphemism for "shutting down discussion." In short, stakeholders expressed concern about the

⁶⁹ Discussion 9, 25 September 2019.

⁷⁰ Discussion 7, 20 September 2019.

⁷¹ Discussion 9, 25 September 2019.

⁷² Discussion 5, 22 September 2019.

seriousness of the idea, resourcing and political costs, and the potential capture of the Commission to punish minorities and activists instead of protecting all Malaysians and resolving their problems and grievances.

The Harmony Commission Bill

According to the draft Bill, dated 28 July 2014, the proposed Commission would “promote national harmony, unity, reconciliation, integration, equality and non-discrimination and provide for related matters.” Up to thirty Commissioners would be appointed by the King, on the recommendation of the Prime Minister, after consulting with “various stakeholders.” The Commissioners would be “men and women of various religious, political and racial backgrounds,” with relevant experience or other special qualifications, and the Commission’s scope would cover “unity, integration, discrimination (whether on grounds of religion, belief, race, descent, place of birth, gender, or disability), and equality. At least one Commissioner would have a disability, while at least one each would come from Sabah, Sarawak, or an Orang Asli community. Commissioners would be paid and serve for a term of three years, protected from legal action or proceedings. In broad terms, the Commission’s aim would consist of:

“promoting, encouraging, supporting, and enhancing the development of a society in which:

- (i) the people are united and integrated in diversity,*
- (ii) there is racial, ethnic and religious understanding and harmony,*
- (iii) people's ability to achieve their potential is not limited by prejudice or unfair discrimination,*
- (iv) there is respect for and protection of each individual's fundamental liberties,*
- (v) there is respect for the dignity and worth of individuals,*
- (vi) each individual has an equal opportunity to participate in society, and*
- (vii) there is mutual respect based on understanding and acceptance of diversity and equality.*

Its function would be to “promote awareness and provide education,” “advise, assist and make recommendations to Government,” and “inquire into complaints of unfair discrimination with a view to resolution.” It could do these things by acting to:

- (i) *publish or otherwise disseminate ideas or information,*
- (ii) *undertake research,*
- (iii) *provide education or training,*
- (iv) *give advice or guidance,*
- (v) *conduct programmes, seminars and workshops,*
- (vi) *issue public statements as and when necessary,*
- (vii) *form committees and working groups,*
- (ix) *arrange for a person to do anything within the above, and*
- (x) *undertake any other appropriate activities as are necessary in accordance with the written laws in force, if any, in relation to such activities.*

It would promote “understanding,” “good relations,” and “good practice,” while “working towards the elimination of prejudice,” enabling all groups to “participate in society,” and working to “eliminate racial discrimination.” To do this, it would “monitor the state of national harmony, unity, integration, non-

discrimination, and equality,” review legislation, policies, and regulations to ensure compliance with the act establishing the Commission, make recommendations on the necessary measures to be taken to promote harmony, and assist and advise the Government. It would have the power to investigate claims of unfair discrimination, refer complaints to the Public Prosecutor if necessary, and investigate complaints on its own behalf. It could recommend public or private mediation and create action plans for complaints to be resolved. It could act as a Tribunal capable of summoning people and evidence, issue arrest warrants, and make findings of unfair discrimination.⁷³

In light of its aims, another function the Commission could usefully have played is as a central point of coordination between government, the knowledge sector, and rights-oriented CSOs in terms of articulating a more robust unity discourse than those the government alone could produce. This form of coordination could have produced a coalition capable of ensuring the Commission was used for its stated aims, and not as a means of further policing ordinary Malaysians. “Ultimately you need to be able to articulate some form of civic nationalism lah,” one Pakatan MP told me.⁷⁴ Yet there have been several campaigns promoting such discourses among

⁷³ "A Draft National Harmony and Reconciliation Commission Bill," (2014).

⁷⁴ Discussion 3, 25 September 2019.

Malaysians over recent decades, one after another, with names like *Bangsa Malaysia* (a “Malaysian” race) and 1Malaysia. Like Vision 2020, which *Bangsa Malaysia* was associated with, these campaigns have enjoyed a high profile, yet with no practical means of addressing everyday grievances, they appear have been aimed at “inventing cultural commonality in order to attain common political loyalty.”⁷⁵ As such, by promoting cultural unity, they have unfailingly drawn attention to all the issues that engender a *lack* of practical unity between Malaysians, such as the grievances the proposed National Harmony Commission could have begun to address.⁷⁶ For example, it could have been used to protect both members of minority groups and Malay Muslims who experience vilification or discrimination in everyday contexts, such as in employment or education, two sources of significant social friction. Indeed, marshalling sufficient pressure from rights oriented CSOs, a Commission could have been forced to turn its gaze on those in power, including to increase the price paid by public and political figures for racial campaigning, regardless of which side of politics they might occupy. In this way, a Commission could have been a rallying point for civil society to develop parallel “secular”

and “Muslim” narratives supporting anti-discrimination measures, sponsoring partnerships between organisations to combine analysis, advocacy, policy development, and practical action. The bureaucratic mechanisms for managing interactions between Malaysians, then, might become more connected with the accompanying work of building and testing a new narrative of citizenship, and the analysis and advocacy that might support it.

As for models, now that the AHRC’s design has been found unsuitable for Malaysia, further research into a range of similar Commissions could have been performed. There is a variety of truth Commissions operating in environments in which ethnic and religious tensions have led to violence or gross human rights abuses, including South Africa, but it is likely that such models will not fit Malaysia’s circumstances. Yet comparative analysis of lighter models, including Human Rights and Diversity Commissions in various contexts, along with research into Malaysia’s past attempts to create multi-racial models of citizenship, might have yielded a range of good options. Such possibilities, however, are closed for now, precisely because of the problems the Commission was supposed to

⁷⁵ Timothy P. Daniels, *Building Cultural Nationalism in Malaysia: Identity, Representation, and Citizenship* (New York & London: Routledge, 2005), p. xvii.

⁷⁶ Anthony Milner, Abdul Rahman Embong, and Siew Yean Tham, "Introduction," in *Transforming*

Malaysia: Dominant and Competing Paradigms, ed. Anthony Milner, Abdul Rahman Embong, and Siew Yean Tham (Singapore: ISEAS, 2014), p. 5.

work towards resolving, namely there are forces in Malaysian society that benefit from race and racial campaigning, and no price is extracted from them in return.

The State of the Debate & Conclusion

Between my consultations in September 2019 and Pakatan's collapse in February 2020, not much came of the proposed Harmony Commission. As the new Perikatan government was settling into power, Malaysian sociologist Denison Jayasooria, one of the authors of the 2015 NUCC report, called on it to institute a National Harmony Act and a Commission, among other measures such as a Cabinet Committee and a new Department.⁷⁷ In August this year, however, the government announced that no new laws would be introduced. According to National Unity Deputy Minister Datuk Ti Lian Ker, "what is needed now is not an additional law but enforcement, implementation, awareness and education." According to Ti, the government would

continue to use existing laws such as Section 233 of the Communications and Multimedia Act 1998 (Act 588), Section 504 of the Penal Code (Act 574), and subsection 41 of the Sedition Act 1948 (Act 15). Meanwhile, it would also raise awareness of the "Rukun Negara," a set of "national principles" developed in 1970 after the crisis of 1969 and the subject of a three-month "Rukun Negara Golden Jubilee Celebration" launched in association with Merdeka (Independence) Day on 31 August.⁷⁸ The principles are:

- Belief in God
- Loyalty to King and Country
- Supremacy of the Constitution
- Rule of Law
- Courtesy and Morality

Lee Lam Thye, a member of the NUCC, has called for the Rukun Negara to form the basis of the government's policies, echoed by Malaysian sociologist Shamsul Amri Baharuddin, who is also Unity Advisor to the Ministry of National Unity.⁷⁹ The government has also established a National Unity Advisory Council (MPPN), chaired by Minister of National Unity Halimah Mohamed Sadique, which will meet six

⁷⁷ Denison Jayasooria, "Unity Ministry's Many Challenges," *New Straits Times* 2020, <https://www.nst.com.my/opinion/letters/2020/03/575184/unity-ministrys-many-challenges>.

⁷⁸ Syamsiah Sahat, "Existing Laws Sufficient to Preserve Unity - Deputy Minister," *Bernama*, 24 August 2020, <https://www.bernama.com/en/general/news.php?id=1873018>; Kurniawati Kamarudin, "Three-Month Rukun Negara Golden Jubilee Celebration Begins," *Bernama*, 9 July 2020,

<https://www.bernama.com/en/general/news.php?id=1858701>.

⁷⁹ Lee Lam Thye, "Young Should Learn History of Merdeka," *New Straits Times*, 22 August 2020, <https://www.nst.com.my/opinion/letters/2020/08/618367/young-should-learn-history-merdeka>; Syed Azwan Syed Ali, "Change Simplistic Understanding of Unity, Appreciate Independence," *Bernama*, 10 August 2020, <https://www.bernama.com/en/news.php?id=1868664>.

times a year. This Council will be supported by the State Unity Action Committee to work in each of the states.⁸⁰

It is unclear at this stage whether Perikatan's emphasis on the Rukun Negara is intended as its new "national unity" policy or whether it represents a shorter-term, 50-year celebration of a series of principles launched in the aftermath of the nation-defining crisis of 1969. Meanwhile, other actors are proposing other initiatives, which may or may not gain traction as options for debate. One such actor, prominent Malaysian banker Nazir Razak, Najib's brother, has repeated his calls for another post-1969 institution, the National Consultative Council (NCC), to be revived. Established in 1970, the NCC created a "compact" between the nation's four main "races": Malay, Chinese, Indian, and "Other." Nazir has called for an "NCC2," which would establish a new, improved, compact, via a process of deliberative democracy, or "discussion and persuasion towards a new way forward," drawing on new technologies to enable a more inclusive discussion than the original NCC offered Malaysians.⁸¹ Another prominent actor, Johor's Sultan Ibrahim Sultan Iskandar, is

reviving a model that is older still. In September 2020, he gifted Johor oil palm manager Wong Khong Soon the nineteenth century title of *Mejar Cina* (Chinese Major), a corollary to the *Kapitan Cina* (Chinese Captain) position created by the pre-colonial Malacca Sultanate. According to Johor Royal Council president Abdul Rahim Ramli, the *Mejar Cina*'s duties included "acting as the mediator between the Ruler and the community, to ensure that the community's needs were met and also to shape and strengthen unity."⁸² Meanwhile, Muslim NGOs like ABIM continue to work to develop an "Islamic" grammar of equal rights and citizenship. For their part, select clusters of academics continue to work on the diverse sources of identity in Southeast Asia, along with ideas for institutions aimed at improving social cohesion.

Without an institution aimed at bringing these scattered debates and initiatives together, how Malaysia elects to address the linked problems of economic performance and citizens' racial and religious grievances remains an open question. Malaysia's current political volatility, along with the impacts of the

⁸⁰ Rosmalis Anuar, "Ministry Sets Up National Unity Advisory Council," *Bernama*, 18 June 2020, <https://www.bernama.com/en/general/news.php?id=1852388>. I contacted Halimah hoping to consult with her about her plans before finalising this report but had not received a reply at the time I submitted this report for publication.

⁸¹ Nazir Razak, "GE14 Was Historic, but NCC2 Still Needed to Recalibrate for the Future," *The Edge*

Malaysia Weekly, 20 March 2019, <https://www.theedgemarkets.com/article/mysay-ge14-was-historic-ncc2-still-needed-recalibrate-future>.

⁸² Ben Tan, "Johor Sultan Revives Historical 'Mejar Cina' Title, Confers it on Community Leader in State," *Malay Mail*, 1 September 2020, <https://www.malaymail.com/news/malaysia/2020/09/01/johor-sultan-revives-historical-mejar-cina-title-confers-it-on-community-le/1899175>.

COVID-19 recession, remain likely to drive developments for now.

References

- Adib Zalkapli, and Wan Saiful Wan Jan. "From Council Flats to Government Quarters: GE-14 in Urban Malay Constituencies." In *The Defeat of Barisan Nasional: Missed Signs or Late Surge?*, edited by Francis E. Hutchinson and Hwok Aun Lee, 191-208. Singapore: ISEAS - Yusof Ishak Institute, 2019.
- AFP. "Al Jazeera Says Malaysia Rejects Visas for Aussie Staffers." *New Straits Times*, 7 August 2020.
<https://www.nst.com.my/news/nation/2020/08/614716/al-jazeera-says-malaysia-rejects-visas-aussie-staffers>.
- Ahmad Kushairi. "National Harmony Bill to Be Tabled Early Next Year." *2018*, 11 October 2018.
<https://www.nst.com.my/news/nation/2018/10/419929/national-harmony-bill-be-tabled-early-next-year>.
- Alfian Z.M. Tahir. "Muhyiddin Asked Me to Ditch Dap, Says Mat Sabu." *The Malaysian Insight*, 2020.
<https://www.themalaysianinsight.com/s/226662>.
- Amin Ridzuan Ishak. "ICERD to Be Last Convention to Be Ratified." *New Straits Times*, 2 November 2018.
<https://www.nst.com.my/news/nation/2018/11/427228/icerd-will-be-last-convention-be-ratified>.
- Anuar, Rosmalis. "Ministry Sets up National Unity Advisory Council." *Bernama*, 18 June 2020.
<https://www.bernama.com/en/general/news.php?id=1852388>.
- Anwar Ibrahim. "Confronting Authoritarianism." *Journal of Democracy* 30, 2 (2019): 5-14.
- Aw, Nigel. "Chinese Voters Abandon Harapan at More Than Double the Rate of Malay Areas." *Malaysiakini*, 2019.
<https://www.malaysiakini.com/news/500113>.
- Benhabib, Seyla. *The Claims of Culture: Equality and Diversity in the Global Era*. New Jersey: Princeton University Press, 2002.
- Brown, Nicholas, and Linda Cardinal. *Managing Diversity: Practices of Citizenship*. Ottawa: University of Ottawa Press, 2007.
- Case, William. *Elites and Regimes in Malaysia: Revisiting a Consociational Democracy*. Melbourne: Monash Asia Institute, 1996.
- Chin, James, "Ultimate Game of Thrones in Malaysia," *The Interpreter*. *Lowy Institute*, 22 November, 2019,
<https://www.lowyinstitute.org/the-interpreter/ultimate-game-thrones-malaysia>.
- Choong, Jerry. "Perikatan Govt Majority Falls to Two after Sarawak Mp Masir Kujat Insists Still Part of Opposition Bloc." *Malay Mail*, 2020.
- . "Syahredzan Slams Old Video of Papagomo as Hate Speech and Public Mischief." *Malay Mail*, 2019.
<https://www.malaymail.com/news/malaysia/2019/11/14/syahredzan-slams-old-video-of-papagomo-as-hate-speech-and-public-mischief/1809947>.
- D. Kanyakumari. "Malaysia Economy Contracts 17.1% in 2nd Quarter, Worst Slump since 1998 Financial Crisis." *Channel News Asia* (Singapore), 2020.
<https://www.channelnewsasia.com/news/asia/covid-19-malaysia-gdp-economy-contraction-17-1-per-cent-slump-13020582>.
- Daniels, Timothy P. *Building Cultural Nationalism in Malaysia: Identity, Representation, and Citizenship*. New York & London: Routledge, 2005.
- "Census 2010." Malaysian Government, 2020, accessed 7 September, 2020,
<https://www.mycensus.gov.my/index.php/census-product/publication/census-2010>.
- Ding, Jo-Ann. "Why Malaysia Needs the National Unity Bills." *The Nut Graph*, 7 July 2014.
<https://thenutgraph.com/why-malaysia-needs-the-national-unity-bills/>.
- "Dr Mahathir at 73rd Un General Assembly." *New Straits Times*, 29 September 2018.
<https://www.nst.com.my/news/nation/2018/09/415941/speech-text-dr-mahathir-73rd-un-general-assembly>.
- "A Draft National Harmony and Reconciliation Commission Bill." 2014.
- FMT Reporters. "Report: 95% Chinese but Less Than 30% Malays Voted for Ph." *Free Malaysia Today*, 14 June 2018.
<https://www.freemalaysiatoday.com/category/nation/2018/06/14/report-95-chinese-but-less-than-30-malays-voted-for-ph/>.
- Gomez, Edmund Terence, and K.S. Jomo. *Malaysia's Political Economy: Politics, Patronage, and Profits*. Cambridge: Cambridge University Press, 1997.
- Gomez, Edmund Terence, and Mohamed Nawab Mohamed Osman. "Introduction: Malaysia's 14th General Election and Umno's Fall: Intra-Elite Feuding and the Pursuit of Power." In *Malaysia: S 14th General Election and Umno's Fall: Intra-Elite Feuding and the Pursuit of Power*, edited by Edmund Terence Gomez and Mohamed Nawab Mohamed Osman, 1-20. London: Routledge, 2020.
- Gomez, Edmund Terence, and Ralph Premdas. "Introduction: Affirmative Action, Horizontal Inequalities, and Equitable Development." In *Affirmative Action, Ethnicity, and Conflict*, edited by Edmund

- Terence Gomez and Ralph Premdas, 1-26. London: Routledge, 2013.
- "Govt Efforts to Contain Virus, Help People Will Continue, Vows Muhyiddin." *New Straits Times* (Kuala Lumpur), 18 August 2020. <https://www.pressreader.com/malaysia/new-straits-times/20200817/281522228453003>.
- Henders, Susan J. *Democratisation and Identity: Regimes and Ethnicity in East and Southeast Asia*. Lexington Books, 2004.
- Hilley, John. *Malaysia: Mahathirism, Hegemony, and the New Opposition*. Zed Books, 2001.
- Hutchinson, Francis E., and Kevin Zhang. *The Tanjung Piai by-Election: A Riddle Wrapped in a Mystery?* ISEAS Yusof Ishak Institute (Singapore: 2019).
- IDEAS. "Public Forum: Budget 2020 - Making Shared Prosperity a Reality." Kuala Lumpur: Institute for Democracy and Economic Affairs, 19 September 2019.
- "Malaysia: Government Claims All Film Needs Licence as Al Jazeera Attacks Increase." Updated 23 July, 2020, accessed 21 September, 2020, <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/malaysia-government-claims-all-film-needs-licence-as-al-jazeera-attacks-increase.html>.
- "Is Malaysia on Track to Achieve Vision 2020?" Ipsos, Updated 19 January, 2020, accessed 16 September, 2020, <https://www.ipsos.com/en-my/malaysia-track-achieve-vision-2020>.
- Jayasooria, Denison. "Unity Ministry's Many Challenges." *New Straits Times*, 2020. <https://www.nst.com.my/opinion/letters/2020/03/575184/unity-ministrys-many-challenges>.
- Jomo Kwame Sundaram. "Malaysia's New Economic Policy and National Unity." *Third World Quarterly* 11, no. 4 (1989): 36-53.
- Kenny, Paul. *Populism and Patronage: Why Populists Win Elections in India, Asia, and Beyond*. Oxford University Press, 2017.
- Khoo Boo Teik. *Paradoxes of Mahathirism: An Intellectual Biography of Mahathir Mohamad*. Oxford University Press, 1995.
- Kurniawati Kamarudin. "Three-Month Rukun Negara Golden Jubilee Celebration Begins." *Bernama*, 9 July 2020. <https://www.bernama.com/en/general/news.php?id=1858701>.
- Lee Lam Thye. "Young Should Learn History of Merdeka." *New Straits Times*, 22 August 2020. <https://www.nst.com.my/opinion/letters/2020/08/618367/young-should-learn-history-merdeka>.
- "The Overton Window." Mackinac Centre for Public Policy, 2020, accessed 4 September, 2020, <https://www.mackinac.org/OvertonWindow>.
- Majlis Konsultatif Perpaduan Malaysia. *Pelan Perpaduan, Kesepaduan, Dan Penyatupaduan Malaysia* Institut Kajian Etnik, Universiti Kebangsaan Malaysia (2015).
- Malhi, Amrita. "Race, Debt and Sovereignty - the 'China Factor' in Malaysia's Ge14." *The Round Table: The Commonwealth Journal of International Affairs* 107, no. 6 (2018): 717-28.
- , "Social Cohesion and Scandal Cycles in Malaysia," *New Mandala*, 20 July, 2016.
- , "The PAS-BN Conflict in the 1990s: The Politics of Islamic Modernism." In *Malaysia: Islam, Society and Politics*, edited by Virginia Hooker and Norani Othman, 236-68. Singapore: ISEAS, 2003.
- Milner, Anthony, Abdul Rahman Embong, and Siew Yean Tham. "Introduction." In *Transforming Malaysia: Dominant and Competing Paradigms*, edited by Anthony Milner, Abdul Rahman Embong and Siew Yean Tham, 1-17. Singapore: ISEAS, 2014.
- Moffit, Benjamin. *The Global Rise of Populism: Performance, Political Style, and Representation*. Stanford University Press, 2016.
- Mohd Afiq Zulkifli. "Govt to Ratify Six Treaties Including ICERD in Q1 - Waytha Moorthy." *Bernama*, 24 October 2018. <https://www.bernama.com/en/news.php?id=1657617>.
- Mohd Iskandar Ibrahim. "Chaos in Parliament as Waytha Moorthy Slammed as 'Racist Minister'." *New Straits Times*, 19 November 2018. <https://www.nst.com.my/news/nation/2018/11/432613/chaos-parliament-waytha-moorthy-slammed-racist-minister>.
- Mohd Iswandi Kasan Anuar. "Mahathir Says Almost Impossible to Implement ICERD." *Bernama*, 18 November 2018. <https://www.bernama.com/en/general/news.php?id=1666285>.
- Mouffe, Chantal. *On the Political*. Routledge, 2005.
- Moustafa, Tamir. *Constituting Religion: Islam, Liberal Rights and the Malaysian State*. Cambridge University Press, 2018.
- Muhammed Abdul Khalid. *The Colour of Inequality: Ethnicity, Class, Income and Wealth in Malaysia*. MPH Group Publishing, 2014.
- Mujahid Yusof Rawa. "Are Racial and Religious Divides Threatening Malaysia's Stability and Future Prospects?" By Zeinab Badawi. *HARDtalk*. BBC. 2019. <https://www.bbc.co.uk/programmes/w3csy9f6>.
- Muna Khalid. "The Statement of the Prime Minister's Office on ICERD." *Bernama*, 23 November 2018.

- Nasr, Seyyed Vali Reza. *Islamic Leviathan: Islam and the Making of State Power*. Oxford University Press, 2001.
- Nazir Razak. "Ge14 Was Historic, but Ncc2 Still Needed to Recalibrate for the Future." *The Edge Malaysia Weekly*, 20 March 2019. <https://www.theedgemarkets.com/article/mysay-ge14-was-historic-ncc2-still-needed-recalibrate-future>.
- P. Ramasamy. "Tanjung Piai Debacle, Lessons to Be Learnt and Pitfalls to Be Avoided." *Malaysiakini*, 2019. <https://www.malaysiakini.com/news/500144>.
- "Government Prepared to Implement Additional Economic Stimulus Package If Necessary - PM." Government of Malaysia, 2020, accessed 9 September, 2020, <https://www.pmo.gov.my/2020/09/government-prepared-to-implement-additional-economic-stimulus-package-if-necessary-pm/>.
- "PENJANA Initiatives." Government of Malaysia, 2020, accessed 9 September, 2020, <https://www.pmo.gov.my/penjana-initiatives/?highlight=penjana>.
- "Prihatin Rakyat Economic Stimulus Package (PRIHATIN) Speech Text.", 2020, accessed 9 September, 2020, <https://www.pmo.gov.my/2020/03/speech-text-prihatin-esp/?highlight=prihatin>.
- Reilly, Benjamin. *Democracy and Diversity: Political Engineering in the Asia-Pacific*. Oxford: Oxford University Press, 2006.
- Reuters. "Malaysia Deports Bangladeshi Man over Al Jazeera Documentary on Migrant Workers." *South China Morning Post*, 22 August 2020. <https://www.scmp.com/news/asia/southeast-asia/article/3098433/malaysia-deports-bangladeshi-man-over-al-jazeera>.
- Rizalman Hammin. "Saifuddin Admit Social Media Filming Licence Gaffe, Apologises for Error." *New Straits Times*, 9 August 2020. <https://www.nst.com.my/news/nation/2020/08/615295/saifuddin-admits-social-media-filming-licence-gaffe-apologises-error>.
- Rodan, Garry. *Participation without Democracy: Containing Conflict in Southeast Asia*. Ithaca: Cornell University Press, 2018.
- Saifuddin Abdullah. *New Politics 2.0: Multiracial and Moderate Malaysian Democracy*. Institut Darul Ehsan, 2017.
- Saravanamuttu, Johan. *Power Sharing in a Divided Nation: Mediated Communalism and New Politics in Six Decades of Malaysia's Elections*. Singapore: ISEAS Publishing, 2016.
- Siddique, Sharon. "Social Cohesion and Social Conflict in Southeast Asia." In *Social Cohesion and Conflict Prevention in Asia: Managing Diversity through Development*, edited by Nat J. Coletta, Teck Ghee Lim and Anita Kelles-Viitanen, 17-42. Washington: The World Bank, 2001.
- Soo, Wern Jun. "All Film Producers Must Apply for Finas Licence Even for Social Media, Multimedia Minister Insists." *Malay Mail*, 23 July 2020. <https://www.malaymail.com/news/malaysia/2020/07/23/all-film-producers-must-apply-for-finas-licence-even-for-social-media-multi/1887234>.
- Syamsiah Sahat. "Existing Laws Sufficient to Preserve Unity - Deputy Minister." *Bernama*, 24 August 2020. <https://www.bernama.com/en/general/news.php?id=1873018>.
- Syed Azwan Syed Ali. "Change Simplistic Understanding of Unity, Appreciate Independence." *Bernama*, 10 August 2020. <https://www.bernama.com/en/news.php?id=1868664>.
- Syed Jaymal Zahiid. "At Convention, PM Muhyiddin Says Only Bars and Pubs Still to Reopen under Rmco." *Malay Mail* (Kuala Lumpur), 1 September 2020. <https://www.malaymail.com/news/malaysia/2020/09/01/at-muslim-intellectual-event-pm-muhyiddin-says-maybe-a-good-thing-if-pubs-n/1899182>.
- Tan, Ben. "Johor Sultan Revives Historical 'Mejar Cina' Title, Confers It on Community Leader in State." *Malay Mail*, 1 September 2020. <https://www.malaymail.com/news/malaysia/2020/09/01/johor-sultan-revives-historical-mejar-cina-title-confers-it-on-community-le/1899175>.
- "Tanjung Piai Is Dr M's Worst by-Election Loss." *Malaysiakini*, 2019. <https://www.malaysiakini.com.virtual.anu.edu.au/news/500148>.
- Wan Saiful Wan Jan. *Why Did Bersatu Leave Pakatan Harapan?* Trends in Southeast Asia. Edited by Kee Beng Ooi. Singapore: ISEAS-Yusof Ishak Institute, 2020.
- Weiss, Meredith. *The Roots of Resilience: Party Machines and Grassroots Politics in Southeast Asia*. Ithaca: Cornell University Press, 2020.
- Willford, Andrew C. *Tamils and the Haunting of Justice: History and Recognition in Malaysia's Plantations*. Honolulu: University of Hawai'i Press, 2014.
- Zaim Ibrahim. "Papagomo Accused of Fuelling Racist Sentiments." *The Malaysian Insight*, 16 November 2019. <https://www.themalaysianinsight.com/s/197646>.
- Zurairi A.R. "So What Is the Real Reason Why the Opposition Is Attacking Waytha Moorthy?" *Malay Mail*, 19 November 2018. <https://www.malaymail.com/news/malaysia/2018/11/19/so-what-is-the-real-reason-why-the-opposition-is-attacking-waytha-moorthy/1694934>.