

In defence of Nurul Izzah
Malaysiakini.com
September 7, 2010

COMMENT Without question, racial tensions in Malaysia are higher today than at any time since the 1969 riots.

A high school principal makes racist remarks to her young students but goes unpunished by the government. A Chinese Malaysian rapper makes an offensive video claiming that Malaysia's wealth is thanks to the Chinese, insulting not only Malays but also Indian workers who have toiled on Malaysian plantations for generations.

NONEA right-wing Utusan Malaysia columnist writes that those who disagree with his extremist views on the unwritten social contract can "go home" to China and India. When some Malays parade the severed head of a cow to protest against a Hindu temple, they are greeted as heroes by the home minister.

Fearful of losing political support, the government's actions have been selective - criticising statements coming from the opposition, while remaining silent when the racism comes from their own quarters. The prime minister's failure to provide leadership to deal with this growing racial and religious crisis and his inability to go beyond the sloganeering of 1Malaysia do not portend well for Malaysia's future.

Against this backdrop, Nurul Izzah Anwar, the MP for Lembah Pantai, has written a courageous and fascinating two-part article, 'Malaysia or Malaysaja?', calling for a constructive dialogue with Perkasa to discuss how to interpret Article 153 of the Constitution. She has said that she is willing to engage with other concerned Malaysians as well.

NONEPerkasa chief Ibrahim Ali dismissed Nurul Izzah's challenge to a debate, calling her 'small fry'. And in a snub, he said that if she wants to debate, she can talk to the head of Wiranita, the Perkasa women's organisation.

For reasons that most people understand, the publicity-seeking Ibrahim does not want to share a microphone with anyone, let alone Nurul Izzah, who clearly is his intellectual superior.

As expected, Perkasa and its allies responded in typical fashion – not by countering Nurul Izzah's well-considered arguments, but by engaging in bluster, name-calling, and threats, filing a police report against her.

Nurul Izzah, not one to be intimidated by bullying, responded by writing another article, even more forceful and detailed than the first.

What Izzah has called for

Let us consider what Nurul Izzah said and did not say – and why her proposal for a constructive debate on the meaning of Article 153, and how it has been implemented over the years, has merit.

First, Nurul Izzah did not call for the repeal or amendment of Article 153. So the hot heads of Perkasa, as well as Home Minister Hishammuddin Onn, should back off. There is no element of sedition here. She also did not challenge Malaysia's unwritten social contract.

Nurul Izzah correctly pointed out that Ibrahim Ali and Perkasa are wrong when they insist that the words "Malay rights" appear in Article 153. They do not. The Constitution refers to the "special position" of the Malays and other bumiputera, but not to any inalienable rights.

Pardon me for talking briefly about my own country to make a point. Soon to be 223 years old, the US Constitution is the oldest written constitution in the world. Over the years, the US Supreme Court has been called upon countless times - now between 75 and 100 times each year - to interpret the meaning of the Constitution and whether specific actions and laws of the government conform to it.

So as an American, I think that debating the meaning and implementation of specific articles in the Constitution is a legitimate part of the political and governing process in a democracy. Even after two centuries, we still have that debate. For example, the question of placing an Islamic Centre near Ground Zero in New York raises constitutional issues of freedom of speech and freedom of religion.

Nurul Izzah is doing the same. She says, let's have a constructive debate about what Malaysia's constitution means in practice when it talks about the "special position" of the Malays.

Discounts on fancy homes a 'right'?

For example, nowhere in the Constitution does it say that bumiputera citizens should be given discounts when they buy fancy condominiums. Those are policies enacted by the government of the day, which are not enshrined in the Constitution.

While the civil service, scholarships, and business permits are mentioned in Article 153, housing is not. But when DAP MP Tony Pua recently suggested that the Selangor state government should abolish the bumiputera discount for purchase of houses costing more than RM500,000 (in a state where the average cost of housing in 2009 was RM267,000), an Umno Youth leader filed a police report and said that Pua's suggestion not only challenged Article 153, it was an offence under the Sedition Act. Of course, it is not.

NONE Question: Should bumiputera residents be given discounts when they buy housing? If so, what should the percentage be? Do you have a "right" to a 10 percent discount as opposed to 5 percent?

Should there be a means test - that the discount is only given to people whose incomes are below a certain level, or when the value of the housing is below a certain level? If poor Malays are to be given housing discounts or subsidies, then should they not also be given to poor Indians and others? These are all legitimate questions to discuss.

If in the future the government decides that bumiputera may receive a 30 percent discount when they buy a Proton, but others may not, isn't it only fair to discuss this? If the government decides that 100 percent of the civil service has to be Malay, or that only Malays may head corporations in Malaysia, isn't that something that should be debated?

If others want to question such policies, they should not be told that they are violating Article 153 and are subject to arrest for sedition.

Bumi equity target has failed

Let's consider the policy of bumiputera ownership of 30 percent of the equity on the Bursa Malaysia. Article 153 talks about making special provision for bumiputeras to acquire licences and permits to engage in trade and business. But it does not talk about setting aside a special allocation of new stock issues for Malays and others, let alone how the value of the stock should be measured.

If the goal of the NEP is to raise the economic status and living standards of the Malay people, then how does this specific programme – setting aside 30 percent of stock issues – do that? If it were an effective programme, then why after all these years do so many Malays - and especially those in the rural areas - still live in poverty?

Why, as the New Economic Model (NEM) report pointed out, has the gap between rich and poor widened? Why has income for the bottom 40 percent of Malaysian households grown the most slowly over the past three decades?

Judged by these results, clearly the 30 percent equity policy has failed to do the job. Are there not better and more effective policies to raise the economic levels of the Malays and people of Sabah and Sarawak? And as others have pointed out, who decided what individuals could buy these shares? Where was the transparency? Why were the recipients not required to keep the shares, rather than sell them to others for a quick buck?

When MCA head Dr Chua Soi Lek called for ending the 30 percent quota, Perkasa's economic bureau director called for Chua to be arrested under the Internal Security Act (ISA) for "disregarding national interests."

In 2006, Asian Strategy and Leadership Institute (Asli) issued a report that said when the actual market value of stocks is used (the way that all of us determine our current wealth), rather than the artificially-determined par value, then the 30 percent target already has been reached. But under pressure, Asli withdrew the report.

'A fresh young voice'

In summary, even without challenging Article 153, it is perfectly legitimate to have a discussion of:

- 1) how that article has been implemented and should be implemented through government policies and actions;
- 2) how successful past and current policies have been in meeting the goals of Article 153; and
- 3) how success should be measured.

In a democracy, none of these topics should be "off limits."

On a personal note, I have known Nurul Izzah for 12 years, and it has been a pleasure to watch her grow into the remarkable woman that she is today. No one should underestimate her. Everyone sees her beauty, but I can attest that she also has brains, determination, and courage. And all of those characteristics are on display right now.

Perhaps an anonymous comment on the Internet, in response to her article, says it best: "She may well turn out to be the fresh young voice of conscience and courage... at a time when Malaysia needs a gentle, clear voice."

Copyright © 1999-2007 Mkini Dotcom Sdn. Bhd.
Source : <http://www.malysiakini.com/news/142138>