

Constructivism Explained Malaysia's Ratification Withdrawal of International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 2018

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Abstract

Malaysia is one of two Muslim-majority countries in the world that have not ratified ICERD. ICERD is part of the Convention on Human Rights, which obliges each country to eliminate all forms of racial discrimination. After 61 years of Barisan Nasional (BN) in power, Malaysia won the concept of 'New Malaysia' under the new authority of Pakatan Harapan (PH) in the 14th election. PM Mahathir Mohamad followed up on 'New Malaysia' by conveying the discourse on ICERD ratification at the 73rd UN General Assembly. The discourse was cancelled in November 2018 after massive resistance from the BN opposition and Muslim-Malay unity. The cancellation of ratification can be explained through constructivism regarding the interests of maintaining economic, social, and political security for Malay-Muslim, which is based on the identity of the Malayan leadership during state formation of Malaysia.

Keywords: *Malaysia, ICERD, constructivism, Malay-Muslim*

Abstrak

Malaysia merupakan satu dari dua negara berpenduduk mayoritas muslim di dunia yang belum meratifikasi ICERD. ICERD merupakan Konvensi Hak Asasi Manusia yang mewajibkan tiap negara untuk menghapus

segala bentuk diskriminasi ras. Setelah 61 tahun Barisan Nasional (BN) berkuasa, Malaysia memenangkan konsep 'Malaysia Baru' dibawah otoritas baru Pakatan Harapan (PH) pada pemilu ke-14. PM Mahathir Mohamad menindaklanjuti 'Malaysia Baru' dengan menyampaikan wacana ratifikasi ICERD dalam Sidang Majelis Umum PBB ke-73. Wacana tersebut dibatalkan pada November 2018 setelah adanya penolakan besar-besaran dari oposisi BN dan kesatuan Muslim-Melayu. Pembatalan ratifikasi dapat dijelaskan melalui konstruktivisme mengenai kepentingan menjaga keamanan ekonomi, sosial, dan politik Muslim-Melayu, yang didasarkan pada identitas Ketuanan Melayu Malaysia saat pembentukan negara.

Kata Kunci: *Malaysia, ICERD, konstruktivisme, Muslim-Melayu*

INTRODUCTION

Malaysia is a plural country consisting of 37 ethnic groups which are administratively spread over 13 states (countries) and three federal territories (feather). Ethnic Malaysia is classified into several groups, namely 69.9% indigenous Malays (Bumiputera) with a majority Muslim, 22.8% ethnic Chinese with a Buddhist majority, 6.6% Indian with a Hindu majority, and 0.7% others who practice traditional beliefs (Varley, 2022).

Bumiputera in particular have a different population status compared to the other two ethnicities, namely the Chinese and Indians. The Federal Constitution provides special social, political, and economic guarantees for Malay-Muslims (Kheng, 2002, p.

4). On the other hand, the Chinese and Indians, who are immigrants from British colonialism, do not get the same thing but the fulfilment of basic rights is still allowed.

In an international perspective, the United Nations and its various member countries are loyal to upholding the Human Rights (HAM) contained in the Universal Declaration of Human Rights. Based on the declaration, the United Nations condemns all forms of discrimination that can threaten the harmony of relations between humans and the state (Lauw, 2020).

The declaration has derivatives in the form of International Conventions that regulate detailed aspects related to human rights. Most treaties are treaty-making

laws, which must get the attention of each UN member state as a form of commitment to implementing general international principles. International values and norms need to be adapted as domestic rules to maintain universal harmony and peace (Kristiyanti, 2018).

After the 14th general election, Prime Minister-elect Mahathir Mohamad expressed his determination to ratify all international treaties related to human rights enforcement, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (Straitstimes, 2018). This discourse was conveyed at the 73rd United Nations General Assembly (UNGA), related to his campaign promise to realize "New Malaysia" through inclusiveness of all races (Waikar, 2018).

Malaysia is one of two Muslim-majority countries in the world that have not ratified the ICERD International Convention. On the other hand, Malaysia has ratified three other international conventions related to human rights formulated by the United Nations. Ratification of the three international conventions are the Committee on the Elimination of Discrimination Against Women (CEDAW) on 5 July 1995, the

Convention on the Rights of the Child (CRC) on 17 February 1995, and the Convention on the Rights of Persons with Disabilities (CRPD) in July 19, 2010 (Hakimi, 2019).

The discourse of ratification was responded negatively by the Malay-Muslim community and the Malaysian government alliance which had ruled previously for 61 years, Barisan Nasional through the United Malays National Organization (UMNO) and Parti Islam Se-Malaysia (PAS). A total of 50,000 people took action peacefully in Dataran Merdeka on December 8, 2018 (Straitstimes, 2018).

The government then cancelled the ratification of ICERD in November 2018 after the delivery of the discourse in September 2018 at the General Assembly of the United Nations Assembly (Straitstimes, 2018). The change in Malaysian policy making regarding the ratification of ICERD in 2018 is considered very interesting to study because it occurred in a short period of time, since it was rejected by the nation. The concept of "New Malaysia" which puts forward inclusivity, then had to be dissolved because it was considered to have hurt the beliefs of the Malay nation which was exclusive.

RESEARCH METHOD

The method used to analyse the data is a qualitative approach with Miles and Huberman's explanatory analysis technique, namely: data collection, data reduction, data presentation, and drawing conclusions or verification (Miles & Huberman, 2007). The data taken are primary data, namely direct and indirect verbal and non-verbal statements from several Malaysian domestic figures related to ICERD ratification and the issue of racial discrimination.

Other sources are secondary data from articles, news, journals that provide supporting data to understand Malaysia's collective idea towards ICERD ratification discourse under Mahathir Mohamad leadership. The author conducted a literature review first regarding the chronology of racial issue in Malaysia and its development to decision of ICERD ratification cancellation in 2018.

THEORETICAL FRAMEWORK

The author used the concept of Foreign Policy from a constructivist view because there has been an identity of Malayan leadership since the formation of the Malaysian nation-state, which later formed the economic, social, and political

interests of Malay Muslims in the annulment of ICERD ratification in 2018.

Constructivism View based Foreign Policy

Constructivism explains the importance of cultural aspects in the form of ideas, thoughts, values, and communal beliefs of a nation that has structural characteristics. These non-material structures form national identities that have the power to influence social and political action. This national identity then underlies the interests and policies of a country in foreign policy (Wendt, 1999; Hara, 2011).

Constructivism focuses state behaviour on human consciousness as part of the world. The behaviour of the state is not a material object that is outside human consciousness, but is part of the human subject. Humans are able to change and control it because it is a product of social construction. So constructivism sees the behaviour of the state as strongly influenced by the interests of its leaders in maintaining a national identity that is formed through a collective understanding with the nation (Hara, 2011, p. 117).

The international environment is not anarchic in nature, but is shaped based on the non-material state

perception of the global situation on an ongoing basis. Perceptions based on the structure of the nation's ideas shape the behaviour of the state and then repeatedly and automatically the state's behaviour will influence the pattern of perceptions of similar situations in the international environment (Wendt, 1999). Thus, identity can be influenced through social interactions with other countries.

Alexander Wendt explains that identity does not only consist of identities that can be changed (social identity), but also identities that cannot be changed (corporate identity). The state has a corporate identity that grows from its nation and is not influenced by interactions with other countries. Based on this understanding, the state as a political unit can have the authority to determine the standardization of the value of economic welfare and mutual self-esteem (Wendt, 1999; Hara, 2011).

If you look at the government system and socio-political pattern in Malaysian ethnicity, decision making tends to involve the formation of a collective identity in the form of Malay institutionalization from domestic

actors such as Malay officials, UMNO nationalists, and Malay-Muslim Interest Groups. The elected leader, PM Mahathir Mohamad, who also has a background as an elite Muslim-Malay, is a representation of the embodiment of this collective identity.

Alexander Wendt explained in more detail about the relationship between state behaviour and the interests of national figures based on the communal identity of the nation. Malaysia's action to cancel the ratification can be seen as a form of preserving PM Mahathir's political legitimacy in his second stage of leadership.

PM Mahathir Mohamad, who has a background as a Malay-Muslim nationalist, tries to provide economic, political and social security for the Malays. This security is based on the identity of the Malayan leadership that has been structured in the collective Malay-Muslim understanding since the formation of the Malaysian nation-state. The cancellation of Malaysia's ratification if it is linked based on the concept of state behaviour by Alexander Wendt can be described as follows:

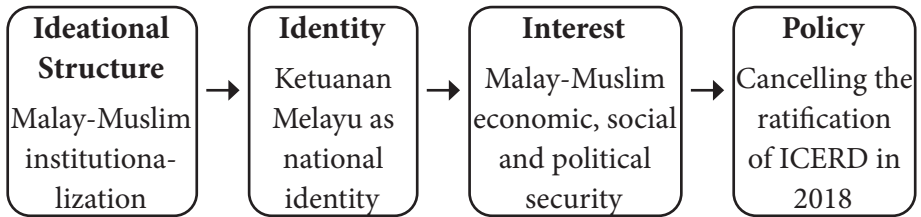


Chart 1:

The concept of state behavior according to Alexander Wendt (1999)

DISCUSSION

Muslim-Malay Dominance in the Formation of Malaysia

During the British colonization of the Malay Peninsula, the absolute monarchy under the Malay Sultanate continued to operate under a power-sharing agreement. The Malay Sultanate regulates matters relating to religion and ceremonial matters. Meanwhile, political and economic affairs became the authority of British liberalism.

British liberalism brought a new economic model that put forward equality of individual rights and free markets. Industrialization during the colonial period required large numbers of foreign workers. This strategy was usually carried out during the colonial period in order to form alienation in the accumulation of capital. Alienation will stem resistance efforts from the formation of a united civil

society force through assertive communication (Mohamad, 2008).

This practice indirectly overrides the role of Malay-Muslims who are Bumiputera (indigenous people) in the Malay Peninsula. Many immigrant workers who came from China and India were then placed in strategic positions. Differences in characteristics make Muslim-Malays have lower competitiveness compared to non-Malays.

This later became a special concern of the Malay high ranking officials who were still the ruling class in the Malay Sultanate. Malay officials urged the Malay Sultanate to make regulations that ensure economic prosperity for Malay-Muslims as indigenous peoples and the rightful owners of the Malay Peninsula. This insistence then coincided with the increasing wave of political infiltration of communism.

The British government approved the proposal of the Malay Sultanate on the implementation of special rights for Malay-Muslims, on the condition that it assisted in the neutralization of the Malayan Communist Party (MCP) rebellion. The two then formed a resistance aggression unit under the leadership of the Malay nationalist party United Malays National Organization (UMNO) in the post-World War Two era (Baker, 2012).

The Malay nationalists under UMNO succeeded in resisting the rebellion and stemming communism in the Malay Peninsula. This success led to the discourse of the formation of the Federation of Malaya under the political power of the Malayan racial unity. The Malay officials convinced the Malay Sultanate to achieve independence under Muslim-Malay nationalities as indigenous people (Kheng, 2002, p. 7).

The victory of Malay-Muslim nationalists in stemming communism was instead betrayed by Malaysia in the form of the formation of the Malayan Union in 1946. The formation of the Malayan Union was seen as a violation of the pre-1941 treaty and an attempt to annex Malay states to completely remove Malay sovereignty (Kheng,

2002, p. 13). The pre-1941 treaty was an agreement between the British Government and the respective Malay Sultanates of the states during the war against Japanese occupation.

Together with Malay officials, UMNO demanded the establishment of a federated Malaya state, which administratively consisted of nine states under different Malay sultanates. While the areas of Penang and Melaka remained under the British colony, the majority of the population consisted of a non-Malay population (Kheng, 2002, p. 3). As a result of great national pressure from Malay officials and UMNO, the Malayan Union was successfully dissolved in 1948 (Kheng, 2002, p. 15).

The government of the Union of Malaya was later replaced by a federated state of Malaya under the 1948 Federation of Malaya Agreement. The agreement contained the foundations for the establishment of a modern nation-state, including citizenship status for non-Malay immigrants who massively migrated to the Malay Peninsula during the period of colonization (Kheng, 2002, p. 3).

The Federation of Malaya became a new state formally on August 31, 1957 with the official name of the Malayan Alliance.

Malay officials together with UMNO nationalists through negotiations on the formulation of the 1957 Malayan Constitution have legitimized the rule of Malay Muslims constitutionally. In 1963 the term Malaya also underwent a change to Malaysia which was believed to better reflect the Malay identity (Kheng, 2002).

This achievement is the result of the hard work of Malay officials and UMNO nationalists in mobilizing the Bumiputera and other ethnic groups in the realization of independence. National stability was formed from UMNO's persuasive ability to invite the Malayan Chinese Association (MCA) and the Malayan Indian Congress (MIC) to form the Alliance Party which won the first national legislative election in 1955 (Kheng, 2002).

Dynamics of ICERD Ratification in Malaysia

The International Convention of the Elimination of All Forms of Racial Discrimination (ICERD) is an international convention initiated by the United Nations (UN). This convention is a law-making treaty, where the source of the rules comes from social norms that regulate the customs of the international community and is binding not only

for member countries that ratify it (Kristiyanti, 2018).

The ICERD International Convention is a follow-up to the provisions stipulated in the Universal Declaration of Human Rights (Kristiyanti, 2018). This Convention seeks to overcome the problem of racial discrimination which is considered to threaten the harmonization of relations between individuals within a country or between countries. So that compliance with the convention is part of the shared values that should get the attention of all countries in international relations.

Discussions on the ratification of ICERD related to racial and discrimination issues have been widely discussed in the public sphere since Malaysia joined the United Nations Universal Periodic Review (UPR) in 2009. The UPR is a forum initiated by the UN Human Rights Council and encouraged by UN member states in the context of enforcement of human rights (UNHRC, 2019).

The Malaysian Human Rights Commission (SUHAKAM) together with the National Human Rights Society (HAKAM), the Community Communication Center (Pusat KOMAS), Suara Rakyat Malaysia (SUARAM), Sisters in Islam (SIS),

The Society for the Promotion of Human Rights Malaysia (PROHAM) established an educational program related to ICERD ratification (Fatahillah, 2019).

Advocacy and education programs include general discussions, seminars, campaigns, scientific publications, petitions, and even direct recommendations to the Malaysian government. This effort was made to counteract the rush of public opinion by UMNO and the Malay-Muslim elite regarding the negative image of ICERD. The UMNO Party explicitly through mass media and open forums delivered bad speeches about the ratification of ICERD for the survival of the Malay nation's life insurance (Fatahillah, 2019).

The unitary group assessed that Malaysia's decision to ratify ICERD was the right step in showing its commitment as a member of the United Nations to build a country based on the principles of equality, respect and acceptance for all citizens. The implementation of ICERD in the domestic environment will also set a minimum standard of behaviour for the Malaysian government in overcoming the issue of racism, especially racial hate speech (Nursyafiah, 2019).

In 2011 to respond to this pressure, the Barisan Nasional (BN) coalition government established the ICERD Technical Committee under the supervision of the Unity and Integrity Department Studies in the Prime Minister's Department (Fatahillah, 2019). However, after the committee re-examined ICERD in 2011 and 2015, the BN coalition government dropped the idea of ratifying it because the convention was deemed inconsistent with the Federal Constitution (Koya, 2018).

Then the discourse of ICERD ratification reappeared in 2018, after the Pakatan Harapan (PH) alliance replaced the BN for the first time in Malaysian history. The BN Alliance, which is dominated by UMNO, has controlled the Malaysian Parliament for 61 years since the first general election in 1955. Prime Minister-elect Mahathir Mohamad delivered a discourse on the ratification of all international treaties related to human rights enforcement, including ICERD (Straitstimes, 2018).

This discourse is a follow-up to the campaign to realize "New Malaysia" under the PH government. The concept of "New Malaysia" is designed not only to restore Malaysia's reputation in the eyes of the international community

regarding its commitment to upholding universal human rights values. But also to gain public trust in national politics which had faded due to the KKN practice of the BN alliance under the government of PM Najib Razak (Waikar, 2018).

The discourse of ICERD ratification by PH triggered a massive reaction of rejection from the Malaysian public. The Muslim-Malay Alliance together with the BN opposition, which was dominated by the votes of the UMNO and PAS parties, staged a large-scale peaceful demonstration. Crowds gathered at Dataran Merdeka on December 8, 2018 to voice the anti-ICERD campaign.

This event was referred to as the 'Himpunan Aman Bantah ICERD' or 'white demonstration', a large-scale demonstration by the Muslim-Malay alliance held in the capital to raise objections to the proposed ratification of ICERD (Ladiqi & Anis, 2019). This demonstration is the first time in Malaysian history, where there are more than a million Muslim-Malay and Bumiputera gathered on the streets.

Mahathir Mohamad's Political Legitimacy in Protecting Malay-Muslim Interests

Mahathir Mohamad is

the Prime Minister who has been the head of the Malaysian government twice. Mahathir held the first stage of office in 1981-2003 as a representative of the UMNO party and the party affiliate Barisan Nasional. During the first phase of government Mahathir was nicknamed the Father of Modernization due to his innovations in the economic field (Milne & Mauzy, 1999).

Malaysia under Mahathir's first phase of government experienced rapid economic growth with the innovation of widespread industrial privatization and massive infrastructure development. PM Mahathir is a figure who initiated the affirmative policy of ethnic Malays through his writings "The Malay Dilemma", better known as Malayan leadership (Karisma, 2020).

Previously, the Malays were an ethnicity whose welfare was neglected compared to the Chinese and Indians. At that time, Muslim-Malay economic control was only 1.5%, where ethnic Chinese actually controlled 22.8% and the rest was controlled by foreigners. The situation was further exacerbated after the 1969 racial riots which were provoked by the excessive glorification of non-Malay ethnicities after the general election

(Mohamad, *The Malay Dilemma: With A New Preface*, 2008)

In the report of the National Operations Council regarding the analysis of the 1969 racial riots, one of the reasons was the low representation of the Malays in the civil service sector compared to non-Malays. The Malays make up the majority only in the Police and Military. While the control of the Chinese and Indians in the private-based education and business sectors allows them to reduce the participation rate of Malay-Muslims (Milne & Mauzy, 1999).

The granting of special rights for Malay-Muslims was realized in the New Economic Policy (NEP) in the period 1971-1990 and continued with the establishment of the New Development Policy (NDP) in 1991-2000. The NEP targets 30% of the economy to be controlled by Bumiputera in 1990 (Mohamad, A Doctor in The House *The Memoirs of Tun Dr Mahathir Mohamad*, 2011). Mahathir's policy of placing non-Malay races as subordinate and prioritizing Malay nationalism is known as Mahathirism.

Mahathirism leads to a political ideology that characterizes Mahathir Mohamad's leadership which is rooted in five ideas, namely nationalism, capitalism, Islamism,

populism, and authoritarianism (Teik, 2018, p. 2). Mahathir introduced the 2020 vision as Malaysia's vision in 1991. This vision became a reference for the formation of Malaysia as a developed country by combining religious, social justice, quality of life and political stability (Kheng, 2002).

During his second reign, Mahathir became the first Prime Minister not from UMNO. Mahathir represented the Bersatu Party with the Pakatan Harapan affiliate in the 2018-2020 government period. Mahathir's participation in the active politics of the second stage of government was based on his anxiety about the massive corruption by Najib Razak and his colonies. According to him, the case of 1Malaysia Development Berhad is the biggest betrayal of the Malay community (Weiss & Hazis, 2020).

The first decision after Mahathir's inauguration in mid-2018 was the discourse on the ratification of the ICERD International Convention. This was conveyed at the 73rd UN General Assembly together with the aspirations of Pakatan Harapan which promoted the inclusiveness of Malaysian society under the concept of "New Malaysia". The concept has a number of ideas related to ethnic cooperation between Bumiputera

and immigrants for the realization of a more progressive Malaysia (Fatahillah, 2019).

The concept of "New Malaysia" is basically in line with Mahathir's first phase of thought and policy pattern. Mahathir's policies took into account not only the communal poverty of Malay-Muslims, but also the potential of Chinese and Indians in Malaysia's development (Kheng, 2002). However, the discourse of ICERD ratification still has a negative stigma for Malay-Muslims in Malaysia. It is feared that the ratification of ICERD will override national authorities in ensuring the economic, social, and political interests of Malay Muslims (Nursyafiah, 2019).

The massive rejection by the Malay-Muslim unity of the discourse on ICERD ratification was responded positively by the Pakatan Harapan government. PM Mahathir Mohamad immediately canceled the discourse on ratification and emphasized that he would not continue the discourse on the ratification of six international human rights treaties (The Star, 2021). This step was taken in connection with the second phase of Mahathir's political legitimacy efforts.

Mahathir in his policy formulation tends to analogize decisions as a cure for disease (Mohamad, A Doctor in The House The Memoirs of Tun Dr Mahathir Mohamad, 2011). Latent problems are described as chronic diseases that need to be treated immediately to prevent their spread. The formation of "New Malaysia" with Pakatan Harapan is an effort to cure the disease of corruption from the UMNO nationalist party and the Malay elite.

Mahathir's decision in the second phase of his administration regarding the ratification of ICERD won the hearts of Malaysians. The discourse on ICERD's ratification, although it was canceled in a short period of time, has raised hopes for ethnic Chinese and Indians regarding the possibility of progressive policy implementation. Meanwhile, the cancellation of the ratification has restored Malay-Muslim confidence in Mahathirism's consistency in protecting the economic, social, and political interests of Malay-Muslims (Waikar, 2018).

In the political contestation of the Pakatan Harapan affiliate, the annulment of the ratification underscores the political power of Mahathir and the United Party in suppressing the issue of ethno-

nationalism. The small number of seats held by the Bersatu Party in Parliament compared to the PKR and DAP parties has limited the views of PM Mahathir Mohamad and his party members in policy formulation negotiations. So that the failure of the ratification is proof that his thoughts in policy formulation are still very relevant to Malaysian political conditions (Waikar, 2018).

Mahathir's decision to ratify ICERD, together with Pakatan Harapan affiliates, has proven a commitment to change for the realization of Malaysia's progress. ICERD's ratification which is in line with the concept of "New Malaysia" confirms that Pakatan Harapan is not part of the National Front which only emphasizes and benefits one particular group by leading nationalist and religiosity opinions (Waikar, 2018).

Thus, the legitimacy of Mahathir Mohamad's second phase of political leadership was maintained with the decision to cancel ICERD's ratification in 2018. The ideas contained in the 2020 outlook will continue until the end of Mahathir's second phase of leadership in 2020. Mahathir's leadership legitimacy basically continues to prioritize economic interests, social, and political politics of Malay Muslims

based on the identity of the Malayan leadership.

Ketuanan Melayu Identity

Malayan leadership is a political concept regulated in Article 153 of the Federal Constitution which contains special guarantees for Malay-Muslim ethnicity in Malaysia. This political concept strengthens Malay sovereignty, Malay ethno-nationalism, as well as Malay ethnicity and culture as indigenous people and political identity in Malaysia. Malay leadership emphasizes the dominance of Malay-Muslims over the existence of non-Malay ethnicities as minorities (Karisma, 2020).

Chinese and Indian in Malaysia are considered as immigrants who are indebted to the Malays. The Malays have received and granted citizenship status to immigrants with regulations on granting privileges which are also regulated in Article 153 of the Constitution. The Malayan leadership social contract has been formed since the colonial period and was further emphasized after the significant role of the Malays in the realization of Malaysian independence (Nursyafiah, 2019).

The dominance of Malay-Muslims and Malay officials in maintaining national stability

during the formation of the Malaysian nation-state made it the only indigenous ethnicity entitled to Malaysia (Karisma, 2020). Prior to independence, Malay-Muslims fought against communist infiltration, dissolved the Malayan Union, and formed a new government under the Federation of Malaya.

After achieving independence, the Malays managed to overcome various racial tensions, especially the May 13, 1969 riots. Malay leadership was further emphasized after the implementation of the affirmative policy initiated by PM Mahathir Mohamad (Mohamad, *The Malay Dilemma: With A New Preface*, 2008). The NEP and NDP policies specifically seek to address social and political inequalities caused by the gap in economic opportunities between migrants and indigenous people (Karisma, 2020).

The narrative of Malayan leadership reappeared after Mahathir's writings "The Malay Dilemma" explained the marginal position of the Malays after the 1969 racial riots (Karisma, 2020). Mahathir encouraged the formation of government policies that were concerned with the economic backwardness of the Malay community. Based on the history

of the formation of Malaysia, only the Malay-Muslim community has rights and obligations over the Malaysia (Mohamad, *The Malay Dilemma: With A New Preface*, 2008).

Malaysia's security is the responsibility of Malay-Muslims as guardians of the Malay Land. Likewise with the potential for welfare that comes from the Malay Land, it is the right and authority of the Malay Nation. The claim of ownership of Tanah Melayu over Malaysia can only be owned by Bumiputera as a native. The position of the Malay nation is higher compared to other ethnicities due to the responsibility for national stability that was emphasized during the formation of the Malaysian nation-state based on a Malay-Muslim identity (Mohamad, *The Malay Dilemma: With A New Preface*, 2008).

So that Mahathir's affirmative policy from the economic aspect through the formation of the NEP and NDP can be ascertained from the identity of the Malayan leadership. Affirmative action prior to Mahathir's economic policies covered by Article 153 of the Federal Constitution was only administrative, supportive and regulatory. Economic inequality is

not addressed with direct and active representation efforts in promoting Malay interests, as implemented in the NEP and NDP policies (Milne & Mauzy, 1999).

In relation to the discourse on ICERD ratification, the identity of the Malayan leadership will lose its strength if the ratification continues in 2018. Although the ICERD Convention imposes reservations in the form of certain requirements based on the national conditions of the participating countries, more or less ICERD's ratification will obscure the existence of Malayan leadership. Non-Malay communities that have the potential to increase their competitiveness in economic, social, and political aspects. The ICERD Convention will be a political weapon for non-Malays in anticipating the reservation.

CONCLUSION

Malaysia's cancellation of the ICERD ratification discourse in 2018 is an attempt by PM Mahathir Mohamad to maintain his second stage of political legitimacy. Political legitimacy according to constructivism is a form of stability in safeguarding the economic, social and political interests of Malay Muslims based on the identity of Malayan leadership.

Malay leadership is a national identity (corporate identity) which has been constructed as a basic need for Malay-Muslims as ethnic Malaysians from the colonial period to the formation of the Malaysian Nation-State. Malay institutionalization was further strengthened by the affirmative NEP policy initiated by Mahathir. The constructed social contract has shaped collective thinking about Malay supremacy and ownership of superior rights for Malay-Muslims over non-Malays.

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