

# Everyone's rights guaranteed

## Dr M contradicting Constitution and himself, say experts

**PETALING JAYA:** Tun Dr Mahathir Mohamad is wrong to say that it is unconstitutional to promote Malaysia as a multiracial country, say legal experts and moderates.

Former law minister and lawyer Datuk Zaid Ibrahim said the former prime minister is not a lawyer and sometimes likes to use legal precepts "to express himself to his own detriment."

"When he says Malaysia is not multicultural, he is alluding to the primacy of Malays as a people and their cultural identity being the dominant characteristics of the country.

"To Mahathir, Malaysia and its precursor, 'Tanah Melayu', are Malay with the rights of all other nationalities preserved and protected by law," he said.

Zaid said it was wrong for Dr Mahathir to posit that it is against the law to describe Malaysia as multiracial.

"Clearly we are multiracial in the general sense of having many ethnic groups as citizens, all having their rights enshrined in the Constitution," he said when contacted yesterday.

On Monday, Dr Mahathir claimed that it was unconstitutional to promote Malaysia as a multiracial country. He said this is because the Federal Constitution never mentions that Malaysia is a multiracial country.

Meanwhile, the Health Minister's political secretary Napsiah Khamis said she was shocked and saddened by Dr Mahathir's attempt to create a new narrative that is highly communal-based.

"Dr Mahathir's interpretation of the provisions of the Constitution is not only inaccurate but also dangerous. I consider his interpretation to be highly dangerous as it implies that non-Malay citizens



**Mutual respect:** A file photo of youths and civil servants taking part in a full dress rehearsal for the 65th Merdeka celebration in Dataran Merdeka in 2022. - AZHAR MAHFOF/The Star

have no place and are merely second-class citizens," she said.

Constitutional lawyer Andrew Khoo said Dr Mahathir contradicted himself as he had previously described Malaysia as a multiracial nation during the opening of the Second World Fujian Convention and Malaysia-Fujian Investment and Trade Exhibition in Langkawi in August 1996.

Dr Mahathir, he noted, was also quoted as saying that "all the various races have not only enjoyed the fruits of stability, but they have also benefitted from the country's development and prosperity resulting from it."

"If the reports are accurate, then he is contradicting himself," said Khoo, who is the Bar Council constitutional law committee co-chair.

He added that although the

Constitution places the Malays in the peninsula and the natives of Sabah and Sarawak in a special position compared to other races, it also protects those races.

"Article 153 places the Malays in Peninsular Malaysia and the natives of Sabah and Sarawak in a special position in relation to other races in order to achieve a fair and equitable balance in education, employment and enterprise.

"The other races are not to be ignored. Also, if one looks at the definition of 'natives of Sabah and Sarawak' in the Constitution, it is clear that they encompass many different ethnicities.

"The bumiputra of Sabah and Sarawak embrace different religions as well," he said.

Constitutional expert Associate Prof Datuk Dr Wan Ahmad Fauzi

Wan Husain said the Constitution guarantees the fundamental liberties of all citizens as stated in Articles 5 to 13.

Although Article 153 safeguards the "special position of the Malays and natives of Sabah and Sarawak," the legitimate interests of other ethnicities are duly protected as well.

"We cannot deny the citizenship of the various ethnicities after they became Malaysian citizens, but they must uphold our constitutional supremacy, including those (provisions) that preserve the indigenous elements vis-a-vis the elements of 'Malay-ness'. Once they become our citizens, we become one identity that embraces the identity of this country, and they should eliminate their loyalty to other countries," he added.