

**Whither Malaysia? Our way forward
Our Malaysian Journey – Still in the Making
Launching of Harmony Malaysia**

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Assalamu'alaikum and a very good afternoon everyone. The problem with speaking second in a topic is that many of the pertinent points will have already been raised by the previous speaker. That is especially true when the previous speaker is Dato' Saifuddin Abdullah. Indeed, I am sure that there will be much repetition of the earlier speakers throughout the day. That's why I've shortened my speech so we can move on to a discussion.

In answering "Whither Malaysia? Our way forward", some activists think that we need radical change; others place their faith in changing the leader or the people in power. But these things mean nothing if there are no strong, sustainable institutions that enjoy public confidence, and I think Ku Li alluded to this earlier. If I can do some word play, I'd like to take the 'h' out of 'whither' and suggest that a primary contributor to the state of our nation today is the withering of our institutions.

We have arrived at this situation not just because there are individuals and parties who obviously benefit from institutional weakness and subversion: but also because the story of our institutions has not been adequately taught. There is no narrative history explaining how the classical Malay *kerajaan* evolved into the federation that we have today. When we recall the Proclamation of Malaysia on 16 September 1963, we must also appreciate that the experiences of each individual component over the previous centuries helped us to arrive at that moment.

It includes the conversion of the Hindu Ruler of Kedah to Islam in 1136. It includes the Terengganu Inscription Stone of 1303 - the first written declaration that a Malay Ruler's powers are not absolute. It includes the thriving entrepreneurial communities of fifteenth century Malacca, the formation of the independent confederation of Negeri Sembilan in 1773, the cession of Penang by the Sultan of Kedah in 1786, the assassination of JWW Birch in 1875, the creation of the Federation of Malaya in 1948 after the rejection of the Malayan Union and the achievement by that federation of Merdeka in 1957. It includes the particular histories of North Borneo and Sarawak and Singapore which were to make up the other three entities of Malaysia: for if they had different histories, the Malaysia Agreement might never have been signed. Unfortunately, every time I speak to young Malaysians about how they understand these events (indeed if they recall them from their history lessons at all), they are disjointed and there is no clear understanding of why these incidents are relevant to the institutions we have today.

The other weakness I've observed is – despite it featuring in our Rukunegara – is an inadequate understanding of our supreme law: the Federal Constitution. This document provides for all our key institutions that enable our nation to function: the Yang di-Pertuan Agong, the Conference of Rulers, the Cabinet, the legislature comprising the Dewan Negara, the Dewan Ra'ayat and elections thereto, the judiciary, various commissions, and our fundamental liberties.

But as we have seen in recent years, certain articles of the Constitution have been subject to different interpretations. The objective of these different interpretations is to strengthen claims of what, or who, the constitution is for. Words have been taken out of context to make it possible to argue that the purpose of this country, and the mission of its institutions, is to advance certain interests – divergently defined – above others.

These attempts should be condemned as treacherous and nonsensical, and if there was a strong understanding of both our institutional narrative and the Federal Constitution, I believe they would be. At the time of Merdeka, our founding fathers were very clear about the kind of country they envisioned. Some of this can be perhaps illuminated by some quotes of Tunku Abdul Rahman.

On the rule of law he said: “If party members disregarded the constitution and the law, then they could not expect anything better from others.” On governance he wrote: “The people have an unquestionable right to expect that the government and MPs they elect, and the officers of the civil service whose salaries they pay, shall honour the obligations they have to all citizens of Malaysia”. On free markets he said: “There is a section of the people who advocate nationalising certain businesses and industries. But as long as the Alliance remains in power such concepts will not be put into practice because we do not believe such measures will benefit our economy.” And on encroachments to individual liberty he lamented: “In the old days people never bothered about what others did, so long as they were free to do what they liked themselves. Today one cannot sneeze without being corrected, let alone enjoy oneself. That’s what politics has done to our society.”

How many politicians would say such things today? It is not merely the content of these words that matters: but also the beliefs behind them. The Tunku and other statesmen of that era had a clear belief in what the nation was for – and in particular what their own offices were for – in a way that is harder to detect from politicians today. I’m not even suggesting that all politicians should believe in the same things as the Tunku: merely that they should be consistent in arguing for policies based on a clear and transparent set of principles, even if they are socialist or conservative – instead of the inconsistency and intellectual dishonesty we often see today.

So in considering ‘our way forward’, it is necessary to understand the country that our founders intended us to be and use that as a starting point. If we don’t do that, then anyone’s definition of ‘our nation’ is as valid as anyone else’s, and therefore anyone’s ‘way forward’ for our nation is as valid as anyone else’s. Indeed you might argue that that is a perfectly valid democratic logic, and that the intentions of our founding fathers carry no special legitimacy. But I do not think that is how any constitutional democracy in the world operates: in my experience of living, working and visiting many countries, citizens understand that they are custodians of a set of institutions that predates them and will outlive them.

That having been said, there have undeniably been many significant changes in our nation since its formation: the communists have been defeated, we have been through Confrontation with Indonesia, technology has transformed our lives, and many social attitudes have shifted because of new cultural and religious understandings. In tandem or even because of these changes, there have also been many major government statements or policy reforms since the formation of Malaysia. For example, the Rukunegara was proclaimed in 1970 and re-asserted a certain view of the nation following the 13 May 1969 Incident, while Dr Mahathir’s Vision 2020 was unveiled in 1991: interestingly, both invoked the

word 'liberal' with approval. Another example might be the assertions of the first and third Prime Minister that Malaysia was a secular state, compared to the fourth Prime Minister's claim that Malaysia was an Islamic state.

How then do we assess the extent to which our nation has withered?

Of late, every time there is some sort of international index people get very excited and politicians use such results strengthen or rebut their opponents' arguments. To give some examples, Malaysia was 65th in the Economist Intelligence Unit Democracy Index, 27th in the International Property Rights Index, "partly free" in the Fraser Institutes' Index of Freedom in the World, 50th in Transparency International's Corruption Perceptions Index, and 46th in the Social Progress Index. In the latest edition of the Islamicity Index developed by professors at George Washington University, Malaysia is the highest ranked Muslim majority nation at 33rd, and in February the Prime Minister launched the Malaysian Shariah Index. And then of course are the rankings of our universities and educational attainment tests.

While such indices can sometimes be useful – although some are certainly more scientific and rigorous than others – they do not judge a country's institutions according to their own foundational intentions. The very nature of international comparative studies requires some external criteria to be applied – and sometimes these are formulated explicitly or implicitly to serve an obvious ideological or political cause.

Furthermore, these approaches might not capture the relationships between institutions, particularly those that are designed to check and balance each other. For example, we might applaud the Auditor General every year when he exposes the waste and inefficiency of spending across certain government departments: but then what happens? What measures are taken by other institutions to ensure such wastage and inefficiency does not recur? It is telling that many citizens are cynical, fully expecting the next edition of the report to reveal similar findings. The Auditor General's efforts in uncovering wrongdoing might not result in any rectifications.

On the other hand, there are other institutions where independence is paramount. At the eleventh Tunku Abdul Rahman Lecture in 1984, the then Lord President Raja Azlan Shah said "the rules concerning the independence of the judiciary are designed to guarantee that they will be free from extraneous pressures and independent of all authority save that of the law. They are, therefore, essential for the preservation of the rule of law." This quote encapsulates the importance of the rule of law, the independence of the judiciary and the separation of powers more generally; the idea that institutions get their authority from the constitution, via the Yang di-Pertuan Agong, and operate independently of each other.

A further concept that is very difficult to objectively measure is federalism. To what extent are the rights of the states vis-à-vis those of the federal centre observed and respected? Certainly there are times in our recent history when the country operated like a unitary state rather than a federation, while neighbouring Indonesia, though an explicit unitary state, has undergone a period of vast decentralisation. Today there are secessionists in Sabah and Sarawak, but even on the peninsula we have seen federal-state friction such as in two high profile cases in Selangor regarding the building of a new highway and the provision of water services. No doubt, these events are heavily influenced by

party politics, but shouldn't this principle which underpinned the formation of our nation be above party politics?

With these various complications, how then do we go about healing a withering Malaysia?

The first step must be to re-forge a shared consensus of what our nation is really about; who the institutions that were affirmed and created in 1957 and 1963 are for. There may well be people who will say that their vision of Malaysia is genuinely nothing like what our founding fathers had intended. It might be the case that even a majority of Malaysians no longer believe, no longer subscribe to those intentions. They may want this country to be a socialist state or a theocratic state. I would say that such people want to live an entirely different nation, for our Constitution cannot accommodate their dreams. If a majority of people preferred such a scenario that would indeed be sad, as it would mean that the project of our founding fathers has already failed.

But let us say that we find that a majority of the people in our country still do believe in our constitutional framework, are still inspired by the principles of Merdeka, still want to abide by the words of Tunku Abdul Rahman. In such a case, we need to do all we can to ensure that the spirit is re-energised. We need to ensure that schools teach our history, and in particular the narrative of our institutions, and the principles that motivated our leaders. Some of our schools are historic institutions in themselves, but I fear even their institutional memory is in danger of being lost to those who wish to shape educational institutions towards political ends.

But the values of Merdeka go far beyond our schools and universities: they can be expressed in everything that Malaysians do in their civic and professional lives. Only in this way can the values be truly shared, rather than being merely invoked in grand speeches where "moderation" and "tolerance" are much talked about, but then not practised in action and policy.

Another step to healing our nation is constantly working to improve the performance and accountability of our institutions. This is where the growing role of civil society is crucial. Civil society takes many forms, many of which are not overtly political: charities, cultural organisations, alumni groups, volunteer gatherings and so on. In the aftermath of the terrible floods in Kelantan, or in response to humanitarian crises in Palestine or the Andaman Sea we saw an enormous outpouring of sympathy and generosity from Malaysians of all backgrounds which surely indicates not just Malaysians' humanity, but also civic consciousness.

Perhaps the most visible form of civil society is when people march on the streets in protest, but in recent years there has been a blossoming of organisations that carry out research, inform policymakers and host debates and conferences where public policy issues are considered for the betterment of the country. IDEAS is one such organisation, and I'm happy to say that we have our on-the-ground educational projects in our two schools alongside policy advocacy work. Earlier Dato' Saifuddin mentioned our work in education, and our research on vouchers. This is premised on our belief that the education system exists to serve Malaysian parents, rather than being a political tool, and thus decentralisation and choice is a good thing.

Despite our firm commitment to the nation as we imagine it in the Merdeka tradition, in an environment where provocateurs need you to be on side or another, it is inevitable that some people

will categorise us as being party political. We are not: we are merely demonstrating how the values of Merdeka can be applied through reforms that are relevant today. And the more democratic space there is, the more journalists, commentators and opinion pollsters can give credence to what people talk about at mamaks, university campuses and golf courses, and the more civil society can play its role in reversing the withering of Malaysia.

All this being said, national healing needs another key component: leadership. We are doing our best to identify and increase the capacity of politicians and bureaucrats who we believe understand what our healthy nation should look like. I hope and pray that eventually, we will have enough morally upright believers in the spirit of Merdeka in our institutions to start a virtuous cycle that will mend the wounds of our nation. Perhaps more importantly, in the long term, we can restore confidence in our institutions so that future generations can be ever vigilant in holding the people in those institutions to the standards of the constitution or other laws which establish them.

Ladies and gentlemen, I do not sit in any of the hallowed institutions I have been referring throughout my lecture. I am however fortunate in being able to meet so many Malaysians who do operate in these institutions, and so many Malaysians who are affected by these institutions. They are of every ethnic background, religious conviction and walk of life. In getting to know many of them I have realised is that the vast majority of my fellow citizens want to remain faithful to Malaysia. They want to realise the substance of the image of Merdeka; the flag that they fly so proudly; the anthem that they sing so emotionally.

I would like to finish with a quote from the first Yang di-Pertuan Agong of the Federation of Malaya, Tuanku Abdul Rahman ibni Almarhum Tuanku Muhammad, who when giving the first Royal Address to the newly-convened Dewan Ra'ayat on 12 September 1959, said this:

“This Constitution, unique in many ways, is a comprehensive declaration of duties and responsibilities, authority and prerogatives, affecting all organs of the State and all citizens of the land... The Constitution belongs to all of us... We wish all Our subjects on this historic day to know and understand that the Constitution of the Federation of Malaya, our charter of rights and liberties, is now, finally and completely, in operation and with the establishment of this Parliament under the Constitution, a new era begins for our nation.”

I believe if we in civil society work hard to restore vitality to the withered tree that is our nation, the answer to “whither Malaysia?” can once again be “only ever upwards”. With that I’d like to congratulate Harmony Malaysia on its launch and organising this national conference.

Thank you very much, wassalamu’alaikum.