

## ICERD – To Ratify or Not To Ratify

### News:

A minister in the Prime Minister's Department, P. Waytha Moorthy reportedly said that Malaysia would ratify the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as well as five other related human rights agreements. This statement has caused various reactions from various parties, especially the Malay majority opposition parties and figures who are opposed to this effort which is alleged to threaten the position of Islam in this country. A former Chief Justice, Tun Abdul Hamid Mohamad said that ICERD would be detrimental to the Bumiputera (a term which describes the Malays and other indigenous races) as its implementation would cause Bumiputeras to lose the privilege that had been allocated to them. Datuk Salleh Buang, a former Federal Counsel at the Attorney General's Chambers, also stated that it would threaten existing Bumiputera biased institutions such as Majlis Amanah Rakyat (Mara), Maktab Rendah Sains Mara (MRSM), Universiti Teknologi Mara (UiTM) and the Royal Malay Regiment may be repealed. He also mentioned that even some other laws such as the Malay Reserve Land Enactment can also be repealed. Although the Prime Minister has recently decided that Malaysia shall not ratify the ICERD, matters are made worse when in the early morning of 26<sup>th</sup> of November 2018, violence broke out at a Hindu Temple near Kuala Lumpur. What really happened is still unconfirmed but rumours have been spreading that it was a racial confrontation. The government was quick to deny that the violence was due to racial conflict.

### Comment:

The ICERD ratification issue was highlighted due to the sentiment and perception of certain races in Malaysia who feel that they are being discriminated against as a result of the implementation of certain state policies that are viewed as denying their rights. If one is to generally view discrimination and oppression towards races that make up a minority in a country, this occurs at the individual, community and national level everywhere around the world. Discrimination and oppression can be seen in China against the ethnic Uyghur Muslims, Rohingyas in Myanmar and even in the West, black Americans, Hispanics, and indigenous Americans still face discrimination until this day. However, discrimination is not limited to mere minorities. There are even majority groups who are being discriminated against, for example, discrimination against blacks in the apartheid system of South Africa. In Malaysia, although Malays form a majority in the country, they are also facing discrimination in employment opportunities in Chinese-owned companies. In the West, racial discrimination still occurs in the US and Europe in immigration and job opportunities. In other words, discrimination is still widespread in all parts of the world despite all the ratified international human right treaties and conventions.

In reality, like all other UN based conventions and agreements, they function only as a cover up to all the damages and tyranny caused by the application of the capitalist system amongst the member countries and to serve as a tool for maintaining the 'relevance' of UN today. The ICERD, as with all the other UN treaties and conventions, have very little impact in stopping racial discrimination. China is one of the countries that ratified this convention but is still suppressing the ethnic Uyghur Muslims in Xinjiang. The Jewish entity ratified ICERD in 1979, yet is complicit in the worst discrimination and oppression on the face of the earth! Clearly, ICERD as a UN instrument fails in guaranteeing equality and eliminating racial discrimination. Unfortunately, there are still Muslims who continuously trust and rely upon United Nations to resolve conflicts that befall Muslims today and repeatedly seek 'universal justice' from this kufr organization. As the ideology that brings Rahmah (blessings) to humankind, Islam rejects all forms of oppressive discrimination and marginalization of any race, gender or individuals. Islam recognizes the existence of the multitude of nations and explains that this diversity should be celebrated with harmony. Allah (swt) said: ﴿يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتَقَاكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ﴾ **[O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted” (TMQ)].** Islam has also outlined that the state is obliged to guarantee the fulfillment of the citizen rights of every individual Muslim and Ahlu Zimmah (dhimmi) who reside within the Islamic State equally. Islam respects the rights of Kafir Zimmi in matters of worship, kinship, and marriage in accordance to their customs and beliefs. Islam also guarantees primary rights (eating, drinking, clothing, and shelter) fairly without discrimination due to race. Islam implements the divine methodology in ensuring the well-being and justice of all mankind, without the need for Western-style human rights mumbo jumbo which is full of hypocrisy and irony.

Any protest against the ratification of ICERD should be carried on the basis the truth, not merely on very narrow nationalistic and tribalistic sentiments. We also need to realize that the root cause of the problems in the Islamic world stems from the application of man-made laws. Hence, the real solution to all human problems, including those concerned with discrimination, is to totally implement Islam under the umbrella of the Khilafah State.

**Written for the Central Media Office of Hizb ut Tahrir by**

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