

Policy Levers in Malaysia

By Graham K Brown, CRISE

and

Siti Hawa Ali and Wan Manan Wan Muda,
Pusat Pengajian Sains Kesihatan, Universiti Sains Malaysia

**Centre for Research on Inequality, Human Security and
Ethnicity, CRISE**

Queen Elizabeth House, University of Oxford

1. Introduction

This paper describes and analyses the process of policy formation in Malaysia, focussing on CRISE's particular areas of concern. As an introductory comment, it is important to note the criteria behind Malaysia's inclusion as a CRISE case study and the implications they carry for this document. Malaysia is widely accepted as a country which has been remarkably – perhaps uniquely – successful in managing and containing ethnic conflict in a post-colonial context against expectations. In comparing the records of Malaysia and Ceylon/Sri Lanka, for instance, Donald Horowitz (1989), argues that during decolonisation, expectations were that Ceylon would remain peaceful, whilst Malaysia risked extensive conflict. The reverse has proved to be the case. Without prejudging the conclusions of CRISE's work, it seems clear that much of Malaysia's success has been due to its ethnic redistributive policies, which have gone a long way towards redressing the gross economic inequalities left by the colonial period whilst being accompanied by high growth rates for a sustained period of decades. Whilst pertinent questions remain about the political practices of the regime and, perhaps, the level of *political* inequality in the country, the inclusion of Malaysia in the research project was very much on the grounds of it being a 'good' case study, from which to learn both the advantages and pitfalls of ethnic redistribution. Thus, a policy context paper designed to explore ways of influencing policy is perhaps of less relevance to Malaysia than other countries in the study.

This positive opening statement is a useful antidote to the otherwise somewhat gloomy tone of this paper, which suggests three broad conclusions, none of which are encouraging from the perspective of influencing policy. Firstly, the Malaysian government is relatively resistant to international demands for change, a resistance backed up by its low levels of foreign debt and international aid, which afford it a good degree of immunity from the kind of 'conditionalities' that might be imposed by international lenders or donors. Secondly, extra-governmental policy levers within

Malaysia are relatively weak, although some groups have occasionally been successful in lobbying for specific changes. Even within the country, many societal groups have adopted a strategy of 'change from within', aligning themselves with the government in the hope of affecting policy changes through governmental channels. Thirdly and with specific reference to the concerns of CRISE, ethnic redistribution – mainly economic, but also political and cultural – has been a central tenet of the government and its discourse of legitimacy since the race riots of May 1969. Because of this, the government is typically very resistant to advocates of change in these areas; the government considers that it has 'got it right' on ethnic redistribution, and indeed regularly promotes its own solutions as an example for other ethnically divided developing countries such as South Africa. These three factors combined constitute a high wall for any policy lobbyist to scale, particularly on issues of ethnicity and inequality.

One final caveat that must be added before commencing the main discussion concerns the recent leadership transition in the country. In October 2003, Prime Minister Mahathir Mohamad stood down in favour of his deputy Abdullah Ahmad Badawi. Whilst this paper does not attempt to make political predictions, the transition may well bring about a substantial change in the policy process and the relative strength of policy levers, both within and beyond the government. Under Mahathir's twenty-two year tenure, the political system, including the policy making process, became much more centralised in the hands of the executive, and the prime minister in particular (Khoo 2003; Lim 2002). The first six months of Abdullah's tenure saw a shift towards a more open style of government, with a commission of enquiry into police brutality and a high-profile anti-corruption drive that has seen the arrest of several prominent figures, including one cabinet minister. This move was rewarded with a landslide victory for Abdullah in the March 2004 federal elections.

2. Historical Setting

This paper does not attempt to provide an exhaustive history of the development of the policy process in Malaysia. A brief sketch of the country's history is, however, necessary in order to situate the current discussion and explain why certain policies and policy orientations are more 'embedded' than others.

Malaysia's independence from British rule was completed in 1963 with the inclusion of Singapore and the Borneo territories of Sabah (formerly British North Borneo) and Sarawak into the new Malaysian Federation along with Malaya, itself independent since 1957. Singapore's membership of the federation was short-lived, however, and the island was expelled from Malaysia in 1965. This staggered progression to independence was not just a matter of reaching settled geographic boundaries, but also ethnic boundaries, and the perceived need both in London and among the new Malayan political elites to 'balance' the ethnic make-up of the new nation.

The process of decolonisation was not just a negotiation between a nascent Malaysia and its erstwhile colonial masters, then, but also an internal negotiation between the major ethnic groups of the new state. Citizenship rights for the immigrant population and their descendants, the status of English as an official language and the status and role of Islam and the Malay sultans were all contentious issues that fomented intra-ethnic tensions. The original British-promulgated 'Malayan Union' plan, which would have seen the creation of a unitary state system with *jus soli* citizenship rights for all residents irrespective of ethnic group and a minimal role for the Malay monarchy, was fiercely resisted both by the traditional Malay elites and the Malay peasantry, through the formation of the United Malays National Organisation (UMNO), which has remained the

predominant political force for the Malays ever since. The British backed down, and a federal system was devised, in which was informally enshrined the notorious independence 'bargain', whereby Malaysian Chinese would accept Malay dominance of the political sphere in return for basic guarantees that their business activities, which dominated the domestic economy, would not be undermined.

Prior to independence, UMNO forged a coalition with the Malaysian Chinese Association (MCA), and later the Malaysian Indian Congress (MIC) to create the Alliance, which defeated a range of more multiethnic unitary parties to form the first government. The Alliance, a triumvirate of ethnically-based political parties representing the three main communities, has been widely held up as the example of consociational democracy in a multiethnic society *par excellence* (e.g. Lijphart 1977). Led by the outwardly benign prime minister Tunku Abdul Rahman, the Alliance administration followed a broadly *laissez-faire* policy approach, reflecting the independence 'bargain'. Despite the appearance of political calm, however, Malay discontent at their economic status was welling, voiced by a new breed of UMNO *ultras*, including future prime minister Mahathir Mohamad. Inter-ethnic tensions during the early 1960s were kept under wraps to some degree by the persistence of extra-national threats to Malaysia's territorial security caused by the Indonesian policy of *konfrontasi* and the Philippines' claim on Sabah (Means 1970). The advent of General Suharto and Ferdinand Marcos as the respective leaders of these countries in the mid 1960s saw the resolutions of these tensions, as both leaders committed themselves to a focus on internal affairs and dropped their claims on Malaysia's territory.¹

At the 1969 general election, the Alliance performed badly, winning less than fifty percent of the vote, although retaining its parliamentary majority. Most notable was the virtual collapse in its support amongst non-Malays, especially the urban Chinese; the MCA lost more than half its federal seats and the Alliance lost control of the two urban states of Penang and Selangor (Lee and Heng 2000; Ratnam and Milne 1970).² 'Victory celebrations' by the Chinese opposition parties and counter demonstrations by government supporters soon descended into rioting, which cost almost two hundred lives and six thousand homes over a three day period. The government responded by declaring a State of Emergency, suspending parliament and installing a National Operations Council, headed by deputy prime minister Tun Abdul Razak, which ruled by decree.³ Tunku Abdul Rahman remained Prime Minister, but had in effect been stripped of his powers in a 'palace coup'. Upon the restoration of parliament almost two years later in February 1971, Razak took over the prime ministership.

Razak's administration marked a decisive shift in policy orientation from that of his predecessor. Gone were the *laissez-faire* economy and the political consociationalism. In their place, the government promulgated a series of chauvinistic pro-Malay policies. The government argued that the root cause of the May 1969 riots had been the economic disparities between the Malays and the non-Malays, a legacy of the colonial administration and its policy of 'ethnic division of labour'. In an attempt to reverse this, the Razak administration implemented the New Economic Policy (NEP). The NEP had two ostensible goals – the complete eradication of poverty, and the eradication of the association between ethnic group and economic role. In reality, however, it heralded a

¹ Suharto became president of Indonesia in March 1967, although he had effectively taken control of the country following the attempted coup in 1965; Marcos was elected to the Philippines' presidency in 1965.

² In Penang, the Alliance lost outright; in Selangor, the state assembly was evenly tied between government and opposition.

³ The State of Emergency was actually declared by the King. The NOC's official role was only as advisor to Tun Razak, who was not bound to follow this advice and thus, in effect, had absolute power.

new era of state interventionism and Malay chauvinism; in the words of Alasdair Bowie (1994), it represented 'a form of Third World economic nationalism [in which] the principal antagonist was not foreign but rather domestic [i.e. the Chinese]'. The independence 'bargain' was dead.

The important point here is that since 1969, the Malaysian government has to a fundamental extent based its claims for legitimacy on its role as an ethnic redistributor (See appendix A for basic data on ethnic redistribution). The fervour of this redistributive mission has dimmed somewhat since the mid-1980s; in 1990, the NEP was replaced by the less explicitly ethnic National Development Policy, and commentators have observed a broad shift from a discourse of 'ethnicism' to one of 'developmentalism' (Loh 2001; Loh 2002). Nonetheless, continued ethnic divisions remains the BN's strongest source of popular support, even as their eradication remain its ostensible *raison d'être*.

3. Constitutional Issues

3.1 Constitutional Framework

Malaysia is a federation of thirteen states and three federal territories directly administered by the federal government. As discussed further in section 3.4 below, the degree of state autonomy differs in East Malaysia. Each state has a titular head. In West Malaysia, these are the hereditary Malay sultans (collectively known as the Rulers), except Melaka and Penang, which have an appointed governor, as do the East Malaysian states of Sabah and Sarawak.⁴ The supreme head of state, the *Yang di-Pertua Agong*, is selected from among the Rulers and serves a five year term.

Broadly speaking, the heads of state have only symbolic powers. The Malay Rulers, however, are responsible for some general issues, most importantly protecting the status of Islam, and have occasionally intervened in the political process. In addition, individual heads of states have occasionally become embroiled in political affairs, notably in Sabah and Sarawak. Two confrontations between the Rulers and the federal government in 1983 and 1992 resulted in the passing of legislation to demarcate more clearly the political role of the Rulers, including provisions to prevent a Ruler from refusing to sign a piece of legislation into law; the Rulers' immunity from criminal prosecution was also revoked (Lee 1995).

The Malaysian Constitution, as originally promulgated, is broadly modelled on Western liberal models, enshrining basic freedoms of speech, religion, assembly and so forth. Alongside this liberal framework, however, has always lain an effective repressive machinery somewhat at odds with the character of the constitution. Malaysia is thus constitutionally and institutionally democratic, but there are few, if any, academic observers who would characterise the country as a fully functioning democracy.

3.2 Extent and Nature of Democracy

The Malaysian political system has been variously characterised as 'quasi-democratic', 'semi-democratic' and 'competitive authoritarian', to give but a few examples (Case 1993; Diamond 2002; Zakaria 1989). In so far as such appellations are analytically useful, however, perhaps the most apt typology for Malaysia is that of an 'ethnic democracy', defined as 'a state that has many of the features of representative government but is clearly associated with one or more collectivities to the partial exclusion of others' (Smootha 2002; van den Berghe 2002: 437).

⁴ In Perlis, the sultan is known as the Raja.

Institutional bias and undemocratic practices virtually ensure the BN re-election at the federal level. State governments have been less easy for the regime to control, with three out of the thirteen states – Kelantan, Sabah, and Terengganu – having fallen into opposition hands at one time or another. In such cases, however, the federal government has usually resorted to draconian measures to reel in the errant state (e.g. Barraclough 1985; Brown 2004). The democratic structures are now seen as ensuring a degree of social *responsiveness* on the part of the entrenched regime, but no longer offer true *representation* (Crouch 1996).

Among the factors that have been identified as serving to inhibit the democratic process in Malaysia are:

- Repressive legislation. A number of powerful and discretionary acts have imbued the state with wide-ranging repressive capabilities. Most notorious amongst these is Internal Security Act (ISA), which allow effectively for indefinite detention without trial, with little legal recourse for detainees. The Police Act requires permits to be obtained for all public gatherings – a requirement stringently enforced for opposition groups, and all but ignored for government parties. Amendments to the Societies Act and the Official Secrets Act, in 1981 and 1986 respectively, fettered even further the arena of public debate.
- Constitutional amendments. With its consistent two-thirds majority, the regime has amended the constitution to its needs as it sees fit. It has been claimed by the opposition DAP that the government has amended the constitution over a thousand times since independence. Indeed, Means (1991: 142) argues that ‘the Constitution is valued for its capacity to provide the rituals of legitimacy, but [its] constitutional limitations on the government provide little more than a temporary check on the exercise of power’.
- Control of the Judiciary. Writing in 1987, the prominent social activist Chandra Muzaffar (1989: 147) suggested that the Judiciary was an important force that ‘may help preserve Malaysian democracy’. Since then, however, the independence of the Judiciary has been greatly reduced, bringing it firmly under the control of the Executive. This has been defended by the regime as necessary to ensure the democratic accountability of the Judiciary (Mahathir 1995). Indeed, Mahathir has even gone so far as to suggest that the Judiciary needs further reform as judges ‘tend to favour’ the opposition (FEER, 24/6/1999). Despite Mahathir’s complaints, however, the judiciary remained overwhelmingly compliant politically throughout the 1990s, as evidenced in the various trials of Anwar Ibrahim (see Case 2003).
- ‘Money politics’. Initially under the guise of the 1971 promulgated New Economic Policy, the regime has developed a fearsome machinery for dispensing patronage to supporters of the government. This ‘money politics’ involves both state and private funds – the BN parties control between them a massive corporate empire – and operates on the individual, corporate and even state level. The abuse of public funds is often unabashed. In the run up to the March 1999 state elections in Sabah, for instance, it was declared that the federal government ‘would not be generous [with funding] if the state was under an opposition government’ (Star, 11/3/1999). A similar threat was been made in relation to Kedah, one of the states that PAS had the greatest possibility of capturing at the 1999 general election.

- Electoral gerrymandering. The process and conduct of elections themselves is also often highly dubious. A Commonwealth observer group somewhat reluctantly invited to oversee the 1990 general elections concluded that the conduct of elections in the country was 'free but not fair'. Regular constitutional redelineation exercises, carried out by the nominally independent Elections Committee, invariably favour the regime, including increasing over-representation in traditional government strongholds, such as Johor and Sarawak (Lim 2003). In the 1999 general election, for instance, the government won more than three quarters of the seats on a popular vote of barely fifty-six per cent. Actual fraud during elections has also been widely alleged, though such claims are hard to substantiate. Former Sabah Chief Minister Joseph Pairin Kitingan has claimed that 'pollution in the electoral role' was the main reason for the BN's continued success in the state.⁵

3.3 'Sensitive Issues'

Following the race riots of 1969, the Federal Constitution was amended to allow for the designation of 'sensitive issues', on which public criticism of government policy is prohibited. These issues are:

- The power and status of the Malay Rulers (i.e. the constitutional State monarchs);
- Citizenship rights of non-Malays;
- Malay 'special rights' and privileges;
- The status of Islam as the official religion; and
- The status of *bahasa Melayu* (Malay) as the sole national language.

Theoretically, it is legally possible to question the *implementation* of these policies, but not the policies themselves. As the powers mandated by the amendment were subsequently invested in the wide-ranging Sedition Act, however, the practical implications are that it is dangerous to comment publicly on these matters in any critical way. In addition, the amendments stripped the legal immunity from prosecution for Members of Parliament speaking in parliament on these issues. Because of the centrality of these issues to CRISE's concerns, these constitutional rulings thus severely limit the range of policy levers available within the country.

3.4 Federalism and Regional Autonomy

Since independence, only three states have been captured by the opposition: Kelantan, which this Islamic opposition PAS (*Parti Islam seMalaysia*, or Pan-Malaysian Islamic Party) held until 1978 and again from 1990; Terengganu, which PAS held until 1964 and captured again in 1999, losing control back to the BN in March 2004; and Sabah, which was controlled by the local PBS (*Parti Bersatu Sabah*, or Sabah United Party) in opposition between 1990 and 1994. In all other states, the federal factor has been relatively unimportant, with state governments generally acquiescing to their political masters in Kuala Lumpur (see Shafruddin 1987 for an extended discussion of federalism in West Malaysia). State government control over land matters, and thus the allocation of valuable logging licenses, has however rendered them important as bases of political patronage networks and the building up of a strong support base; two of UMNO's three current vice presidents, Muhyiddin Yassin and Rahim Thamby Chik, are in effect local politicians who made their way up through such networks. Nonetheless, from CRISE's perspective, state governments will be relatively weak as policy levers in states which have consistently been under BN control.

⁵ Interview: Joseph Pairin Kitingan, August 1999. Then in opposition, Pairin has now returned to the BN fold and may no longer stand by this assertion.

There are two notable exceptions to this pattern of acquiescence. Firstly, PAS-controlled state governments may prove to be effective policy levers at the national level; this is discussed further in section 4.2 below. Secondly, in East Malaysia, federalism and issues of autonomy have been intrinsically linked with the formation of local political identities. As part of the Malaysian federation agreement, the East Malaysian states of Sabah and Sarawak were afforded certain rights not allowed the peninsular states including, most importantly, control over their own immigration matters, extending to West Malaysia-born persons entering their territory. Moreover, Sabah and Sarawak entered the federation technically on a constitutional par with the eleven peninsular states combined (i.e. a three party agreement between Sabah, Sarawak and Malaya, the latter of which was sub-divided into eleven states). The perceived erosion of this extra degree of autonomy has been the source of considerable disquiet in East Malaysia. In Sarawak, calls for the reassertion of autonomy by the state government in the late 1960s were met with a declaration of emergency in the state by the federal government, which subsequently forced out the outspoken Sarawak administration; in Sabah, concerns over autonomy were instrumental to the resurgence of a Kadazan political identity in the early 1980s, which brought the PBS into power in the state (Chin 1997; Lim 1997; Loh 1992). Key here has been the links between ethnicity, local government and resource allocation; Sabah and Sarawak have the richest endowments of natural resources in the country, including timber and oil deposits, but consistently exhibit the highest poverty rates in the federation.

4. Policy Determinants

4.1 Formal Policy Structure

Structure of government

One important policy implication of the increasing authoritarianism of the BN regime is a concomitant increase in executive dominance, notably associated with Mahathir's administration (1981–2003). This has had particular repercussions for the role of parliament in policy formation. The habitual two-thirds majority of the BN coalition in the lower house (*Dewan Rakyat*, or People's Assembly), together with the disciplined hierarchy of the BN parties, has rendered parliament an ineffective policy arena; the appointed upper house (*Dewan Negara*, or National Assembly) has been dubbed 'the rubber stamp of rubber stamps'.⁶ Parliamentary oversight of the executive through such functions as select committees is non-existent.

As a parliamentary democracy, executive power is vested in the cabinet. The appointment of cabinet portfolios is entirely the prerogative of the prime minister, but his⁷ decisions are based on the need to balance the demands of the coalition partners, whilst the hierarchical nature of all the BN parties effectively dictates the candidates. The cabinet make-up is heavily biased towards UMNO, which holds over two thirds of the ministerial positions, despite making up less than half the government benches. The most powerful ministries – including home affairs, foreign affairs, finance, education, and defence – are all controlled by UMNO (see appendix C). Prior to 1969, UMNO held only half the cabinet seats, and the MCA controlled the finance ministry (Vasil 1971).

⁶ The Dewan Negara is made up of appointees by both state and federal governments. PAS' control of Kelantan and Terengganu has allowed it to nominate four members of the Dewan Negara; the remaining 59 are from BN parties, or 'independents' aligned with the BN.

⁷ In the current political context, a female prime minister is virtually impossible. Currently, only three out of the thirty-one cabinet portfolios are held by women. The opposition party PAS does not field women candidates at all.

Policy process

Any formally inclusive policy process is impeded by the dominance of the executive although, as noted earlier, it is difficult to ascertain how far this will change following the leadership transition. Nonetheless, the political culture of obsequious deference to the prime minister has occasionally resulted in major policy shift being taken apparently on the whim of the prime minister. Two recent examples of this are the decision to use English as the medium of instruction for maths and sciences in all state schools and the implementation of a three month 'National Service' programme for youths. Both these decisions appear to have been taken with little or no consultation or study, and resulted from apparently speculative public suggestions by the prime minister which, in the culture of obsequious deference that prevails, soon took on a momentum of their own.

Despite this, there are areas in which formal policy discussions are undertaken, most notably in the annual pre-Budget dialogues, at which various invited representatives from the private sector and civil society are able to make presentations and lobby the Finance Ministry on the content of the upcoming Budget. Civil society actors remain sceptical about whether these dialogues achieve anything concrete. Other ministries, most notably the Ministry of Domestic Trade and Consumer Affairs, have also initiated *ad hoc* policy dialogues, which are reportedly more influential, although the issues involved rarely touch on CRISE's concerns in any major way. In addition, the government has occasionally convened consultative bodies such as the two National Economic Consultative Committees, which contributed to the development of the second and third Outline Perspective Plans (see below). Although there is again some scepticism about how influential these bodies have been, they could potentially provide a good policy lever at the broadest stage of policy development.

In relation to the bureaucracy itself, a quick survey of various studies of the civil service elite since the 1960s demonstrates continued paternalistic attitudes amongst high-ranking civil servants, and a lack of effective ministerial system control over them (Lim 2002; Puthuchery 1978; Scott 1968). In addition, it has been suggested that the competence of high-ranking civil servants has decreased over time (Henderson, *et al* 2002).

Policy instruments

Policy in Malaysia is determined at a number of levels. At the broadest level are the Outline Perspective Plans, which run for ten years, except for the first, which embodied the NEP and ran for twenty. The Outline Perspective Plans set broad policy directions and establish strategic emphasis. Of more practical import are the five year Malaysia Plans, which set specific targets for indicators such as GNP growth, as well as ethnic redistribution categories, including share capital ownership and participation in various industrial sectors. The Malaysia Plans also set public expenditure targets and funding levels for specific policy innovations, such as healthcare reform and rural development. Whilst these budgetary aspects are targets rather than allocations, the government generally follows them closely, with the exception of the Seventh Malaysia Plan (1996–2000), which was substantially revised following the financial crisis of 1997.

The Malaysia Plans are potentially crucial to the implementation of CRISE's future policy recommendations. Unfortunately, in the current policy climate, direct consultation with those who develop the plans is highly unlikely.

Crucial ministries and departments

From CRISE's perspective, the following ministries and departments will be of crucial importance:

- The Economic Planning Unit (EPU). The EPU is located in the Prime Minister's Department and is charged with overseeing the development and implementation of medium- and long-term economic strategy, including the production of the five-year Malaysia Plans (for an account of the changing role of the EPU, see Henderson, et al. 2002). Specifically responsible for the government's redistributive agenda, the EPU is arguably *the* government body key to CRISE's concerns, particularly in the economic sphere.
- The Ministry of Finance. Although the Ministry of Finance is often subordinated to the EPU in long-term planning and expenditure allocation, it retains a critical role in the annual Budget process. Since 2001, the Finance portfolio has been held by the Prime Minister.
- The Ministry of Education. Because of the key role of education issues in the formation and continuing delineation of ethnic identities in Malaysia, the Ministry of Education is also of crucial importance as a policy lever. Education policy is key to political inequalities in Malaysia, as university quotas and the promulgation of *bahasa Melayu* as the primary medium of tertiary instruction have been a mainstay of the government's affirmative action policies. In addition, the Chinese community has historically placed great emphasis on educational issues, and apparently minor education issues that have been seen to encroach on the independence of the remaining vernacular Chinese schools have thus proved to be the flashpoint for severe ethnic disputes, most notably in 1987 and 2002. As such, educational issues are of great importance to CRISE in the Malaysian context, and the Ministry of Education thus an important policy lever.
- Ministry of Rural Development. Historically, interethnic differences in opportunities and resources have been rooted in the broad segregation of ethnic groups according to geographical location, with Malays residing mostly in the rural *kampung* and non-Malays, especially Chinese, in the cities. Whilst extensive Malay rural-urban migration has alleviated this problem somewhat, the Ministry of Rural Development remains a key conduit for improving the economic lot of the Malays.

4.2 Parties and Politics

The Barisan Nasional

The *Barisan Nasional* (BN, or National Front) coalition and its pre-1974 predecessor the Alliance have controlled the federal government since independence. The BN is a coalition of fourteen parties, most of which are explicitly ethnically based; even those which are not tend to draw their support overwhelmingly from one or other ethnic group. Not all component parties have parliamentary representatives. The coalition is dominated by the UMNO, which provides both the Prime Minister and the Deputy Prime Minister. Two other senior partners from the Alliance days are the Malaysian Chinese Association (MCA) and the Malaysian Indian Congress (MIC). Also important is the *Gerakan Rakyat Malaysia* (GERAKAN, or Malaysian People's Movement Party), a nominally multiethnic but Chinese-dominated party. The remaining components are all small and mostly restricted to East Malaysia (see appendix B).

As the likely party of government in at least the medium term, the BN is clearly an important policy lever for CRISE. It is also important to recognise, however, that whilst the coalition is dominated by UMNO, there is still considerable room for negotiation among component parties, particularly the senior partners, although this usually takes place behind closed doors. It would thus be possible to approach either the coalition as a whole or individual parties within the coalition. As some of the smaller parties, including GERAKAN and the *Parti Bersatu Sabah* (PBS, Sabah United Party), have a reputation for greater openness than the central triumvirate, the latter strategy may prove more effective in forwarding CRISE's recommendations. The obvious drawback of this strategy, given the ethnic base of the BN parties, would be the possible appearance of ethnic bias.

Other Parties

There are three main opposition parties in West Malaysia: *Parti Islam Malaysia* (PAS, Pan-Malaysian Islamic Party), the Democratic Action Party (DAP) and *Parti Keadilan Rakyat* (PKR, People's Justice Party). The PKR was recently formed as a merger between *Parti Keadilan Nasional* (KEADILAN, National Justice Party) and *Parti Rakyat Malaysia* (PRM, Malaysian People's Party). Following the political turmoil of 1998, these opposition parties formed an electoral coalition, the *Barisan Alternatif* (BA, Alternative Front). The DAP, however, left the coalition in 1999. Opposition parties are extremely weak in East Malaysia, where the BN routinely wins virtual all the federal and state seats. All the parties discussed here field candidates in East Malaysia, but only the DAP has enjoyed any success – and that has been very limited. A fluctuating number of locally based opposition parties have also had little success, with the exception of the PBS, a former BN component, which controlled the Sabah state assembly in opposition from 1990 until 1994. In 2002, however, the PBS returned to the BN coalition.

- PAS. During the 1999-2004 parliamentary term, two state assemblies on the Malay-dominated East coast – Kelantan and Terengganu – were controlled by PAS. Kelantan was won by PAS as part of a previous opposition in 1990; it won Terengganu in 1999. Although PAS is part of the BA coalition, its dominance of these two state assemblies meant that in effect it governed the states on its own. In March 2004, PAS lost control of Terengganu back to the BN and had its hold over Kelantan considerably cut. PAS is usually portrayed both by the BN and in the international media as a 'fundamentalist' Islamic party. In some respects this tag is accurate – the party's ultimate goal is the establishment of an Islamic State in Malaysia, and it has instituted 'hard-line' Islamic laws in the states it controls, including the hudud criminal code. Such moves have thus far been largely symbolic however. Thus, PAS has not attempted to enforce its hudud laws and, indeed, as these laws overstep the constitutional powers of state governments, the federal government has stated that it will intervene if the party attempts to do so. Its Islamic character does not imply that it is only concerned with the well-being of Muslims. PAS has demonstrated a concern for social justice irrespective of ethnicity and, indeed, has stated its willingness to reconsider the chauvinistic 'special rights' that Muslim Malays enjoy. PAS is reputed to enjoy considerable support amongst the small Chinese population of Kelantan because of its reputation for clean, uncorrupt governance; it is beyond the scope of this paper to establish the veracity of these claims.
- DAP. From 1971 until 1999, the nominally multiracial but Chinese-based DAP was the largest opposition party in the federal parliament, although it has never controlled a state assembly. Whilst the party's support has been on the decline since 1986, when it won over twenty per cent of the national vote, its leaders –

including party chairman Lim Kit Siang and deputy chairman Karpal Singh – are amongst the most effective and intelligent parliamentarians in the country, government or opposition. Over the years, the DAP has played a crucial role in holding the federal government accountable through the publicisation of corruption and nepotism, such as the UEM saga, when a major privatisation project was awarded to a new company with RM2.00 paid-up capital owned by UMNO. The 2004 elections saw a slight upturn in the DAP's fortunes, regaining the official opposition tag and experiencing its best performance since 1990.

- **PKR.** The merger of KEADILAN and the PRM to form the PKR had been expected since 2000, and was finally completed in 2003. KEADILAN was formed in 1999 by supporters of deposed Deputy Prime Minister Anwar Ibrahim – it was headed by his wife Wan Azizah – and was instrumental in the formation of the BA coalition. The PRM is one of the oldest opposition parties, but has a consistent record of electoral failure. Both parties are nominally multiracial but Malay dominated. The merger was brought about by the departure or imprisonment of most of KEADILAN's top leadership and PRM's acceptance that it lacked electoral clout on its own. With the 'Anwar affair' quickly fading as a politically rallying point for the opposition, however, political support for PKR has dissipated, witnessed by its poor performance in the 2004 election, garnering only one federal seat, that of Wan Azizah.

In general, opposition parties have extremely limited impact as policy levers. The BN's dominance of the national parliament has left them impotent in the formal policy process; this is compounded by the lack of parliamentary oversight committees and the obvious bias of the parliamentary speakers, invariably drawn from the government backbenches, who routinely turn down opposition debate requests and overrule their motions. Where they have played a role, especially the DAP, is in the sphere of public debate. In this respect, however, other non-governmental organisations with more political independence may be better suited as policy levers for CRISE.

At the state level, PAS is clearly an important policy lever both in Kelantan and in the other Malay majority states where it has a realistic future chance of winning power. PAS' control of state assemblies also has important repercussions as an indirect policy lever at the national level. On several occasions, the PAS state administrations have moved socially progressive legislation – including limiting the working week and instituting mandatory maternity leave – which the federal government has apparently felt obliged to replicate at the national level. Moreover, as we have seen above, PAS has demonstrated a willingness to reconsider the entrenched ethnic foundations of state far beyond that accepted by the BN. If the federal government is unwilling to engage with CRISE, PAS could thus prove an important policy lever both in the states it control and through an 'example setting' role.

5. The Informal Sector

5.1 The Media

The mainstream media in Malaysia is effectively neutered as a source of independent comment by a combination of legislation and corporate ownership by regime interests (see Gomez 1994; Zaharom 2002). Virtually all the mainstream daily newspapers are owned by companies themselves controlled by, or closely associated with, BN component parties and individuals. Slavishly pro-government reportage is thus the norm, particularly during election periods. Non-regime controlled publications are

severely restricted by the Printing Presses and Publications Act, which requires them to apply annually for a publishing permit and which allows the government to ban any publication or periodical. Shortly after the 1999 general election, these powers were used to close down a number of critical magazines and to restrict the frequency of PAS' widely read organ *Harakah*. Nonetheless, some degree of press freedom does exist in small pockets. Until recently, the Chinese-language press was relatively independent, and opposition groups have made effective use of alternative media, most notably the Internet, although some analysts have questioned the efficacy of the Internet as a tool of opposition dissemination (Abbott 2001). The highly politicised media in Malaysia thus make it a poor policy lever option for CRISE.

5.2 Civil Society

Civil society organisations in Malaysia have expanded considerably since independence and, particularly, since the 1980s. In 1957, after independence, there were 1,741 organisations registered with the Registrar of Societies. By 1996 this number had increased to 28,219. This increase indicates changing attitudes in Malaysian society in responding to their socio-political needs and responsibilities by relying more and more on collective ideas and actions and not just expecting governmental leadership or familial support. The development of NGOs reflects broad development patterns in the country, showing an 'urban bias'. The majority of active NGOs seem to be in the west coast of the Peninsular especially in the city centres of the well developed state such as Selangor, Kuala Lumpur, Penang, Perak and Johor as well as the newly developed Sarawak in the East Malaysia. The concentration of the middle classes in these states can also be considered as an influential factor in the development of the NGOs.

Excluding political parties, professional bodies such as the Bar Council and trade unions, the early development of the other types of non-governmental organisations was concentrated on welfare and charitable activities, focused on supporting personal welfare needs. They had a friendly relationship with the state but hardly came to a position of negotiating power or impacting policy. By the mid-seventies, however, Malaysian society began to witness the development of organisations that were multi-ethnic in their membership and that focused on universal issues, such as women's rights, the environment and social justice. The objectives of these organisations were mainly to develop social consciousness among the people, to take part in formulating and implementing policies, to provide alternative programmes or services and in general, to create a pathway for people's participation in development.

The response of the state towards NGOs has varied depending on the sector. It maintains a supportive stance towards welfare and health based groups and charitable organisations that provide 'supplementary and complementary' or alternative services to the general public. It, however, tends to be suspicious of social movement groups that advocate human rights or challenge the way democratic principles are practiced. The state is also suspicious of religious based groups that may promote similar agendas as the Islamic party PAS.

State-civil society relations have been influenced by political climate and economic development. In 1987, for instance, the notorious *Operation Lalang* crackdown saw over one hundred civil society activists and politicians detained without trial under the infamous Internal Security Act. This crackdown coincided with a severe internal schism within UMNO and fractious relations among the BN component parties. From the late 1980s up to mid 1990s, a period of remarkable economic growth in the country, NGO-state relations witnessed a considerable 'thaw', with a more tolerant attitude by the state and the promotion of the concept of a 'caring society' by Mahathir and a *masyarakat*

madani – an Islamically informed concept of civil society – by the then Deputy Prime Minister Anwar Ibrahim (Anwar 1996). As part of this rapprochement, over the past five years the government has allocated funds to supporting NGO activities.

The main tools of control used by the state to monitor the NGOs, their leadership and activities are the Societies Act and the ISA. The Societies Act of 1966 required all social organizations to be registered with the Registrar of Societies under the Ministry of Home Affairs. A judge cannot intervene with the Registrar's acts and appeals can only be brought up to the Minister of Home Affairs. Despite a broad grassroots protest, the Societies Act was amended in 1981 to tighten government control.

Secular civil society

Since the 1970s, then, Malaysia has seen a flourishing of secular NGOs and civil society organisations campaigning on universalist issues. These organisations are of interest to CRISE as they often focus on areas of convergent interest. Among this new wave of NGOs, key organisations are:

- ALIRAN. *Aliran Kesedaran Negara*, or the Movement for National Consciousness was formed in the late 1970s by a group of Penang-based academics. Its magazine *Aliran Monthly* is one of the most widely read independent periodicals in the country. Although ALIRAN is viewed with suspicion by the government, its central role in civil society networks make it an important contact point for CRISE. In addition, a number of scholars connected with ALIRAN, notably its secretary Francis Loh and committee member Maznah Mohamad, are involved in research highly congruent to CRISE's interests.
- CAP. Belying its somewhat parochial name, the Consumers' Association of Penang is another key national NGO. Historically, it has a somewhat fractious relationship with the government, but recent years have seen it move towards a more constructive engagement on some issues. Whilst ALIRAN tends to focus on broad reform issues, CAP takes a much more incremental stance, fighting for small changes. Perhaps due to this approach, CAP has an unrivalled record of success amongst local NGOs in campaigning for policy change. Whilst CAP rarely addresses directly issues of ethnicity, its concern with sustainable development and social redistribution, together with its record of successful campaigning, make it potentially a key contact for CRISE.

Trade unions

The trade union sector in Malaysia has been viewed with suspicion by the post-colonial government, primarily due to its links with Communist agitation in the post-war Emergency. Successive changes to the Industrial Relations Act and the Trade Unions Act have resulted in a 'hollow corporatism', in which nominal trade union representation in statutory bodies is poor recompense for a legal sphere of industrial protest so limited as to be virtually meaningless (Jomo and Todd 1993).

Within the labour movement, the most effective policy lever is the Malaysian Trades Union Congress (MTUC), the largest umbrella body for unions, which counts over half a million affiliate members. The MTUC has long been engaged in social campaigning, most notably in its demands for a national minimum wage. Despite its own ethnic factionalisation (Ackerman 1986), the MTUC has often been at the forefront of campaigns for greater ethnic equality, particularly with regard to the somewhat marginalised Indian community. After effectively throwing its weight behind the opposition for the 1990 general elections, the MTUC has now moved to a more constructive engagement with the

government; its president Zainal Rampak, once an opposition parliamentary candidate, is now a senator in the appointed upper house. The MTUC is, however, in the midst of its own factional crisis, with many members opposing Zainal's closeness to the government (see Bhopal 2001). Nonetheless, its size and status as a national labour body make it an important contact point for CRISE.

Religious and ethnic organisations

Malaysia is home to a wide range of grassroots-based *dakwah* (Islamic propagation) groups, which have considerable influence, particularly in rural areas. Typically, the government has been circumspect in dealing with Islamic movements, although it has on occasion used its authoritarian powers, most notably in its banning of the *Darul Arqam* movement in the mid-1990s (An-Na'im 1999). Because of the secular orientation of the state, it tends to be deeply suspicious of *dakwah* movements; the government's perception of these organisations is perhaps best demonstrated by Mahathir's call for them to concentrate more on winning new converts to Islam than on advocating closer adherence to Islamic requirements amongst the existing faithful. Nonetheless, as the largest non-political ethnically-oriented organisations in the country, *dakwah* groups constitute an important policy lever. Key *dakwah* organisations currently active include:

- **ABIM.** By far an away the most important religious organisation of the past three decades has been the *Angkatan Belia Islam Malaysia* (ABIM, or Islamic Youth Movement of Malaysia). Formed in the early 1970s, it quickly rose to national prominence under the leadership of Anwar Ibrahim and was instrumental in orchestrating mass protests against rural poverty in the mid-1970s, the largest the country saw between independence and 1998. After the protests, the government moved amendments to the Societies Act, the Misuse of Religion Act and the Universities and University Colleges Act, all of which have been linked directly to its concern over the growth of ABIM (von der Mehden 1986). In 1982, however, ABIM's popularity was undercut by Anwar's surprise move to join UMNO and contest in the elections. Over the following decade and a half, ABIM developed a closer relationship with the government until Anwar's fall from grace, whereupon it resumed its prior pro-opposition stance.
- **JIM.** A relatively new and low profile counterpart to ABIM, *Jamaah Islah Malaysia* (Islamic Reform Movement of Malaysia) has similarly extensive grassroots networks. Since 1998, the organisation has been associated with the opposition – its former president, Saari Sunghrib, was detained along with ten other opposition activists in March 2001. The government has also attempted to link it with the similarly named but otherwise unconnected *Jamaah Islamiyyah*, which has been held responsible for the Bali bombings.

Beyond the Malay-Muslim sector, there are also a number of smaller organisations oriented towards non-Muslim groups. Limitations on non-Islamic evangelism in the country – non-Muslims are forbidden from proselytising to Muslims – limit the scope for non-Muslim religious groups to operate.⁸ In addition, Buddhist, Hindu and Sikh groups tend to organise at a local level, often around individual temple committees. Among the groups that do operate nationally are the Office of Human Development of the Catholic Archbishopric of Kuala Lumpur, the Society for Christian Reflection and the Young Hindu Association (for an overview of these groups, see Ackerman and Lee 1988).

⁸ It is illegal for non-Muslims to evangelise to Muslims, although they are free to compete amongst themselves for the non-Muslim constituency.

In terms of communal, rather than religious, organisations, *Dongjiaozong*, the combined name for the United Chinese School Teachers' Association and the United Chinese School Committees' Association, is undoubtedly the most influential non-political Chinese lobby, and has in the past been successful in mobilising considerable sections of the Chinese community (Tan 1992). As education is an issue at the heart of ethnic relations in Malaysia, *Dongjiaozong* could provide an important resource of CRISE. The organisation has oscillated between close collaboration with the MCA and a more oppositional stance, but its influence in the community is such that the government cannot afford to ignore it completely. Traditionally, the most powerful Indian lobby group has been the National Union of Plantation Workers – representing a sector which is both dominated by Indians, and which constitutes a substantial proportion of rural Indian employment – although changing employment patterns and labour laws have seen its influence decline.

Think tanks

In recent years, the number of 'think tanks' in Malaysia has grown apace. Think Tanks in Malaysia tend to be linked with individual politicians, and often share their patron's fortunes; the *Institut Kajian Dasar* (Institute for Policy Studies), linked to former Deputy Prime Minister Anwar Ibrahim, has seen its influence evaporate after Anwar's dismissal and imprisonment (for a discussion of the role of think tanks in the policy process, see Derichs 2004). As semi-autonomous institutions with close links to elite politicians, these think tanks provide an potentially influential contact point for CRISE, although it is important to remain cognisant of the limits under which they operate. Among the top rank of think tanks currently operative are the *Malaysian Institute for Economic Analysis* (MIER), the *Institute for Strategic and International Studies* (ISIS) and the *Socio-Economic Research Institute* (SERI).

6. The International Context

Malaysia has low international aid receipts and foreign borrowing – the government maintains that it borrows internationally for 'benchmarking' purposes only, although opposition groups allege that it has substantial hidden borrowing for such projects as the construction of the new federal capital at Putrajaya. As environmentalists campaigning against Malaysia's exploitation of its timber resources discovered in the early 1990s, this leaves the country relatively impervious to the kind of 'conditionalities' that constitute a strong policy lever in other developing countries (Eccleston 1996).

Historically, Foreign Direct Investment in Malaysia has been substantial, suggesting that negotiation with foreign investors may be an effective policy lever. Investors have certainly had a visible impact on policy in the past, notably in the electronic sector, where pressure from investors contributed towards the government's refusal to allow a nationwide union in the sector. FDI in Malaysia, however, has not yet recovered from the shock of the 1997 financial crisis and, in 2001, Malaysia dropped out of the top twenty-five FDI destinations. Prospects for future growth in FDI are undermined by the expansion of FDI in China, which is increasingly dominating regional flows. Falling rates of FDI clearly hamper the potential of FDI influence as a policy lever.

Whilst all the major international organisations have offices in Malaysia, the government rarely feels constrained by its international obligations. It has refused to recognise the UNHCR and has only ratified the Convention on the Elimination of Discrimination against Women by making exceptions to some of its core sections. Of more influence in Malaysia are the regional organisations, the Association of South-East Asian Nations (ASEAN) and the subsequent ASEAN Free Trade Agreement (AFTA). The 'informal

diplomacy' of these organisations, however, amounts effectively to a policy of political non-interference in domestic matters, and they too are thus of limited potential for CRISE.

Even at times of financial crisis, the government has been resistant to international aid and conditionalities; after the Asian currency crisis of 1997, which saw the ringgit slip to less than one third of its previous value, the government refused to accept an IMF package similar to those taken by neighbours Thailand and Indonesia, opting instead for currency controls and other measures to regulate currency flows. Initially condemned by the Bretton Woods institutions, a recent World Bank report conceded that this approach had been successful, although liberal economists remain sceptical of their long run sustainability, perhaps on ideological rather than empirical grounds.

More broadly, the government has long adopted a vocal policy of 'Malaysia is nobody's business but ours', an attitude which has hampered its relations with Australia in particular. The extent to which this attitude pervades the political situation is well demonstrated by Al Gore's visit to Malaysia during the height of the *reformasi* protests in December 1998. Gore, then Vice President of the USA, praised the protestor as 'brave', a comment which drew condemnation not only from government ministers but also from opposition activists, who also saw it as 'interference'.

7. Conclusions

As noted in the introduction, this paper draws picture of the policy process in Malaysia as inward-looking with a highly centralised and authoritarian government. On the one hand, a combination of legislative measures, including the constitutional 'special rights' and social control laws such as the Printing Presses and Publications Act, severely limit the potential of those outside government as potential policy levers for CRISE. On the other hand, Malaysia's low levels of foreign debt and its apparent lack of concern for Western-dominated international political norms similarly limit the impact of international policy levers. In this respect, the best approach for CRISE to adopt may well be a dualistic one of constructive engagement with the government itself, possibly through the semi-autonomous think tanks, alongside joint research and mediation with civil society and the non-governmental sector. Moreover, an approach based on cooperation with the government, rather than direct policy recommendations, may be the appropriate one, given that CRISE is looking to learn from Malaysia's successes in managing ethnic conflict.

8. Appendices

A. Basic data on ethnic inequality, 1970–2000

	1970	1980	1990	2000
Chinese-Bumiputera Mean Income Ratio	2.29	1.90	1.74	1.74
Indian-Bumiputera Mean Income Ratio	1.77	1.29	1.29	1.36
Bumiputera share ownership (%)	4.0	12.5	19.3	19.1
Non-bumiputera share ownership (%)	24.3	44.6	46.8	40.3

B. List of current BN component parties and parliamentary representation, March 2004

PARTY	FULL NAME	ETHNIC BASE	FEDERAL SEATS
UMNO	United Malaysia National Organisation	Malay	109
MCA	Malaysian Chinese Association	Chinese	31
PBB	<i>Parti Pesaka Bumiputera Bersatu</i> United Traditional Bumiputera Party	Muslim Bumiputera	11
GERAKAN	<i>Gerakan Rakyat Malaysia</i> Malaysian People's Movement Party	Chinese	10
MIC	Malaysian Indian Congress	Indian	9
PBDS	<i>Parti Bansa Dayak Sarawak</i> Sarawak Dayak Party	Non- Muslim Bumiputera	6
SUPP	Sarawak United Peoples' Party	Chinese	6
PBS	<i>Parti Bersatu Sabah</i> Sabah United Party	Non- Muslim Bumiputera	4
SPDP	Sarawak Progressive Democratic Party	Chinese	4
UPKO	United Pasokmomogun Kadazandusun Murut Organisation	Non- Muslim Bumiputera	4
SAPP	Sabah Progressive Party	Chinese	2
PBRS	<i>Parti Bersatu Rakyat Sabah</i> Sabah People's United Party	Non- Muslim Bumiputera	1
PPP	People's Progressive Party	Indian	1
LDP	Liberal Democratic Party	Chinese	0

C. Basic data on current cabinet, March 2004

Cabinet Portfolio	Minister	Party	Ethnic Group
Prime Minister, Finance and Internal Security	Abdullah Ahmad Badawi	UMNO	Malay
Deputy Prime Minister and Defence	Mohd. Najib Abdul Razak	UMNO	Malay
Agriculture & Agro-based Industry	Muhyiddin Yassin	UMNO	Malay
Arts, Culture and Heritage	Rais Yatim	UMNO	Malay
Domestic Trade & Consumer Affairs	Mohd Shafie Apdal	UMNO	Malay
Education	Hishamuddin Hussein	UMNO	Malay
Energy, Water & Communications	Lim Keng Yaik	Gerakan	Chinese
Entrepreneurial & Cooperative Development	Mohamed Khaled Nordin	UMNO	Malay
Federal Territories	Mohamed Isa Abd. Samad	UMNO	Malay
Finance (Second Minister)	Nor Mohamed Yakcop	UMNO	Malay
Foreign Affairs	Syed Hamid Albar	UMNO	Malay
Health	Chua Soi Lek	MCA	Chinese
Higher Education	Shafie Mohd Salleh	UMNO	Malay
Home Affairs	Azmi Khalid	UMNO	Malay
Housing and Local Government	Ong Ka Ting	MCA	Chinese
Human Resources	Fong Chan Onn	MCA	Chinese
Information	Abdul Kadir Sheikh Fadzir	UMNO	Malay
International Trade and Industry	Rafidah Aziz (f)	UMNO	Malay
Natural Resources & Environment	Adenan Satem	PBB	Bumi.
Plantation Industries & Commodities	Peter Chin Fah Kui	SUPP	Chinese
PM's Department	Abdullah Mohd Zin	UMNO	Malay
PM's Department	Bernard Giluk Dompok	UPKO	Bumi.
PM's Department	Maximus Ongkili	PBS	Bumi.
PM's Department	Mohd Nazri Abdul Aziz	UMNO	Malay
PM's Department	Mohd Radzi Ahmad	UMNO	Malay
PM's Department	Mustapha bin Mohamad	UMNO	Malay
Rural and Regional Development	Abdul Aziz Shamsuddin	UMNO	Malay
Science, Technology & Innovations	Jamaluddin Jarjis	UMNO	Malay
Tourism	Leo Michael Toyad	PBB	Bumi.
Transport	Chan Kong Choy	MCA	Chinese
Women, Family and Community Development	Shahrizat Abdul Jalil (f)	UMNO	Malay
Works	S. Samy Vellu	MIC	Indian
Youth and Sports	Azalina Othman Said (f)	UMNO	Malay

Notes: (f) = female

D. Seats won in federal elections, 1959–2004

	1959	1964	1969	1974	1978	1982	1986	1990	1995	1999	2004
Alliance/BN	74	89	66	135	131	132	148	127	162	148	198
PAS	13	9	12	-	5	5	1	7	7	27	7
DAP	-	1	13	9	16	9	24	20	9	10	12
KEADILAN	-	-	-	-	-	-	-	-	-	5	1
Other Opp.	17	5	12	10	8	8	4	26	14	3	1
Total	104	104	103	154	160	154	177	180	192	193	219

Notes: Counting for the 1969 election was not completed;
In 1974, PAS contested as part of the BN.

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