

FREEDOM OF RELIGION AND SUSTAINABLE DEVELOPMENT FOR AN INCLUSIVE SOCIETY IN MALAYSIA

Introduction

This submission is submitted on behalf of GBM Coalition and addresses specific measures and initiatives aimed at promoting national unity and social cohesion with various ethnic-religious groups in Malaysia. These specific measures and initiatives represent good practices that is essential for understanding and cooperation between different religious or belief communities in public life and engagement. They include the role of faith based civil society organisations, government officials and religious leaders in welfare programmes to local communities, advocacy and awareness-building and conflict/dispute resolution mechanisms for the benefit of multi-religious or multi-belief communities.

The submission here is in line with the target stipulated pursuant to Sustainable Development Goal 16 (SDG 16) which is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels to protect fundamental freedoms, in accordance with national legislation and international agreements and promote and enforce non-discriminatory laws and policies for sustainable development.

We call on the Special Rapporteur on freedom of religion or belief in accordance with his mandate pursuant to Human Rights Council resolution 40/10, to highlight these good practices for an inclusive, peace and harmonious society in this submission in his thematic report at the 75rd Session of the General Assembly.

Background

Malaysia is a multi-ethnic, multi-religious country. As at July 2015, the total population of Malaysia is estimated at 30.5 million. According to the 2010 Malaysian census, 61.3 per cent of the population practices Islam; 19.8 per cent, Buddhism; 9.2 per cent, Christianity; 6.3 per cent, Hinduism; and 1.3 per cent, Confucianism, Taoism, or other religions.¹

The politics and social construct of Malaysian society over the past decades have resulted in a much polarised landscape in Malaysian social-political relations. Such a development is largely due to past and present government policies and practices based on a United Malays National Organisation (UMNO) styled patronage-politics with emphasis on the supremacy of a Malay-Muslim polity.

This polarisation and division has made the push for a collective national unity with various ethnic-religious groups a difficult and far reaching aim. On the one hand, we have those who champion the sovereignty of Islam and a so called “hierarchy of rights” that must be protected for the benefit of the Malay-Muslim community. On the other, there are those who call for a

¹ United States Department of State, Malaysia 2018 International Religious Freedom Report, available at: <https://www.state.gov/wp-content/uploads/2019/05/MALAYSIA-2018-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf> [accessed 31 May 2020];

US Commission on International Religious Freedom, United States Commission on International Religious Freedom, *USCIRF Annual Report 2018 - Tier 2 - Malaysia, 25 April 2018*, available at: <https://www.refworld.org/docid/5b278ee60.html> [accessed 31 May 2020]

more egalitarian society that upholds the human rights traditions with a more secular outlook in issues such as gender equality, economic parity and power sharing bases in nation building.

The political upheaval that saw the emergence of the Perikatan National government with Tan Sri Muhyiddin at the helm has further exacerbated intra-Malay dynamics. There are now coterries of Malay-Muslims who are increasingly recognising that the UMNO driven political-economic formula of special rights and privileges will only give rise to discontent — not only among non-Malays but also among Malays themselves. This perennial clash in intra-Malay politics has been described as between the “conservative and liberal forces”.² Added to this clash is the more complex dynamics of various Islamic traditions that imbue a diverse social-political vision for the interest of the Malay-Muslim community. This presents a formidable challenge in terms of the unity of the *ummah*³ and a consensus as to the best approach to meet the needs and interests of the Malay-Muslim community as a whole. The spilled-over effect is most felt by those who are non-Malays and outside the Islamic faith.

While the champions of old styled Malay-centric nationalistic politics and the more conservative advocates of an Islamic state will remain, there are also those who aim for moderation. Although accepting the primacy of interest in the Malay-Muslim community, they do not neglect the legitimate interests of the non-Malay-Muslims and other marginalized communities, maintaining that the project of nation building, within the unique context of Malaysia, must be through shared values, the common good and standing in solidarity with each other. These moderates aim for a more inclusive society, upholding the quest for peaceful co-existence and inter-religious harmony as undergirding the Islamic ideals and faith as a universal religion.

Freedom of Religion and Belief & National Unity

The right to freedom of religion is guaranteed under Article 11 of the Malaysian Constitution that provides for freedom of religion for all persons. The expression “every person” confers personal liberties on every citizens of the nation to profess and practice his/her religion of choice. This right preserves the space for people of all faiths, religions, traditions and ideologies to seek the goal of national unity – everyone living in peace and harmony in ethnic-religious relations, economic sustainability and the good and welfare for all. We believe freedom of religion and belief facilitates the building of a robust moral-spiritual citizenry that enables positive contributions in the articulation and actualization of an inclusive society that seeks the well-being of all people and communities.

Measures aimed at Promoting National Unity

The role of faith based organizations is crucial if the ideals of national unity and social cohesion is to be met. Founded in 2009, Gabungan Bertindak Malaysia (GBM) is one such network whose work on national unity is wellknown. GBM has now 27 civil society organizations as its members and is the largest independent civil society coalition in Malaysia whose unique feature is the composition of its member organizations of various faith-based groups, human rights advocacy and interest groups, community service providers, think-tanks and educationist alliances. GBM’s main objectives are:

² Ahmad Fauzi Abdul Hamid, “The return of old-style Malay-centric politics?” *East Asia Forum Economics, Politics and Public Policy in East Asia and the Pacific*. (25 April 2020)

³ The Islamic term describing the Muslim community as a whole

1. To create and strengthen common platforms and spaces for interaction, mutual-understanding and collaboration among groups and communities of different ethnic, religious and cultural background.
2. To develop and forge public consensus on the vision of the country that will unite all Malaysians and be acceptable by all Malaysians.
3. To effect changes to the policies and legislations in favour of the promotion of national unity and racial and religious harmony in the country.

The above objectives are implemented through a three-prong strategy of:

- Bridge-building narrative - unity in diversity and standing in solidarity with all
- Advocacy - contributing to policy and legislative changes on unity in diversity and national harmony
- Community intervention programmes - holistic approach of offering community services to address poverty and marginalization issues that hinder unity in diversity and national harmony

Bridge-building Narrative

Employing the tools of discourse making, GBM has principally adopted the following characteristics in its narrative for bridge-building. These characteristics represents a shift from the typical notion of an Islamic State to a more multiracial, multi-religious inclusive society which allows for the embodiment of a friendlier-justice based version of Islam's social vision for a prosperous and peaceful society. The characteristics are:

- A country which prospers and receives the blessings of God
- A country whose leadership is just and God-conscious, competent and of high integrity
- A country that promotes a stable and thriving economy with equitable distribution of wealth
- A country that oversees its citizens based on the "higher objective" of justice and equity amongst mankind
- A country which ensures the rights of its citizens from all walks of life regardless of religion and ethnicity
- A country that practices administration based on consultation, negotiation and unanimity that allows her citizens to voice out their views and choose the government they believe in in accordance to the principles of the Constitution;
- A country which ensures good governance and places the welfare and prosperity of its citizens as the main goal of its existence

Advocacy for Policy and Legislative Change

To facilitate the common goal of national unity, it is necessary to have a functional and effective conflict/dispute resolution mechanism in place. To this end, GBM organized a series of roundtables discussion with various civil society actors, government officials and local

community leaders as stakeholders to pursue the formation of a reconciliation commission to address the everyday issues of ethnic-religious tensions and disputes.

The objectives of the roundtables were to discuss the *viability* of a reconciliation commission and its framework within a Malaysian socio-political and legal environment. Our discussion centered on core issues such as:

- Role and function of the Commission
- Relationship of the Commission to other government agencies and human rights bodies
- Operations of the Commission at various levels of society; and
- Setting up and composition of the Commission

The series of roundtables discussion concluded with a proposal to the previous government of Malaysia to enact a law to create and form the reconciliation commission. A draft law was prepared and submitted describing the jurisdiction and function of the Commission as follows:

1. The Commission is an independent body empowered by law and accountable to Parliament of Malaysia to address the root problem(s) of discrimination and factors causing disunity through awareness building, education and reconciliation efforts
2. The Commission's role should be to:
 - Promote awareness of and provide education in relation to national harmony, unity, integration and equality
 - Advise, assist and make recommendations to the Government for the purpose of national unity, integration, non-discrimination and equality
 - Receive complaints and cases of unfair discrimination arising from ethics and religious causes, conflicts, hostility and factors and to have the legal authority to inquire/investigate into such complains and cases; and
 - Hold the legal authority to initiate/commence conciliation processes either in the form of mediation or tribunal hearings for the resolution of these complaints and cases

Community Intervention Programmes

GBM's approach to community intervention takes on a holistic approach of offering community services to address poverty, marginalisation and other issues that hinder unity in diversity and national harmony. It is based on the acronym HIS – Holistic, Integrative & Systemic. This approach allows us to engage the grassroots communities by:

- Looking at national unity holistically as the well-being of all people
- Intersect with other aspects of human life and interest in a broader frame towards sustainable development
- Affirming and upholding fundamental liberties and rights in a practical concordance rather than hierarchical manner
- Collaborate with institutions and uplifting systemic capacities for efficient deliveries
- Maintaining shared moral values and ethical resource to undergird unity in diversity

Through this approach, GBM as a coalition of mix faith-based organisations undertook projects in collaboration with business entrepreneurs, corporations, municipal council and government officials, politicians and the residents of the local communities to re-paint dilapidated flats and buildings, promote environmental care and cleanliness, clearing and turning dump-sites to sustainable vegetable gardens, establishing crime watch and security, celebrating religious festivals together and holding round table dialogues with residents to flush out root causes in hate or hateful extremism.

CONCLUSION

The UN 2030 Agenda for Sustainable Development motto of “Leave no one Behind” which also serves as the guiding principle in the work towards an inclusive society reflects the overall ethos and approach by GBM as a coalition of faith based and mix civil organisations.

The tensions and challenges on ethnic-religious relations in Malaysia that have impacted minorities and the marginalized are further heightened by the advent of the Covid-19 pandemic. The pandemic have left many feeling disenfranchised, suffered economic losses and livelihood, saddled with health issues, being disadvantaged and left behind. The common vision for a collective national identity premised on unity in diversity in a post Covid-19 pandemic era is no longer an option but a necessity if we are to sustain an inclusive society that would bring about the prosperity for all. Malaysians of all walks of life must band together to battle the common ills of society and strive for development and well-being for the benefit of all rather than a particular segment. The right to freedom of religion and belief in Malaysia, although by no means free from challenges, offers Malaysians the potentials for progress in the following:

1. Facilitating the building of a robust moral-spiritual citizenry that enables positive contributions in the articulation and actualization of an inclusive society that seeks the well-being of all people and communities
2. Providing the platform to ignite good measures and initiate steps to promote understanding and cooperation between different religious or belief communities for the goal of national unity and harmony
3. Creating the conditions and environment necessary for ~~equal~~ equitable treatment in social, religious and developmental well-being
4. Affirming the rights and liberty for all to counter fears, harassments, shame, blame, hateful extremism and stigmatization
5. Giving equal opportunities for all to come together to forge consensus and seek solutions-making on contentious issues of an ethno-religious nature

We call on the international community and the General Assembly to urge the new government of Malaysia to:

1. Affirm the right to freedom of religion and belief as an essential in the quest for national unity of all people and religious groups pursuant to Sustainable Development Goal 16

2. Promote the right to freedom of religion and belief to inspire creative approaches in meeting the agenda of a collective national identity premised on unity in diversity in a post Covid-19 pandemic era
3. Ensure the liberty and practice of freedom of religion and belief for the granting of equal treatment and opportunities to all in areas of economic development, community empowerment and social-religious well-being