

Session V. National practices and real experiences: existing mechanisms providing for the political participation of minorities

Oral Intervention by Shanmuga KANESALINGAM, Legal Adviser, Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism & Taoism.

Thank you, Madam Chair, for allowing me an opportunity to speak on the experiences of the Malaysian Consultative Council of Buddhism, Christianity, Hinduism, Sikhism & Taoism in the political process.

Our name is quite a mouthful, so I shall call us the Council. We are a non governmental coalition of the main representative bodies of the 5 main religions who comprise the 45% of the Malaysian population who are non Muslims. Our experience is not in electoral politics, but in engaging with Parliamentarians and government bodies (both national and local) on discriminatory laws and administrative practices.

I wish to comment on how effective we have been as a minority consultative body in giving meaningful representation to minorities.

Minority political parties: The Malaysian government has a significant minority representation, as our federal government is comprised of a coalition of race based political parties. There is however sometimes an impression that minority political parties are pressured by their allies from the majority community into conceding too much on issues of serious concern – the political horse trading that is an inevitable consequence of coalition politics sometimes results in adverse consequences to minority communities. This perception is aggravated by the fact that the majority community's political parties rarely engage with us saying that this would be interfering with their coalition parties. With minority civil society engaging only with minority politicians, there is sometimes perhaps a lack of understanding of the real problems affecting the minority community amongst members of the majority community.

Civil service: There have been frequent attempts to increase the participation of minorities in the civil service, the police and the armed forces. However, many from minorities are not keen to join public service, mainly because of a fear that they will not be treated equally in terms of promotions. Thus, in consultations and dialogues with civil servants, our Council frequently faces a room full of civil servants from the majority community who do not seem to be able to appreciate and understand the problems of the minority communities. Even when the Cabinet Minister is from a minority community, we sometimes see that the civil servants in that ministry resist making decisions that minorities feel are necessary. Since political questions take on religious overtones, we sometimes find that there is a perception that by assisting the minority community Muslim civil servants, especially at the lower levels of the bureaucratic chain, feel they are somehow going against their own religion.

No compulsion to consult: Although the views of my Consultative Council, are often sought by decision makers, that consultation lacks official standing and there is no obligation on the part of decision makers to take into account our concerns. Further, there is a high degree of suspicion amongst those in civil society that as and when a consultation exercise is taken involving minority

communities, this is mere tokenism and an attempt to bolster the decision maker's authority who will then cite this so called consultation to stave off criticisms of the ultimate decision.

Proposal – engage with majority community: Unfortunately, our consultative council does not include Islam, the religion of the majority community in Malaysia. As Islam is set out in the Malaysian Federal Constitution as the established religion of the country, Islamic authorities are members of the Government service and do not consider it proper to be involved in an NGO. However, what we have seen is that with more dialogue with civil society actors from the majority community or when we are able to persuade respected religious leaders from the majority religion as to the merits of our complaints, many problems are resolved. Thus, effective political action and effective participation seems to me to require engagement with the majority community.

Recommendation: I would there ask that this Forum includes as a recommendation the creation of consultative bodies who would be required to act through consultation, mediation and negotiation to overcome discriminatory practices impacting on minority rights. Those consultative bodies must include respected members of the majority community who are attuned to the need to be fair to minorities. All government departments should be obligated to seek the views of this consultative body when issues touching on minority rights arise. This body could also act as an innovative form of the independent monitoring body envisaged in paragraph 30 of the Background Paper.

Thank you for your time.

*****ENDS*****

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