

**Striving for Regime Change, 1998-2014:  
Opposition Contestation in Multi-Ethnic Malaysia**

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## Abstract

Until 1998, opposition contestation in Malaysia had lacked focus, with parties attacking one another even more ferociously than they separately clashed with the government. Different ethnic compositions, divergent ideologies and varied agenda caused the fragmentation of opposition parties when the country became independent in 1957. They found themselves disadvantaged *vis-à-vis* a more cohesive inter-ethnic government coalition which articulated ethnic issues in order to mobilise electoral support. Over the next forty years, government initiatives such as the New Economic Policy (NEP) favouring the Malays alienated the Chinese and Indians. The exploitation of religious differences further accentuated the Malay/non-Malay divide in contestation, extending the schism between Malay and Chinese-based opposition parties in the peninsula to Muslim and non-Muslim parties in Sarawak and Sabah. As opposition contestation weakened, the government increasingly turned authoritarian and by 1997 it was openly asserting *Ketuanan Melayu* or Malay/Muslim supremacy. However the Asian financial meltdown which led to the collapse of authoritarian regimes in the region exposed many of the government's weaknesses such as human rights abuses, cronyism, nepotism and corruption. It paved the way for opposition contestation to become more cohesive in the 1998-2014 period with the formation of broad-based opposition coalitions having significant support from both Muslims and non-Muslims. Opposition contestation resonated with large sections of civil society that grew increasingly sceptical of government propaganda disseminated in the pro-establishment mainstream media. News, analyses, opinions and editorials consistently underlined the NEP's ethnic approach to redress Malay economic backwardness. Denied meaningful access to the mainstream media to convey its

views, the opposition embraced the social media, especially the internet which succeeded in breaking the mainstream media's monopoly of news dissemination. The opposition was able to link the NEP to corruption, cronyism and nepotism as well as human rights abuses. Its measures to address these inter-linked issues through a needs-based affirmative action agenda formed the basis of *Ketuanan Rakyat* or People's sovereignty. *Ketuanan Rakyat*, which prioritized a common Malaysian citizenship ahead of ethnic divisions, posed a strong challenge to *Ketuanan Melayu* in several general elections from 1999 to 2013. The two-coalition system which it ushered in from 2008 and reaffirmed five years later, has become the stepping stone for the opposition to take over the federal government in the Fourteenth General Election which must be held in 2018 at the latest. But the path towards regime change is fraught with many obstacles, not only because of government determination to reinforce ethnic politics with religiosity, but also intra-opposition differences. These continue to underline the fragility of the opposition coalition despite moves by opposition parties at mutual accommodation. The opposition pins its hopes for regime change on a growing post-1971 generation of Malaysians of all ethnic groups forming the majority of voters in future elections. Being educated and urbanized, and more significantly with no emotional baggage of the 1969 ethnic riots, this Malay-led multi-ethnic group can prioritize politics of need and class over ethnic/religious politics.

## **Declaration**

This thesis does not contain work that I have published,  
nor work under review for publication

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My interest in doing a PhD on Malaysian politics arose from twenty years (1987 – 2007) of journalism in covering developments in Malaysia from Singapore, where I was based, first with the Business Times, then Straits Times and finally as a freelancer. In the course of my frequent working trips to Malaysia, I got to know many people from *Parti Keadilan Rakyat Malaysia* (PKR), Democratic Action Party (DAP) and *Parti Islam se Malaysia* (PAS), as well as NGOs and journalists, some of whom have become close friends over the years. It is this group of people who were most helpful and forthcoming when I decided to do a PhD and approached them for information on their respective parties. My thanks go to the following for having kindly consented to be interviewed: From PKR, vice-presidents Mansor Othman and Tian Chua, secretary-general Saifuddin Nasution and exco member (2008-2013) of PR Selangor state government, Dr Xavier Jayakumar. From DAP, Election Strategy Adviser and MP for Bukit Bendera (Penang)Liew Chin Tong, vice-chairman and MP

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It was my good friend, Professor Leo Suryadinata of the Rajaratnam School of International Studies (RSIS), Nanyang Technological University (NTU) Singapore who encouraged me to do a PhD thesis on opposition contestation in Malaysia. I benefited from the many discussions with him on ethnic politics and national integration in third world countries prior to enrolling for a PhD degree at the University of Western Australia in late 2007.

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## Abbreviations and Glossary

ABIM	<i>Angkatan Belia Islam Malaysia</i> (Malaysian Islamic Youth Movement)
<i>adat</i>	Customs and traditions (of the Malays)
<i>alim</i>	Muslim scholar (Arabic); singular for <i>ulama</i> )
ALIRAN	<i>Aliran Kesederan Negara</i> (National Consciousness Movement)
<i>Allah</i>	term used by Muslims and Malay-speaking Christians for God
AMCJA	All Malaya Council of Joint Action
AMIC	Asian Media Information and Communication
<i>asabiyyah</i>	tribalism
ASLI	Asian Strategic Leadership Institute
BA	<i>Barisan Alternatif</i> (Alternative Front)
<i>bangsa Melayu</i>	Malay race or ethnic group
BERSIH	<i>Gabungan Pilihanraya Bersih dan Adil</i> (Coalition for Clean and Fair Elections)
BH	<i>Berita Harian</i>
BN	<i>Barisan Nasional</i> (National Front)
BTN	<i>Biro Tata Negara</i> (National Civics Bureau)
<i>Buku Jingga</i>	Orange Book (Common Policy Framework of PR)

<i>bumiputera</i>	Malay term referring to indigenous people
CAP	Consumers Association of Penang
CEC	Central Executive Committee
<i>ceramah</i>	Discussion in small groups, political meetings, public rallies
CPPS	Centre for Public Policy Studies
CWC	Central Working Committee
DAP	Democratic Action Party
<i>dhimmi</i>	Non-Muslims in an Islamic state
DJZ	<i>Dong Jiao Zhong</i> or Chinese educational movement
EC	Elections Commission
EPU	Economic Planning Unit
FAC	Free Anwar Campaign
FDI	Foreign direct investment
FELCRA	Federal Land Consolidation and Rehabilitation Authority
FMA	Federation of Malaya Agreement
FOIE	Freedom of Information Enactment
FTZ	Free Trade Zone
GDP	Gross Domestic Product
GLCs	Government linked companies

Gerakan	<i>Gerakan Rakyat Malaysia</i> (Malaysian People’s Movement)
<i>Gurdawara</i>	Sikh places of worship
HH	<i>Himpunan Hijau</i> (Green Assembly), an environmental NGO
HINDRAF	Hindu Rights Action Force
HSC	Higher School Certificate
<i>hudud</i>	punishment for crimes under Islamic law
ICA	Industrial Coordination Act
ICT	Information and Communication Technology
IIU	International Islamic University
<i>Ijima</i>	consensus
<i>Ijtihad</i>	Islamic tradition based on interpretation of historical, legal and theological texts
IKIM	<i>Institut Kefahaman Islam</i> (Institute for understanding Islam)
<i>Imam</i>	An Islamic religious teacher
IMP	Independence of Malaya Party
IR	<i>Institut Rakyat</i> (People’s Institute), a think tank associated with PR
ISA	Internal Security Act
ISEAS	Institute of Southeast Asian Studies
<i>Islam Hadhari</i>	Civilizational Islam

ISMA	<i>Ikatan Muslimim Malaysia</i> (Islamic NGO Malaysia)
JAIS	<i>Jabatan Agama Islam Selangor</i> (Selangor Islamic Affairs Department)
JIM	<i>Jemaah Islah Malaysia</i> (Malaysian Reconciliation Association)
<i>jizyah</i>	Special tax paid by non-Muslims in an Islamic state
<i>keris</i>	Malay dagger
<i>Ketuanan Melayu</i>	Malay dominance, domination, hegemony, supremacy
<i>Ketuanan Rakyat</i>	Sovereignty of all ethnic groups based on a common nationality
<i>Khazanah</i>	Investment arm of Finance Ministry
KMM	<i>Kesatuan Melayu Muda</i> (Young Malays Union)
LPM	Labour Party Malaya
MACC	Malaysian Anti-Corruption Commission
MARA	<i>Majlis Amanah Rakyat</i> (Council of Trust for the Indigenous People)
<i>maslaha</i>	Public interest
MB	<i>Mentri Besar</i> (Chief Minister)
MCA	Malayan/Malaysian Chinese Association
MCMC	Malaysian Commission and Multimedia Commission
MCP	Malayan Communist Party
<i>Melayu Raya</i>	Greater Malay nation

MENUS	Malaysian Economic & National Unity Strategy
<i>Merdeka</i>	Independence
MIC	Malayan/Malaysian Indian Congress
MNC	Multi-national companies
MNP	Malay Nationalist Party
MP	Member of Parliament
MSC	Multimedia Super Corridor
<i>MSC</i>	Malaysian Solidarity Convention
MTUC	Malaysian Trade Union Congress
<i>mujahideen</i>	Islamic freedom fighters
<i>muktamar</i>	General Assembly (of PAS)
<i>Mursyidul Am</i>	Spiritual Adviser (of PAS)
NDP	New Development Policy
NEA	New Economic Agenda
<i>Negara Kebajikan</i>	Welfare State
NEM	New Economic Model
NEP	New Economic Policy
NOC	National Operations Council

NGO	Non-governmental Organization
NST	New Straits Times
<i>Nusantara</i>	Malay world, encompassing the modern state of Indonesia
OFA	Old Free Association, alumni of Penang Free School.
OSA	Official Secrets Act
<i>Pancasila</i>	Indonesia's ideology which treats all religions as equal
PAP	People's Action Party
PAS	<i>Parti Islam Se Malaysia</i> (Malaysian Islamic Party)
PBAPP	<i>Perbadanan Bekalan Air Pulau Pinang</i> (Penang Water Corporation)
PBB	<i>Pesaka Bumiputera Bersatu</i> (Bumiputra Pesaka Coalition)
PBS	<i>Parti Bersatu Sabah</i> (United Sabah Party)
PEKIDA	<i>Pertubuhan Kebajikan dan Dakwah Islamiah Se Malaysia</i> (Islamic Welfare and Charity Organisation)
<i>Peranakan</i>	Chinese born in Malaysia partly assimilated into Malay culture
PERKASA	<i>Pertubuhan Pribumi Perkasa Malaysia</i> (Organisation promoting Malay/native supremacy)
<i>Petronas</i>	National Oil Corporation
PISA	Penang International Sports Arena
PKFZ	Port Klang Free Zone
PKI	<i>Partai Komunis Indonesia</i> (Communist Party Indonesia)
PKN	<i>Parti Keadilan Nasional</i> (National Justice Party)
PKR	<i>Parti Keadilan Rakyat Malaysia</i> (People's Justice Party of Malaysia)



PLI	Poverty Line Index
PMIP	Pan Malaysian Islamic Party
PNB	<i>Pemodalan Nasional Berhad</i> (National Equities Corporation)
PPO	Preservation of Public Order
PPP	People's Progressive Party
PPPA	Printing Presses and Publication Act
PR	<i>Pakatan Rakyat</i> (People's Alliance)
PRM	<i>Parti Rakyat Malaysia</i> (People's Party of Malaysia)
PRSM	<i>Parti Rakyat Sosialis Malaya</i> (People's Socialist Party of Malaya)
PUTERA	<i>Pusat Tenaga Rakyat</i> (Centre of People's Power)
PWD	Public Works Department
RCI	Royal Commission of Inquiry
<i>Reformasi</i>	Reform
ROS	Registrar of Societies
RTM	<i>Radio Televisyen Malaysia</i> (Radio & Television Malaysia).
SA	Sedition Act
<i>Sejarah Melayu</i>	Malay Annals
<i>Semangat 46</i>	Spirit of '46

SF	Socialist Front
SJMC	Subang Jaya Municipal Council
SME	Small and medium enterprises
ST	Straits Times
STPM	<i>Sijil Tinggi Pesekolahan Malaysia</i> (Malay equivalent of HSC)
SUARAM	<i>Suara Rakyat Malaysia</i> (Malaysian People's Voice)\
SUPP	Sarawak United People's Party
<i>syariah</i>	Islamic law
<i>syura</i>	consultation
<i>Tanah Melayu</i>	land of the Malays
UDP	United Democratic Party
UKM	<i>Universiti Kebangsaan Malaysia</i> (National University of Malaysia)
<i>ulama</i>	Council of religious (Islamic) leaders
UM	<i>Universiti Malaya</i> (University of Malaya)
<i>ummah</i>	world wide Muslim fraternity
UMNO	United Malays National Organization
USM	<i>Universiti Sains Malaysia</i> (Science University of Malaysia)
<i>Utusan</i>	<i>Utusan Malaysia</i> , a popular Malay daily
UUCA	Universities and University Colleges Act

# Chapter One

## Some Theoretical Considerations and Setting

### Introduction

This chapter seeks to examine several concepts important to understanding the opposition against a backdrop of social, political, demographic, economic and cultural changes in Malaysia over fifty years from 1957, especially in the 1998 to 2014 period when three main opposition parties regrouped as a coalition. These structural changes partly brought about by globalization from the 1990s, came to shape the concepts, including plural society, types of opposition parties, contestation, consociationalism, regime change, pseudo-democracies, etc. In the process, they not only highlighted the opposition's role, but also the policies/agenda of a government which had resorted to communalism, at times reinforced with religious bigotry, to consolidate its power. The three opposition parties are the theocratic *Parti Islam Se Malaysia* (PAS) or Islamic Party of Malaysia, the Democratic Action Party (DAP) and *Parti Keadilan Rakyat Malaysia* (PKR) or National Justice Party of Malaysia. They formed the *Pakatan Rakyat* (PR) or People's Alliance to challenge the *Barisan Nasional* (BN) or National Front coalition government.

Malaysia has a population of 28.3 million, comprising of Malays and other *bumiputeras* (67.4 per cent), Chinese (24.6 per cent), Indians (7.3 per cent) and others (0.7 per cent) co-existing as Muslims (61.3 per cent), Buddhists (19.8 per cent),

Hindus (6.3 per cent) and Christians (9.2 per cent).<sup>1</sup> It is often showcased as a vibrant multi-ethnic nation with a high degree of tolerance for ethnic and religious diversity in advertisements like *Malaysia Truly Asia* to attract tourists. But beneath this veneer of inter-ethnic harmony, Malaysian society is deeply riven by ethnic prejudices with an immense potential for political instability. Ward and Hewstone attribute these prejudices which exist in all ethnic groups to “.... the socio-political state of affairs, including language, education and cultural policies originating on the macro level and... their impact on the individual in terms of ethnic identity as well as inter-group perceptions and relations...”<sup>2</sup> On the one hand, Malays have tended to perceive Chinese as dishonest, arrogant, selfish, rude, ethnocentric and also ritually impure because they consume pork considered taboo to Muslims. On the other, Chinese have regarded Malays as lacking forward planning, depending too much on government largesse and jealous of the success of others. Both Malays and Chinese have been condescending towards Indians mainly due to their relatively lower socio-economic status and attempts to offset this handicap through high-profiling their achievements. Ethnic stereotyping, as several social scientists<sup>3</sup> have noted, is underpinned by Malaysians knowing very little about each other’s cultures. As another social scientist

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<sup>1</sup> This was the 2010 population census from the official portal of the Department of Statistics Malaysia. See [http://www.statistics.gov.my/portal/index.php?option=com\\_content&id=1215](http://www.statistics.gov.my/portal/index.php?option=com_content&id=1215) (date accessed: 22 August 2014). Other *bumiputeras* consist of both non-Muslim and Muslim indigenous peoples such as the Dayaks, Bidayus, Orang Ulu and Melanau in Sarawak, and the Kadazans, Muruts, Bajaus and Suluks in Sabah. Though statistics differ, Malays comprise between fifty to fifty-five per cent while Sarawak and Sabah natives make up between twelve and seventeen per cent of the total *bumiputera* population.

<sup>2</sup> Ward, C and Hewstone, M (1985) “Ethnicity, language and intergroup relations in Malaysia and Singapore: A social psychological analysis”, *Journal of Multilingual and Multicultural Development*, 6, 3-4, p. 272. <http://dx.doi.org/10.1080/01434632.1985.9994207> (date accessed: 22 August 2014).

<sup>3</sup> Ward and Hewstone (1985), p. 280., citing Hashim Ali (1976) *Malay as a minority: Problems to Economic Integration*, University of Singapore, Honours Thesis, and Tan Chee Beng (1982) “Ethnic relations in Malaysia” in D.Y.H. Wu (ed) *Ethnicity and Interpersonal Interaction*, Maruzen, Singapore and (1983) “Acculturation, assimilation, integration: The Case of the Chinese in Malaysia”, *paper presented at the Conference on Modernization and National Cultural Identity, Kuala Lumpur, Malaysia*. Though some of the observations were made in Singapore, they equally applied to the Malaysian situation.

observes, the holding of ethnic stereotypes leads to ignorance and bigotry, which in turn produces serious social and political disorders.<sup>4</sup>

However more recent literature by other social scientists like Mustapha, Azman, et.al<sup>5</sup> observe that group interaction helps to invalidate or at least ameliorate negative stereotypes, but only in particular circumstances. Citing Allport's intergroup contact theory, they note that

Cross-racial interaction is more likely to lead to positive ethnic relations and unity when it occurs under equal group status within the situation, pursuit of common goals, inter-group cooperation, and with the support of the authorities, law or custom. In other words the contact theory makes clear that if positive results from cross-racial interaction are desired, the environmental conditions that improve the quality of contact are just as important as having interpersonal contact.<sup>6</sup>

In the absence of environmental conditions like mutual trust and goodwill, ethnic prejudices were not reduced, but instead heightened as Chinese and Indians felt discriminated by government preferential treatment of Malays. Such prejudices predictably influenced political trends dictated by the government since Malaya's independence in 1957. The social distance opened at the point of inter-ethnic contact<sup>7</sup> then increased over the years by significant political milestones like Singapore's eviction in 1965 and the Kuala Lumpur disturbances four years later. It further widened over the next few decades, after the New Economic Policy (NEP) emerged from 1971 as an affirmative action agenda underlined by Malay ethnocentrism in communal politics. The NEP's thrust to redress Malay economic backwardness

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<sup>4</sup> Rabushka, Alvin (1971) "Racial Stereotypes in Malaya", *Asian Survey*, Vol.11, No. 7, July, p.709, and Rabushka, Alvin & Shepsle, Kenneth (1972) *Politics in Plural Societies: A Theory of Democratic Instability*, Merril, Columbus, Ohio.

<sup>5</sup> Mustapha, Azman, et al.. (2009) "Social integration among multi-ethnic students at selected Malaysian universities in Peninsular Malaysia: A Survey of campus social climate" *Asian Journal of Teaching and Learning in Higher Education*, 1:1, pp. 35-44.

<sup>6</sup> Mustapha, Azman, et al.. (2009), p.39. See also Allport, G W (1954) *The nature of prejudice*, Reading, M A: Addison Wesley.

<sup>7</sup> Ward and Hewstone (1985), pp. 280 & 285.

reinforced BN's political motives in ending traditional Malay fears of Chinese domination. Such a move to safeguard their position as political masters of Malaya had in fact been affirmed by colonial policy acknowledging the Malays as natives with more rights than the "immigrant" communities. It helped explain why the British did not integrate all communities divided along ethnic lines with a common future citizenship. Following independence, ethnic identification became government policy to facilitate mobilizing ethnic support by ethnic components of the BN coalition, and implementing the NEP. More than five decades of political development within the framework of communalism since 1957, only entrenched negative stereotyping and ethnic prejudice among all ethnic groups. Since the 2000s, both came to be partially mitigated by a younger citizenry of all ethnic groups due to factors like education and greater interaction among communities. This is the backdrop of opposition contestation in the 1998-2014 period.

PAS, DAP and PKR with largely different ethnic compositions, ideologies, policies and agendas presently constitute Malaysia's opposition. PAS not only continues the tradition of drawing the bulk of its support from the conservative Malay/Muslim-majority east coast states of Kelantan and Terengganu, but also reaches out to both relatively liberal Malay/Muslims and non-Muslims nationwide. The Chinese-based and secular-oriented DAP, originally an offshoot of Singapore's ruling People's Action Party (PAP), is supported mainly by Chinese and some Indians in the urban and semi-urban areas. But lately, indications of Malays and indigenous peoples of Sarawak and Sabah joining its ranks have become evident. PKR formed as a Malay-based multi-ethnic party, strives to attract more support from the Chinese, Indians and indigenous peoples of Sarawak and Sabah. The PR, established since 2008 with former deputy prime minister Anwar Ibrahim as overall leader, was in fact

repackaged from an earlier opposition coalition called *Barisan Alternatif* (BA) or Alternative Front formed in 1998. It collapsed after the opposition's heavy defeat in the 2004 General Election.

On the other side of the political divide, the BN coalition government is led by the United Malays National Organization (UMNO) and supported by the Malaysian Chinese Association (MCA), the Malaysian Indian Congress (MIC) and eleven other minor ethnic components. These include former opposition parties, the *Gerakan Rakyat Malaysia* (Gerakan) or Malaysian Peoples' Movement and Peoples' Progressive Party (PPP) in the peninsula as well as parties formed by indigenous peoples of Sarawak and Sabah. The BN is an extension of the original tripartite Alliance comprising of UMNO, MCA and MIC which not only ruled from 1957 to 1969, but continued governing Malaysia until 1973. The latter year marked the official launch of BN which has been in power ever since, with UMNO dominating all the other member components as Malaysia became a virtual one-party ethnocratic<sup>8</sup> state until the 2008 General Election.

On both sides of the political divide is a growing civil society made up professionals, and white-collar workers with trade union backgrounds from all ethnic groups in non-governmental organizations (NGOs). These are mainly concerned with issues transcending ethnic divisions such as human rights abuses, corruption, cronyism, nepotism, the rising cost of living and the environment. But the ethnic composition of their leadership as well as rank-and-file creates some problems for the NGOs,

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<sup>8</sup> For details of an ethnocratic Malay state, see Brown, David (1994) *The State and Ethnic Politics in Southeast Asia*, Routledge, London and New York. This will be given fuller treatment in the section on national integration concepts and strategies of this chapter.

particularly when they try to avoid being caught in the government's communal and religious politics.

### **1.1 Main Arguments, Research Questions of Thesis**

This thesis on opposition contestation in Malaysia examines the opposition's peaceful struggle for power through parliamentary democracy against the backdrop of communal/religious politics dictated by the government. It looks at the very real possibility of regime change for the first time in Malaysia's electoral history after the 2008 and 2013 general elections, specifically the following key areas and issues in opposition politics:

- (a) The ideologies, structure and organizational support of PAS, DAP and PKR in contestation.
- (b) The interaction and cooperation among parties with divergent agendas as well as some NGOs on issues transcending communal divisions such as greater democratic space, clean/fair elections, needs-based affirmative action and ending human rights abuses.
- (c) The intricately inter-twined problems of the continuing erosion of non-Muslim rights and the widening economic disparity within the Malay/Muslim community.

These three inter-related issues will be examined against the backdrop of a Furnivallian plural society encasing an ethnocratic Malay/Muslim state that emerged in Malaysia since the 1980s as a result of the government's Islamisation measures in response to the global Islamic revival. Additional questions pertinent to the three opposition parties striving to extend their support beyond Peninsular Malaysia to Sarawak and Sabah include:



- (a) Was there a workable model of consociational multi-ethnic secular democracy immediately following independence, and can it be revived in the face of rising Malay ethnocracy/authoritarianism/hegemony?
- (b) Owing to growing religiosity among Malays, what are the chances of Malaysia moving further towards an Islamic state within the context of democratisation?
- (c) Overall, given their significant differences, can the opposition parties develop a credible alternative government coalition?

In answering all the above-listed questions, this thesis will critically evaluate not only the structure and agenda of the opposition, but also its role in contestation. It will demonstrate that there is an alternative paradigm to the prevailing communalism/religiosity sustained by the government and well documented in existing literature on Malaysia. How the opposition can harness and nurture this nascent paradigm of non-communal politics to mitigate and perhaps phase out communal and religious politics in the long run depends very much on younger Malaysians increasingly accepting a common citizenship that transcends ethnic/religious divisions. This emerging development is documented in relatively “new” literature that is critiqued in the next section.

## **1.2 Literature Review: Communal politics and counter-hegemonic writing**

Until Malaysia’s Twelfth General Election in 2008, communal politics posed the biggest challenge for opposition contestation, with scholarly literature documenting this development extensively.<sup>9</sup> The communalistic trend had been set when two

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<sup>9</sup> For a sample of such literature, see Ratnam, K J (1965) *Communalism and the Political Process in Malaya*, University of Malaya Press, Kuala Lumpur, King, Frank H H (1957) *The New Malayan Nation: A Study of Communalism and Nationalism*, Institute of Pacific Relations, New York, Means, Gordon (1991) *Malaysian Politics: The Second Generation*, Oxford University Press, Oxford, New York, Crouch, Harold (1996) *Government and Society in Malaysia*, Allen & Unwin, Australia, Vasil, R K (1971) *Politics in a Plural Society: A Study of Non-Communal Parties in West Malaysia*, Oxford

ethnic parties UMNO and MCA cooperated on an *ad hoc* basis to defeat a non-communal party, the Independence of Malaya Party (IMP), in the 1951 Kuala Lumpur municipal elections.<sup>10</sup> Their success led both UMNO and MCA to formalize their cooperation as the Alliance with MIC joining in as a third ethnic component. The Alliance was able to mobilize Malay, Chinese and Indian support separately through party components when ethnic groups felt more comfortable supporting parties that explicitly upheld their respective rights. That was how the government coalition swept the 1955 Legislative elections in the lead up to an independent Malaya two years later and established communalism as a central feature of Malayan/Malaysian politics. Under the Alliance, communalism allowed component parties to address the rights of all communities through inter-ethnic bargaining behind closed doors. Once a decision was reached, all parties had to abide by it publicly. However on closer scrutiny, this inter-ethnic bargaining process was subjected to UMNO's insistence that the Malays must unite as group *vis-à-vis* other communities and UMNO must dominate politics in multi-ethnic Malaya.<sup>11</sup> UMNO held that these two key conditions were essential to the new nation state being *Tanah Melayu* or land of the Malays who, as the indigenous peoples, had more rights than other citizens with immigrant ancestry. This did not mean that UMNO rejected non-Malay political participation, only that it must not challenge Malay political supremacy or domination. The latter, perhaps a silent paradigm since the earlier decades of independence, gained traction with the steady erosion of non-Malay collective

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University Press, Kuala Lumpur and Von Vorzys, K (1975) *Democracy Without Consensus: Communalism and Political Stability in Malaysia*, Princeton University Press, New Jersey.

<sup>10</sup> For details of the IMP and the 1951 Kuala Lumpur municipal elections, see Vasil,(1971). The IMP had been established in 1951 by Dato Onn Jaffar, president of UMNO, who left the party after it rejected his moves to open its doors to non-Malays with the then view of transforming it into a genuinely Malayan party in the long run.

<sup>11</sup> Vasil (1971).

political strength. The Malay bargaining leverage *vis-à-vis* the Chinese during the Alliance era was strengthened with the formation of BN from 1973. As the non-Malay resistance weakened further, the concept of Malay supremacy came to be vociferously articulated from the 1980s. Understanding this development fully requires us to examine the dynamics of inter-communal bargaining between UMNO and MCA within the Alliance in the 1957-69 period.

In principle, UMNO and MCA were evenly matched pitting Malay political power at the helm of a Westminster style democracy against some semblance of Chinese economic clout within a foreign-dominated free-enterprise economy. Their endorsement of a social contract<sup>12</sup> or ethnic bargain seemed to underpin the Alliance's success then with UMNO providing political leadership and MCA financial muscle. But practical realities affecting both the seeming UMNO/MCA complementarity suggested something very different when it came to negotiating with each other. In accepting *Tanah Melayu* and its corollary of *Ketuanan Melayu*<sup>13</sup> as a condition for Chinese representation in government, MCA in fact found itself entrapped in a "vicious circle"<sup>14</sup> that placed it at a serious disadvantage. Being unable to secure parity in status for Mandarin with Malay as well as equal treatment of Chinese schools with larger grants, building facilities, etc., MCA came under heavy pressure from the non-Malay opposition from 1957 when these issues greatly concerned the Chinese in nation building in the newly-independent Malaya. To avoid defeat in Chinese-majority areas so that they could participate in government, MCA

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<sup>12</sup> For the relevant details, see Vasil (1971) and Case, William (1996) "Can the 'Halfway House' Stand? Semidemocracy and Elite Theory in Three Southeast Asian Countries", *Comparative Politics*, Vol.28, No.4, pp.437- 464.

<sup>13</sup> There are other meanings of *Ketuanan Melayu* which are fully discussed in Chapter Five. But in this instance the meaning used here is Malay supremacy.

<sup>14</sup> Vasil (1971).

leaders<sup>15</sup> contested and won in Malay-majority or mixed areas, mainly through Malay support canvassed by UMNO. They thus came to depend on UMNO politically and could not reject whatever demands UMNO made on behalf of the Malays at the expense of the Chinese. MCA's actions not only strengthened non-Malay opposition arguments of betraying Chinese rights it had been tasked to defend in the government to UMNO. In serving the interests of its English-educated businessmen top leaders relatively less committed to Chinese language and education, MCA had to accede to all kinds of unfavourable conditions imposed by UMNO. Thus when the rights of all ethnic groups were debated behind closed doors, MCA could not oppose UMNO pushing strongly for Malay rights to prevail. As the "vicious circle" indicated, the more it got rejected by the Chinese, the more MCA had to turn to UMNO, and the more it did so, the greater the rejection it suffered at the hands of the Chinese. Nevertheless MCA was able to ride along with the Alliance/BN's sweeping victories in eleven general elections between 1959 and 2004. This convinced the government, especially UMNO, that the majority of Malaysians believe in inter-ethnic bargaining within the larger framework of communal politics as the most practical approach to resolve ethnic problems in Malaya/Malaysia. The government in fact came to regard a strong UMNO supported by a collectively weak MCA, MIC and others endorsing communal politics, as the best approach to guaranteeing political stability in Malaysia. If MCA, the sole Chinese representative, was weak bargaining with UMNO in the Alliance, it became even weaker in the BN having to share the much smaller Chinese portion of power with Gerakan. Often MCA and Gerakan, as parties with different ideologies and agendas, clashed over how they should represent

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<sup>15</sup> The most prominent example was then MCA president Tan Siew Sin contesting in a Malay-majority parliamentary constituency in his home state of Malacca. Tan would have lost if he contested in a Chinese-majority constituency. Vasil (1971).

Chinese interests in the BN. UMNO could easily seek a more accommodative Chinese response from one Chinese BN component should the other turn out to be more recalcitrant.

The government came to view any opposition move to challenge this inter-communal bargaining approach in politics and more significantly, a communal paradox it reflected, as going against the will of the majority. UMNO was thus responsible for entrenching this paradox in Malayan/Malaysian politics where overt support for communalism in upholding Malay supremacy was regarded as justifiable even if it severely compromised the rights of other ethnic groups. On the contrary UMNO regarded opposition to communalism as stirring up communal conflict even when such opposition was meant to restore compromised non-Malay rights, and therefore undesirable. Existing Malaysian literature continues to document such a paradox as a paradigm in mainstream Malaysian politics.

However a group of Malaysian academics closely monitoring communal trends in Malaysian politics came up with a “counter-hegemonic” body of writing<sup>16</sup> to expose, challenge and repudiate this paradox in three books. They are *May 13: Declassified Documents on the Malaysian Riots of 1969*, by Kua Kia Soong, *March 8 Eclipsing May 13* by Ooi Kee Beng, Johan Saravanamuttu and Lee Hock Guan and *Multiethnic Malaysia: Past, Present and Future* edited by Lim Teck Ghee, Alberto Gomes and Azly Rahman.<sup>17</sup> The authors/editors felt the paradox about communal politics was

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<sup>16</sup> See Introduction in Lim Teck Ghee, Gomes A, Azly Rahman (eds) [2009], *Multiethnic Malaysia: Past, Present and Future*, Strategic Information & Research Development Centre, Petaling Jaya, p.1.

<sup>17</sup> For details of the books, see Kua Kia Soong (2007) *May 13: Declassified Documents on the Malaysian Riots of 1969*, Suara Komunikasi, Petaling Jaya, Ooi Kee Beng, Johan Saravanamuttu, Lee Hock Guan (2008), *March 8 Eclipsing May 13*, Institute of Southeast Asian Studies (ISEAS), Singapore, and Lim et al. [eds (2009)]. About the authors, Kua is the Principal of New Era College, a non-profit tertiary level institution in Selangor run by *Dong Jiao Zong* (DJZ) or Chinese Educational Movement, as well as a social activist. He had been detained under the Internal Security Act (ISA) in

embedded in communal politics itself and served the government's purpose after the 1969 Kuala Lumpur riots to rewrite Malaysian history from the perspective of *Ketuanan Melayu* where the role of the other races in nation building would be downgraded, even omitted. Such a move appeared to ignore the history/political development of Malaya that also documented the role of non-Malays together with Malays written earlier by prominent historians<sup>18</sup> for schools and universities. Thus in challenging the government's post-1969 version of Malaysian history, Lim, et.al observe that the new "counter-hegemonic" literature would

provide different insights and perspectives on the country's history and development as compared with those emanating from the dominant body of knowledge and curriculum found in the official or government sanctioned view of Malaysian history and society."<sup>19</sup>

Although Lim, et.al specifically identify a commissioned government curriculum for a module on ethnic studies introduced for compulsory use in Malaysian universities as "hegemonic" literature, their work and those of Kua and Ooi, et.al also addressed the problem of the dearth of literature from the opposition perspective in Malaysia.

According to Kolinsky<sup>20</sup>

the fact that political opposition remains neglected among scholars is the other side of the coin of the popularity of the study of government, in the same way that common interest in the losing team in the final of a sporting event suffers because of interest in the winning team.

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October 1987 and released some eighteen months later. Ooi is the Deputy Director while Saravanamuttu and Lee are senior research fellows of the Singapore-based Institute of Southeast Asian Studies (ISEAS). Lim is the Director of the Centre for Policy Initiatives (CPI), a Malaysian policy reform organization in Kuala Lumpur and former Professor at the Institute of Advanced Studies, University of Malaya. While Gomes is an associate professor at La Trobe University, Australia, Azly is a research fellow at CPI and educator based in the United States.

<sup>18</sup> For details of the work of these historians, see Dartford, Gerald Percy (1963) *A Short History of Malaya*, Longmans of Malaysia, Tregonning, K G (1967) *A History of Modern Malaya*, D McKay. New York, and Turnbull, C M (1989) *A History of Malaysia, Singapore and Brunei*, Allen & Unwin, Sydney.

<sup>19</sup> See Introduction in Lim, et al. (eds) [2009], p.1.

<sup>20</sup> Kolinsky, E. "Introduction" in Kolinsky, E (ed)[1987b]. *Opposition in Western Europe*, London, UK: Croom Helm, p 1. cited in Gelman, V (2005), "Political Opposition in Russia: A Dying Species?", *Post-Soviet Affairs*, (21), 3, pp. 222-46.

Though Kolinsky was speaking in general terms, what she asserts also applied to existing literature on Malaysian politics. Part of the reason is that Malaysia increasingly became a single-party/coalition Malay ethnocratic state that had effectively marginalized the opposition in the twenty-two years (1981-2003) when Mahathir Mohamad was prime minister. Many scholars<sup>21</sup> working on Malaysia tended to examine political developments from this perspective.

Kua deals with a watershed in Malaysia's history where the worst outbreak of Malay/Chinese violence in Kuala Lumpur on 13 May 1969 led to scores of dead, hundreds of injured and thousands of damaged houses and motor vehicles. He uses despatches from foreign embassy personnel based in Kuala Lumpur to their home countries as his main sources of information. The diplomats had witnessed the riots and their aftermath and filed periodic reports that were then regarded as classified material. These came to be deposited in the Public Records Department in London and were made available to Kua only after their thirty-year embargo was lifted in the 2000s. Kua asserts that Malay hegemony came to be accepted by a cowed and traumatized Chinese citizenry as the salient feature of post-1969 Malaysian politics. He repudiates the government's view that the non-Malay opposition parties were responsible for the riots. This had gone unchallenged for decades and came to be documented as the 'official history' in a tertiary education textbook on ethnic relations. Kua argues that many Malaysians do not believe the government's view, as it was not only biased against the non-Malay opposition parties but replete with inconsistencies as well. He points out that the real culprits were in fact certain people

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<sup>21</sup> For a sample of such works, see Milne, R S and Mauzy, D K (1999) *Malaysian Politics under Mahathir*, Routledge, London, New York, Loh Kok Wah, Khoo Boo Teik [eds (2002)], *Democracy in Malaysia: Discourses and Practices*, Curzon Press, Richmond, Surrey, Hwang, In-Won (2003) *Personalized Politics: The Malaysian State under Mahathir*, Institute of Southeast Asian Studies ISEAS, Singapore and Hilley, John (2001) *Malaysia: Mahathirism, Hegemony and the New Opposition*, Zed Books Ltd, London, New York.

in UMNO who orchestrated the riots to topple then Prime Minister Tunku Abdul Rahman whom they saw as conceding too many Malay rights to MCA in the 1957-1969 period. Kua observes that once the riots began, the Tunku was sidelined and his then deputy Razak Hussein assumed full control as *de facto* prime minister to meticulously plan the government's moves in the months ahead.<sup>22</sup> With the army's full backing, Razak headed a National Operations Council (NOC) comprising of top government leaders, bureaucrats, army and police personnel. After restoring law and order, the NOC in July 1969, went on to change a key government policy that many Malays had been unhappy about, by abolishing English-medium schools from January 1970. This move where Malay replaced English as Malaysia's mainstream medium of instruction while the country was under emergency rule, was followed up by the NEP and other pro-Malay policies to establish Malay hegemony over the next four decades.<sup>23</sup> Kua also uses reports from foreign correspondents, then based in Kuala Lumpur to cover the riots, which in fact affirmed speculation that certain UMNO leaders were responsible. But as the media was heavily censored, this speculation could not be reported even though some of it was documented in literature that was banned.<sup>24</sup> The official view of the riots was a report from the NOC<sup>25</sup> a few months later and a book written by Tunku Abdul Rahman<sup>26</sup> blaming the non-Malay opposition parties and implicating the communists. Kua says that it was contradicted by confidential memoranda from foreign diplomats in Kuala Lumpur in briefings to their home countries based on their observations and assessments. Except for the Indonesian embassy which praised the Malaysian government for its handling

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<sup>22</sup> Kua (2007), p.37.

<sup>23</sup> For more details of these, see Chapter Four.

<sup>24</sup> One of these was Slimming, John (1969) *Malaysia: Death of a Democracy*, John Murray, London.

<sup>25</sup> National Operations Council (1969) *May 13 Tragedy: A Report*, Government of Malaysia, Kuala Lumpur.

<sup>26</sup> Tunku Abdul Rahman (1969) *May 13: Before and After*, Utusan Melayu, Kuala Lumpur.



of the riots, the despatches of most foreign diplomats were highly critical of government discrimination against the Chinese and the military for colluding with Malay while apprehending Chinese rioters.<sup>27</sup> Kua's most cogent argument is perhaps the riots were a *coup d'état* against Tunku Abdul Rahman staged by UMNO leaders like Razak, Mahathir, (then an UMNO MP), Harun Idris, (then chief minister of Selangor) and Ghazali Shafie, (then a top civil servant). Kua substantiates this point by citing an interview the Tunku gave to a journalist<sup>28</sup> K Das, in 1990 shortly before his death, as well as a 1977 article by another journalist Subky Latif, who was close to Harun, in *Southeast Asian Affairs*, a Singapore academic publication. Subky observes

The May 13 incident did not occur spontaneously. It was planned quickly and purposefully. The identity of the planners of the incident cannot be stated with accuracy. But whatever it was that happened, the May 13 Incident was a form of coup against Tunku Abdul Rahman. The Tunku's power in fact ended from then onwards. Although he continued to be Prime Minister and President of UMNO, he was no more than a figurehead.<sup>29</sup>

Kua's selective use of foreign diplomat despatches on the riots may have subjected him to criticism that he himself was also biased, especially in the way he highlighted the government's complicity. While the foreign diplomat despatches serve Kua's purpose in refuting government literature that the riots were started by non-Malay opposition politicians, at the same time their hurriedly-filed manner is open to criticism of either downplaying, omitting or worse still, even distorting the government view of the riots. Whether it was intentional or otherwise, Kua's move attempts to absolve the non-Malay opposition politicians who could not defend themselves as the government-controlled mainstream media denied them the right of

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<sup>27</sup> Kua (2007), Ch.4

<sup>28</sup> Footnote 7 "K Das & the Tunku tapes" in Introduction, Kua (2007).

<sup>29</sup> Cited in Kua (2007),p.3

reply. Kua also refers to the works of Comber, Butcher, Gagliano, Reid, Funston, Fisk & Silcock as well as Khong in his select bibliography to provide a backdrop to his account of the disturbances.<sup>30</sup> But these dealing mainly with the historical survey of Malay/Chinese relations (Comber), reviewing controversial accounts of the riots (Butcher) and their political aftermath (Gagliano) only partially suggest two possible widely-believed scenarios linked to his assertions. These scenarios are the riots were planned in advance by certain Malay radicals to sideline the democratic process as it appeared to benefit the non-Malay opposition. The same radicals were also caught unawares by the riots, but once the mayhem occurred, they cleverly seized the initiative under emergency conditions to assume power, and charted the course towards subsequent *Ketuanan Melayu* and NEP politics amidst non-Malay resignation. While on the whole Kua's book may be vulnerable to criticisms that his sources of information were weak and limited, nevertheless what he contended is largely reflected in major post-1969 political developments. Tunku Abdul Rahman resigned as prime minister in September 1970 as the era of NEP politics emerged to repudiate much of how he upheld the UMNO/MCA ethnic bargain of the 1950s. What Kua wrote was not challenged by UMNO or Mahathir even though some pro-UMNO groups unsuccessfully tried to repudiate it in a film called *Tanda Putera* on Razak and his then deputy Ismail Abdul Rahman.<sup>31</sup>

(a) *March 8 Eclipsing May 13*

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<sup>30</sup> See the following references in Kua's select bibliography: Comber, Leon (1983) *13 May 1969: A Historical Survey of Sino-Malay Relations*, Heinemann, Kuala Lumpur, Butcher John (1981) *May 13: A Review of Some Controversies in Accounts of the Riots*, Asian Studies Association of Australia – Malaysia Society Colloquium, Adelaide, Gagliano Felix V (1970) *Communal Violence in Malaysia 1969: The Political Aftermath*, Ohio University, Reid, Anthony (1969) "The Kuala Lumpur riots and the Malaysian political system\*." *Australian Journal of International Affairs* 23.3 , pp. 258-278, Funston, T (1980) *Malay Politics in Malaysia*, Helneman, Kuala Lumpur, Fisk EK & Silcock, T H (1963) *The Political Economy of Independent Malaya*, London, Khong Kim Hoong (1975) *British Rule and the Struggle for independence in Malaya 1945-57*, PhD Pittsburgh.

<sup>31</sup> See "Tanda Putra a doubled-edged sword", *Malaysiakini*, 21 February 2013. <http://www.malaysiakini.com/news/221933> (date accessed: 7 July 2014).

Three Malaysian academics based in Singapore observed campaigning in the 2008 General Election for thirteen days and documented their findings of an unprecedented opposition erosion of government support since the country's first general election in 1959.<sup>32</sup> In their book *March 8 Eclipsing May 13*, Ooi Kee Beng, Johan Saravanamuttu and Lee Hock Guan contend that a revamped opposition coalition of three different parties was able to dent the virtually impregnable image of Malaysia's one-party state. It depicted a strong cohesive government coalition consistently winning by landslide majorities against a weak fragmented opposition in several general elections since independence in 1957. More significantly, Ooi, et.al, argue that many voters of all ethnic groups in 2008 dealt Malaysia's well-entrenched communal politics a heavy blow by moving away from their traditional practice of supporting parties representing their respective communities. In voting across ethnic lines, Malaysian citizens elected eighty-two opposition MPs in the 222-seat federal parliament and gave the opposition control of five of Malaysia's thirteen state governments. Ooi, et.al, contend that the opposition's success in convincing many Malay, Chinese and Indian voters to reject the government, brought about an unprecedented nascent two-coalition system at federal level and a *de jure* two-party system in state level politics.

In attributing the credible opposition 2008 General Election performance to a powerful public backlash against the government, Ooi, et.al use the May 13 Kuala Lumpur incident as their reference point to analyse this "Tectonic Shift in Malaysian

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<sup>32</sup> Strictly speaking, Malaya's first general election was in fact held in 1955 when the peninsula was still under colonial rule. However the government's almost 100 per cent victory was thus not indicative of the opposition's strength as only PAS contested and took one of the fifty-two contested legislative assembly seats with the remainder going to the Alliance coalition government. The 1959 general election, the first after Malaya's independence, was thus more reflective of the opposition's electoral strength, with both Malay and Chinese-based opposition parties organized. The government won seventy-four of the 102 contested parliamentary seats with the remainder divided between the Malay and Chinese oppositions. See Ratnam (1965).

politics”<sup>33</sup> which was described elsewhere as a *tsunami*.<sup>34</sup> They argue that repercussions from the ethnic riots were as comprehensive and profound as to make the government over-react in its eagerness to curb potential troublemakers when parliamentary democracy was restored in 1971. The first thing the government did was to approve muffling legislations through a chastised parliament, including amendments to the Sedition Act (SA) of 1948, which overruled parliamentary immunity. Then the Constitutional (Amendment) Bill prohibiting discussions on sensitive issues like citizenship, national language, special position of the Malays, legitimate interests of non-Malays, and sovereignty of the sultans as well as the Universities and University Colleges Act (UUCA) strongly denying student participation in political activities, were invoked.<sup>35</sup> Ooi, et.al, point out that the government hastily approved legislation to recreate a veneer of normalcy in reconvening parliament before its two top leaders, Prime Minister Tun Razak and Deputy Prime Minister Dato Ismail, who were terminally ill then, passed away.<sup>36</sup>

Ooi, et.al, contend that the NEP era of ethnic politics that began shortly after the 1971 Constitutional Amendments in parliament, especially the SA, effectively silenced opposition dissent. They argue that NEP “..expedited race-based affirmative action to such an extent that racialism threatened to become the conclusive factor in policy making.”<sup>37</sup> The NEP did not bring a proper closure to the trauma of May 13 as the government had intended it to, but instead enabled the government to consolidate its

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<sup>33</sup> For details of this see Chapter 2 by Saravanamuttu in Ooi, et al., (2008).

<sup>34</sup> A *tsunami* may be described as strong tidal waves caused by movements beneath the ocean floor that struck countries around the rim of the Indian Ocean in December 2004. See “Najib blames polls results on ‘Chinese tsunami’ *Malaysiakini*, 6 May 2013. <http://www.malaysiakini.com/news/229231> (date accessed: 24 July 2014). For a fuller treatment of this term, see Khoo Boo Teik (2010) *Cyber-networks, Physical Coalitions and Missing Links: Imagining and realizing dissent in Malaysia 1998-2008. Institute of Developing Economies Discussion Paper No. 244.* pp. 1-29.

<sup>35</sup> Ooi, et al., (2008), p. 2

<sup>36</sup> Ismail died of a heart attack in 1973 while Razak succumbed to leukaemia three years later.

<sup>37</sup> Ooi, et al., (2008), p. 2.

power and turn hegemonic over four decades after its promulgation. Inter-ethnic relations deteriorated, inter-faith issues turned controversial and Malaysia's debate culture became undermined as public space contracted dramatically with increased media control and parliamentary passivity.<sup>38</sup> These signs were manifested in a number of incidents in the 2004 - 2008 period of BN rule under Abdullah Badawi which had the best ever mandate winning 195 of the 219 contested parliamentary seats in the 2004 General Election. Firstly, the Chinese resented UMNO youth president Hishammuddin Hussein wielding a symbolic *keris* (Malay dagger) at party assemblies in 2005 and 2006 to silence their protests against the excesses of Malay ethnocentrism. Then the Indians were angry over cases of arbitrary conversions of Hindus to Islam like policeman Moorthy Maniam, whose fame in climbing Mount Everest was not acknowledged and subsequently died of illness.<sup>39</sup> Indian anger was followed by revulsion among all ethnic groups at scandals the government hushed up such as the murder of Mongolian model Altantuya Shaaribu, video clips of rogue lawyer V K Lingam brokering judicial appointments in a telephone conversation, and former MCA president Chua Soi Lek having sex with a woman friend in a hotel, going viral in cyberspace. Finally the government continued to be indifferent to mounting complaints by NGOs of alleged government collaboration with the Elections Commission (EC) through malapportionment, gerrymandering and other electoral malpractices to ensure BN landslide victories in elections.

The opposition reaction to developments in the 2004-2008 period by campaigning on the ground to offer all ethnic groups a better alternative agenda, gives an overview of

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<sup>38</sup> Ooi, et al., (2008), p. 3.

<sup>39</sup> Moorthy's predicament is given fuller treatment in Chapter Two of thesis.

opposition contestation in the first chapter of the book by Ooi.<sup>40</sup> It assumes a sharper focus in a more substantive chapter by Lee<sup>41</sup>, documenting how citizens of all communities voted across ethnic lines in the Klang Valley, Malaysia's most developed area, where the state of Selangor and the country's largest city Kuala Lumpur are located. It was in the Klang Valley that the opposition scored its biggest success in 2008, transcending the BN's ethnic voting preference through cross-ethnic voting, which proved highly successful in mixed areas where no community constituted a majority but was outnumbered by others combined. In these constituencies, while DAP successfully persuaded the Chinese to vote for the PKR/PAS Malay candidate against the Chinese MCA/Gerakan candidate, PKR/PAS similarly convinced the Malays to support the DAP/PKR Chinese/Indian candidate rather than the UMNO Malay candidate. Hence many of these mixed constituencies in Selangor, previously held by the government, were won by the opposition and together with victories in Chinese-dominated constituencies, it was able to capture Selangor in 2008 with a 36-20 score in the 56-seat assembly. This surpassed its feat in 1969 where a 14-14 tie with the government was affected in the 28-seat state assembly. This cross-ethnic voting trend also successfully took place in the mixed parliamentary seats in Kuala Lumpur like Batu, Wangsa Maju, Lembah Pantai and Bandar Tun Razak where Malays formed the largest community. In his conclusion, Lee asserts that Selangor with its Malay-majority multi-ethnic population composition roughly corresponding to the national demographic composition, had led the way in the success of cross-ethnic voting in the 2008 General Election. Selangor's trend was replicated to a great extent in the four northern states of Penang, Perak,

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<sup>40</sup> See Chapter 1 "The Opposition's Year of Living Demonstratively" by Ooi Kee Beng in Ooi, et al. (2008), pp.6-32.

<sup>41</sup> See Chapter 3 "The Ethnic Voting Pattern for Kuala Lumpur and Selangor in 2008" by Lee Hock Guan in Ooi, et al. (2008), pp. 80-121.

Kedah and Kelantan won by the opposition. In the Chinese-majority state of Penang and Malay-majority states of Kedah and Kelantan, the opposition victories were even more pronounced, suggesting that communal politics was perhaps equally tenable in disadvantaging the government in anti-establishment areas. However the swing towards the opposition caused by cross-ethnic voting was not so strong in the east coast states of Pahang and Terengganu as well as the southern states of Negri Sembilan, Malacca and Johor, where communal voting trends continued to favour the government which retained control of these states. Lee argues that had the opposition's success in Selangor and Kuala Lumpur been replicated on a national scale, the opposition would have won control of the federal government in 2008.

Nevertheless Ooi, et.al, describe the results of the 2008 General Election as a severe backlash against the government, reflecting the desperate cry of ordinary Malaysians in their last ditch attempt to stop its divisive ethnic politics that delayed closure to the May 13 incident. They assert that the opposition harnessed discontent that had become obvious throughout Malaysian society and achieved its unprecedented success on 8 March 2008.<sup>42</sup> In citing the reasons for the government's unprecedented electoral setback, Ooi, et.al, mention that the social media made unconventional information accessible to the public leading to new arenas for public discussion. The BN could not adjust to these changes during the campaign period as it came to believe too much in its own propaganda. More significantly, the authors deal with the rise of the PKR as the largest opposition party that emerged after the 2008 General Election and the role of Anwar as leader of the opposition coalition.<sup>43</sup> The authors

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<sup>42</sup> Ooi, et al., (2008), p. 22

<sup>43</sup> See Ooi's concluding chapter "Anwar's Path to Power goes via Permatang Pauh" in Ooi, et al. (2008), pp.122-26.

challenge the assumption of ethnic politics in prevailing literature<sup>44</sup> that Malays tend to vote for the government and non-Malays the opposition. They argue that the absence of violence after the 2008 General Election indicated the success of the Malay-led PKR and its multi-ethnic platform and conclude that ethnicity alone no longer suffices in explaining Malaysia's voting pattern and political behaviour. That in their opinion was how March 8 had eclipsed May 13 and led opposition politics in Malaysia to "turn the corner".

If the 13 May 1969 Kuala Lumpur incident was a watershed event in Malaysia's history leading to Malay authoritarianism and eventually hegemony via the NEP over the next forty years, then the tectonic shift by the opposition leading to a nascent two-coalition system emerging on 8 March 2008 proved to be an even bigger one. Both milestones in Malaysian history, nearly four decades apart, point to successful opposition unity efforts in having straight fights against the government in the general elections in both 1969 and 2008. But while opposition unity moves in 1969 were only confined to non-Malay parties like DAP, Gerakan and PPP, in 2008 they were more extensive. Not only were all three opposition parties – DAP, PKR and PAS – united against the BN, they were also supported by NGOs in their quest. More significantly, while an overall leader to unite both Malay and non-Malay oppositions in 1969 was noticeably absent, Anwar Ibrahim assumed this role in 2008. He was able to rally all three opposition parties together in unity with the resources and manpower of a broad-based alternative coalition that fell short of taking over the federal government in 2008.

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<sup>44</sup> Among such literature are Vasil (1971) and Ratnam (1965),



Ooi, et.al, try to link cross-ethnic voting to the opposition's quest for a Malaysian identity to replace the current ethnic categorization of Malaysians by the BN as a nation building strategy. They argue that Anwar made use of the opposition's fine showing to underline his position as a leader of all Malaysians and not only the Malays when the period of his suspension for running for public office ended. Ooi, et.al, cite a popular online media report where Anwar made a fiery speech in Kampung Baru before a 20,000 crowd comprising mainly of Malays. Anwar declared: "All of you will witness this tonight. We will not talk of Malay supremacy, but the supremacy of all Malaysians".<sup>45</sup> To the extent that Kampung Baru was a Malay enclave in Chinese-dominated Kuala Lumpur where Malay rioters planned their operations in May 1969, Anwar's message was significant to the non-Malays. It signalled that a conciliatory message where the mere mention of crowds in Kampung Baru earlier conjured images of the beginning of the riots. Coming from a Malay leader calling on the Malay crowd there to accept a more inclusive approach to national integration, the message was greatly welcomed by the non-Malays and also some Malays hoping that 8 March 2008 held great potential for eclipsing 13 May 1969. In retrospect, the opposition's credible performance in the 2008 General Election was the culmination of events beginning with *Reformasi* in September 1998 to free Anwar after what his supporters perceived as a farcical trial with a conviction for sodomy and corruption and fifteen years in jail. That Anwar was freed following a successful appeal after serving six years led him to play a major role in the 2008 General Election.

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<sup>45</sup> "Kampong Baru hails 'Ketuanan Rakyat'", *Malaysiakini*, 15 April 2008, cited in Ooi, et al. (2008), p.4.

In retrospect, the book's growing optimism for regime change should be more appropriately examined within the context of the opposition's unprecedented gains in the 2008 General Election. This is despite political developments in the five intervening years to the Thirteenth General Election in 2013 suggesting that many of the book's findings turned out to be fairly accurate. However BN counter-moves, widely publicised in the mainstream media, were either not brought up or merely glossed over in their narratives. To strengthen their arguments, authors may have had valid reasons to downplay the establishment, such as the wide exposure of government measures in the mainstream newspapers and government-controlled radio/television stations. Even then, these could still have provided the authors with a fuller analysis to realistically temper much of the optimism for the opposition in their predictions had government moves been fully discussed.

*(b) Multiethnic Malaysia: Past, Present and Future*

The book *Multiethnic Malaysia: Past, Present and Future* is an edited collection of essays by Malaysian academics on several aspects of the country's historical, demographic, cultural, educational, social, political and economic development. There are too many of them to be mentioned in this literature review even though their views are very comprehensive and varied in the book's twenty-five chapters. Among the writers are prominent historians Khoo Kay Kim and Cheah Boon Kheng as well as economists Lim Teck Ghee and Edmund Terence Gomez. Khoo and Cheah, both of whom have previously written the history of Malaysia from the government perspective, have updated their contributions to reflect counter-hegemonic research in this book.

In his chapter “The emergence of plural communities in the Malay peninsula before 1874 ”, Khoo<sup>46</sup> contends that the growth of Malaya’s plural society through the sustained Chinese and Indian immigration of the early twentieth century led to the Malay-Muslim tendency of ethno-religious separation rather than fusion with the non-Malays, signalling the Malay/non-Malay rivalry for political rights and economic benefits. Khoo’s assertion is complemented by Cheah’s<sup>47</sup> findings in another chapter “Race and Ethnic Relations in Colonial Malaya during the 1920s and 1930s” that documented how the British sided with the Malays against the Chinese in ethnic relations as the colonial power grappled with administering a divided plural society that earlier encouraged mass Chinese migration to serve colonial economic needs. Cheah argues that the British avoided integrating the locally-born Chinese and Indians with the Malays because it viewed racial integration as a troublesome responsibility.<sup>48</sup> British preservation of the distinction between separate communities based on the criteria of economic functions, ethnic origin and culture inevitably led to emergence of separate nationalisms in Malaya with the Malays championing “Malaya for the Malays” and Chinese “Malaya for the Malaysians” slogans respectively.<sup>49</sup> The Malay/Malayan dichotomy discussed by Cheah is taken up further by Ariffin Omar in an instructive chapter “The Struggle for Ethnic Unity in Malaya after the Second World War”.<sup>50</sup> Here Ariffin discusses how the British move to create a new nation state from scratch, by giving citizenship liberally to large numbers of locally-born Chinese and Indians in the Malayan Union proposals, was strongly opposed by the Malays who feared that their *bangsa Melayu* (Malay race) and *tanah Melayu* (land of

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<sup>46</sup> See Chapter 1 in Lim, et al., eds (2009), pp.11-31.

<sup>47</sup> Chapter 2 in Lim, et al., eds (2009), pp. 33-44

<sup>48</sup> Lim, et al., eds (2009), p.35

<sup>49</sup> Lim, et al., eds (2009) p.38

<sup>50</sup> Lim, et al., eds (2009) pp.45- 57.

the Malays) would cease to exist. Ariffin contends here the significance of the Malay rejection of the term “Malayan” which they associated too much with the local-born Chinese . Ariffin goes on to cite Malay nationalists then in asserting that

The term ‘Malayan’ to designate the national status was completely unacceptable to the Malays...as it had always been used in contradistinction to the word ‘Malay’ to denote the non-indigenous inhabitants of the country, and that the Malays had always become accustomed to regarding themselves as excluded from the category of Malayans. The use of the term ‘Malayan’ to designate the common national status would therefore involve abandonment by the Malays as the indigenous people of the country, of their proper title, and the acceptance by them of a title which in its accepted sense, included many who do not regard Malaya as their real home and as the object of their loyalty.<sup>51</sup>

It is within this context that Ariffin describes UMNO as an ethnocentric organization composed of the various state organizations which at the time of its inception, had no idea or concept of nation, nationhood, nationalism or independence. UMNO was also not a nationalist party fighting to remove the yoke of colonial rule like in many Southeast Asian countries such as Indonesia, Vietnam or Burma. UMNO was in fact not fighting for independence but for the continued protection of the Malays under British colonial rule for as long as necessary.<sup>52</sup>

In dwelling on the role of ethnic relations to shape the political, social, economic and cultural environment in Malaya/Malaysia, Khoo, Cheah and Ariffin raise the issue of the communal paradox in Malaysian politics which made Malaysia a paradoxical state. This is further elucidated in an essay “Beyond Ethnocentrism: Malaysia and the Affirmation of Hybridisation” by Ooi Kee Beng<sup>53</sup> who observes that in order to end what the government perceived as historical conditions of ethnocentrism, it had to make ethnicity the salient factor in its policies. The NEP’s utilization thus came to

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<sup>51</sup> Lim, et al., eds (2009) p.52.

<sup>52</sup> Lim, et al., eds (2009).p.48

<sup>53</sup> For details, see Chapter 23 in Lim, et al. eds (2009), pp. 447-62.

serve UMNO's ethnic purposes, but its partial alleviation of Malay economic backwardness also led to class eroding some of ethnicity's effectiveness as a variable in attracting substantial Malay support to UMNO. This is noted by another writer Johan Saravanamuttu who argues in his essay "The Great Middle Class Debate: Ethnicity, Politics or Lifestyle?" that the emergence of a Malay middle class with a different set of values and perceptions of ethnic relations negated the appeal of ethnicity.<sup>54</sup> This emergence was made possible with the NEP's implementation between 1970 and 1995 emplacing Malays in occupations that yielded them incomes much higher than what they earned traditionally as agriculturalists in 1957. Agriculture, then the main economic sector associated with Malays, constituted more than fifty per cent of the community's labour force, but by 1998, this figure fell to nineteen per cent as more Malays took up jobs in the managerial, professional and service sectors. The Malay shift from agricultural to occupations yielding higher incomes came to imply that Malay-dominated Malaysian society as a whole became more middle class. Though still grateful to the NEP's ethnic approach for their improved economic status, many middle class Malays tended to also support "universalistic values cutting across ethnicity ...to champion various causes connected to social democracy, human rights and the environment".<sup>55</sup> However such support did not diminish their continuing endorsement of, let alone rejecting the government at this stage. To what extent Malay middle class support for universalistic values here transcending ethnicity, contributed to the government's setback in the 2008 General Election, is still being debated. It remains unclear regarding its role as no Malay middle class existed to narrow a chasm that separated the sultan and aristocracy from his subjects in traditional Malay society.

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<sup>54</sup> For details, see Chapter 8 in Lim, et al., eds (2009), pp.141-54.

<sup>55</sup> Lim, et al. eds (2009), p.146

Nevertheless Saravanamuttu's essay provides discourse for the juxtaposition of class and ethnicity in politics despite the latter marginalizing the former as a variable in Malaysian politics at least from 1957 to the 1990s. Existing literature on Malaysia has documented class in discussion on the Chinese-based Labour Party of Malaya (LPM)<sup>56</sup> and the overwhelmingly-Malay *Parti Rakyat Sosialis Malaya* (PRSM) or the People's Socialist Party of Malaya in the 1950s and 1960s. Both left-wing parties in fact formed a non-communal coalition called the Socialist Front (SF)<sup>57</sup> using class as a platform to challenge the inter-communal Alliance. The SF's political agenda was a follow-up to an earlier unsuccessful attempt at non-communal collaboration with some semblance of class between the Malay nationalist group *Putera Tenaga Rakyat* (PUTERA) or Centre of People's Power and the Chinese-dominated All Malaya Council of Joint Action (AMCJA) to demand independence from the British for Malaya in 1949-50.<sup>58</sup> The SF failed mainly because the politically-dominant Malays rejected its socialist struggle which they perceived as closely associated with communism whose atheism contradicted Islam. The SF's consequent demise was also due to differences between LPM and PRSM over the contentious language and education issue in the 1950s and 1960s<sup>59</sup>. While LPM wanted the wide and liberal usage of English to continue for practical purposes, PRSM favoured prioritising the usage of Malay over other languages partly due to its view of English as a colonial legacy. In 1969, the LPM dissolved itself and withdrew from politics, citing government intimidation and harassment. While its significant anti-establishment Chinese support came to be taken over by DAP in the 1969 General Election, the

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<sup>56</sup> Vasil (1971).

<sup>57</sup> Vasil (1971).

<sup>58</sup> Lim, et.al eds. (2009), Chapter 3.

<sup>59</sup> Firdaus Haji Abdullah (1985) *Radical Malay Politics: Its Origins and Early Development*, Pelanduk Publications, Petaling Jaya, Malaysia and Vasil (1971).

PRSM which failed to gain Malay support, languished in obscurity over the next few decades. The PRSM dropped its socialist tag, partly in response to the effects of the collapse of communism in Eastern Europe in the 1990s. It came to be known as *Parti Rakyat Malaysia* (PRM) or People's Party Malaysia when it merged with the *Parti Keadilan Nasional* (PKN) or National Justice Party to form the PKR in the 2000s.

Ethnicity's continuing saliency in Malaysian politics has led to suggestions by Azly Rahman for a new more inclusive definition of the term *Bumiputeraism*, in his essay "The 'New Bumiputeraism' as Pedagogy of Hope and Liberation: Teaching the Alternative Malaysian Ethnic Studies"<sup>60</sup>. Azly contends that the exclusive generic term to Malays and natives of Sarawak/Sabah continued to accentuate the government's division of citizens into indigenous and immigrant groups. But as Chinese and Indians have come a long way into being accepted as fully-fledged Malaysians by virtue of the ethics, rights and responsibilities of citizenship, Azly argues for them to also be considered as *Bumiputeras*. He also suggests that the present government assumption of ethnicity and religion (Islam) as one in *Bumiputeraism* is wrong as many Sarawak and Sabah natives are Christians and thus come to be discriminated against as second class *Bumiputeras*. Azly's point is taken up by Ooi in his essay "Beyond Ethnocentrism: Malaysia and the Affirmation of Hybridisation"<sup>61</sup> pointing out that the *babas* and *nyonyas*, a group that grew out of the intermarriage between early Chinese settlers and Malays, and came to adopt many Malay traits, are not considered *Bumiputeras*. This was unlike the situation of Indonesians who have similar ethnic origins and religion (Islam) with the Malays.

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<sup>60</sup> Lim, et al. eds (2009), Chapter 22.

<sup>61</sup> Lim, et al. eds (2009), Chapter 23.

In their literature, Kua, Ooi, et.al and Lim, et.al (eds) do not deal with the opposition *per se*, unlike academics like Vasil, Ong, Chew or Marican.<sup>62</sup> While Vasil's literature in the 1970s on non-communal politics deals with various opposition parties like LPM, United Democratic Party (UDP), PPP and Gerakan, the theses of Ong and Chew were on DAP and Marican on PAS. By contrast, Kua, Ooi, et.al and Lim, et.al (eds) document and analyse the circumstances and political developments leading to the Malaysian general elections of 2008 and 2013 which shed light on development of the opposition. This important further period of growing opposition contestation as well as its background is dealt with, and in the process, the opposition is thrust forward and its role discussed and explained. When the three books were published in 2007, 2008 and 2009 respectively, opposition contestation was just picking up after PKR, DAP and PAS put aside their differences and cooperated within the reorganized broad-based PR coalition headed by Anwar. The opposition then went on to repudiate the BN's communal politics and the assumptions it brought which adversely affected ethnic relations and impeded national unity. The authors appear vindicated to the extent that what they wrote reflected the feelings of many voters who rejected the BN in 2008 and 2013. Taken as a whole, the potential of 8 March to eclipse 13 May is kept very much alive with the opposition seeking to bring about regime change by the Fourteenth General Election which must be held in 2018 at the latest. PKR, DAP and PAS continue to strengthen the opposition coalition despite inter-party differences surfacing within their ranks being exploited by UMNO/BN counter-attacks after the 2008 and 2013 general elections.

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<sup>62</sup> For details see, Vasil (1971), Ong, Michael (1969) *DAP: Case for a Malaysian Malaysia Restated*, MA Thesis, La Trobe University, Chew Huat Hock (1980) *The Democratic Action Party in Post-1969 Malaysian Politics: The Strategy of a Determined Opposition*, MA Thesis, Australian National University, Canberra and Marican, Y Mansor (1976) *The Political Accommodation of Primordial Parties DMK (India) and PAS (Malaysia)*, PhD Thesis, University of British Columbia.



### **1.3 Plural Society, Consociationalism, Consensus and Majoritarian Democracy**

#### *Failure of Integration in plural societies*

The study of Malaysian politics with all its challenges and opportunities requires a critical examination of the environment in which it operates. A helpful concept much used in the analysis of Malaysian society/politics is the plural society. It was defined and developed by J S Furnivall and M G Smith during the pre-war and early post-war years. Their observations of how plural societies functioned were made in different colonial settings, Furnivall in the Netherlands East Indies and Smith in Grenada, the West Indies.<sup>63</sup> Both social scientists define the concept as a milieu having many ethnic groups coexisting together within its borders, but interacting only on a superficial basis. While Furnivall notes that Europeans, Chinese and native peoples intermingled but did not integrate within the commercial setting of Batavia, Smith similarly observes how Europeans, Creoles, Africans and Indians interacted superficially in the plantations of the Caribbean island. The common denominator for the plural societies of both Furnivall and Smith was the colonial governments in both settings. The stability provided by the economic system in Batavia and the political order in the West Indies kept all groups together under a common umbrella, but only superficially. A sense of solidarity was thus clearly absent in the market place or public sphere in both settings where the groups “mixed but did not combine.”<sup>64</sup> This solidarity was only to be found within the different ethnic groups after work where group members socialized among themselves in both Batavia and the West Indies. In

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<sup>63</sup> See Furnivall, J S (1948) *Colonial Policy and Practice: A Comparative Study of Burma and Netherlands India*, Cambridge University Press, Cambridge, and Smith M G. (1965) *The Plural Society in the British West Indies*, University of California Press, Berkeley.

<sup>64</sup> Furnivall, (1948), p.304.

the process shared values based on language, religion, custom, region, ethnicity or assumed blood ties which Geertz defines as “primordial” loyalties<sup>65</sup> bound members of particular groups together. Their socialization became more frequent as members of the same ethnic groups got to know one another better. They developed an organic solidarity<sup>66</sup> which brought members of the same ethnic group closer together while distancing themselves even more from other groups.

This was how different communities developed their own individual identities, separate from others living in the same society but together among themselves. It brought about unequal wealth distribution reflected in the different cultural outlooks and lifestyles of the groups concerned, making some groups stronger than others. This inequality partly explained why plural societies became prone to ethnic conflict marked by cleavages of language, culture and religion shaping their respective identities. Over time, as the differences grew wider and deeper, they turned into cleavages which became segmented<sup>67</sup> to make the plural society a highly unstable one with battle lines drawn in contestation when the colonies became independent. Here political parties were formed along ethnic lines and political support was mobilized through ethnic issues where sentiments like ethnicity and religion were exploited.<sup>68</sup> A key responsibility which many colonial authorities in plural societies abdicated when preparing their former colonies for independence was the need to integrate the various ethnic groups into a cohesive nation-state serving as an object of loyalty for all

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<sup>65</sup> Geertz, Clifford (1963) *The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States. Old Societies and New States: The Quest for Modernity in Asia and Africa*, Free Press, New York, pp.109-13. This is cited in Lipjhart, Arend (1977) *Democracy in Plural Societies: A Comparative Exploration*, Yale University Press, New Haven, p.17.

<sup>66</sup> For details of the concept of organic solidarity, see Durkheim, E (1933), *The Division of Labour in Society*, Free Press, Glencoe, Illinois.

<sup>67</sup> For details of segmentation of cleavages, see Ekstein, Harry (1960), *A Vision of Cohesion in Democracy*, Princeton University Press, Princeton, p. 35.

<sup>68</sup> Milne, R S (1988) “Bicommunal Systems: Guyana, Malaysia, Fiji”, *Publius*, Vol.18, No.2, spring, pp.101-113.

groups. They were more preoccupied with commercial motives to benefit the mother countries than integrating the diverse groups for future nationhood. Nevertheless the colonial authorities imposed a strong political order<sup>69</sup> to deter inter-ethnic conflict as groups separately developed where one would eventually dominate all the others in the plural society when it became independent. In some instances like Malaysia, the British favoured one ethnic group, the Malays in whose hands would not only be concentrated political power, but also the legal machinery, military and civil service.<sup>70</sup>

#### *Consociationalism as power-sharing arrangements*

The dominant group in any new multi-ethnic nation that had opted for democracy as its preferred form of government generally realized that it could not completely ostracize or marginalize the other groups without antagonizing them. So the most practical approach to ensure stability in the newly-independent multi-ethnic democracy was for the dominant group to accommodate all the others in a power-sharing arrangement which Lijphart<sup>71</sup> calls “consociational democracy”. Briefly the concept acknowledges cleavage segmentation in plural societies, but attempts to eventually transform this into advantage as they develop politically. The dominant group gets the segmented elites to cooperate rather than compete with one another for majority support in win-win situations. The primary distinguishing feature of consociational democracy is thus elite cooperation. At the time of independence in 1957 not to mention extension to Malaysia six years later, Malaya had several characteristics, which at face value, appeared to conform very much to four key

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<sup>69</sup> Smith M G.(1969) *Plural Societies: Perspectives and Problems* in Kuper, L & Smith M. (eds) *Pluralism in Africa*, University of California Press, Berkeley, 14, cited in Lijphart, Arend (1977), p.18.

<sup>70</sup> Burton Benedict (1962) *Stratification in Plural Societies*. *American Anthropologist*, 64 (6), pp.1235-46.

<sup>71</sup> Lijphart (1977).

conditions of Lijphart's consociational democracy. These are (a) government by grand coalition of political leaders of all significant sections of the plural society, (b) mutual veto to protect minority interests through "concurrent majority rule", (c) proportionality as the principal standard of political representation, civil service appointments and allocation of public funds and (d) high degree of autonomy for each segment to mind its own affairs.<sup>72</sup>

In a grand coalition<sup>73</sup> of a consociational democracy, all participants would ideally address salient issues causing political instability. Important and serious questions would not only be resolved with near-unanimity, but also in a way that would yield the most benefits for the least payoffs. Decision-making would be by consensus with a view to circumventing a strong opposition characteristic of a majoritarian democracy. Lijphart contends this would address the problem of mistrust between opposing parties in the coalition. Mutual veto is perhaps the strongest weapon of minority parties in a consociational democracy to protect their rights which would not have been possible in majoritarian democracy. Each member of the grand coalition has the right to oppose or veto any proposal by other participants which it thinks would lead to a compromise of the rights of its supporters. Thus a "winner-takes-all" approach of majoritarian democracy likely to aggravate instability in fragmented and conflict-prone plural societies is avoided.

The main function of the proportionality principle in a consociational democracy is the distribution of the spoils of power. As all parties are members of the grand coalition, they must be represented not only in the legislature, but also the executive.

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<sup>72</sup> Lijphart (1977) , pp. 1, 25-52.

<sup>73</sup> See Riker, William H (1962) *The Theory of Political Coalitions*, Yale University Press, New Haven, pp.32-33, cited in Lijphart (1977), p.26.

At the same time, appointments in the civil service, judiciary, army and state-owned companies have to be allocated to all parties. The proportionality principle works on the basis of the respective strengths of the different members of the grand coalition with the strongest and largest parties getting the majority of the appointments. Consociational democracy takes the view that diversity in the membership of the grand coalition need not be its weakness, but instead its strength. Only the respective parties themselves can manage their own internal problems, not others, making the principle of non-intervention in the affairs of component parties essential for segmental autonomy. Its criteria may vary in plural societies practising consociational democracy, but basically they could involve party identification or a regional principle depending on the demographic distributions.

#### *Consensus democracy and majoritarian democracy*

Lijphart's study on consociationalism published in 1970s was derived from three decades of observation and study earlier in the period of transition from colonial to independent rule in many third world countries. However from the 1980s, the socio-economic-political environment in which they functioned underwent many significant changes, some through globalization. Many third world plural societies featured in Lijphart's consociationalism were affected by the rise of civil society activism and authoritarian rule, not to mention democratisation of information, perhaps leading him to update and refine his earlier work on the subject. He thus came up in the 1990s with the concepts of consensus and majoritarian democracy<sup>74</sup> in line with these changes such as a more educated population becoming increasingly aware of their

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<sup>74</sup> For details of consensus and majoritarian democracy see Lijphart, Arend (2012) *Patterns of democracy: Government forms and performance in thirty-six countries*, Yale University Press, (2007) *Thinking about democracy: power sharing and majority rule in theory and practice*, Routledge and (2004) "Constitutional design for divided societies" *Journal of democracy*, 15 (2), pp.96-109.

rights *vis-à-vis* the ruling elites consolidating their political power. Regarding consensus democracy, Lijphart lists the following characteristics: (i) federalism and decentralized government (ii) division of legislative power between two equally strong but differently constituted houses (iii) rigid constitution that can be amended by rigid super majorities (iv) systems in which laws are subject to judicial review of their constitutionality and independent central banks.<sup>75</sup> As a contrast to consensus democracy, which he intends as a refinement of consociational democracy, Lijphart also enumerates the following characteristics of majoritarian democracy. (i) concentration of executive power in single party majority cabinet (ii) executive dominates legislature in their relationship (iii) two party systems (iv) majoritarian and disproportionate electoral systems (v) coordinated and corporatist interest group system and/or compromise and concentration.<sup>76</sup> Although there are many overlapping areas between consociational and consensus democracy, Lijphart argues that each cannot be completely encompassed by the other. Consociational democracy cannot be seen as a special form of consensus democracy and *vice-versa*. Where consociational and consensus democracy differ, the former tends to emphasise formal institutional devices while the latter relies largely on informal practices. Lijphart also argues that both consociational and consensus democracy (unlike majoritarian democracy), are highly suitable for divided plural societies. But the former has more relevance in that it requires all significant groups to be included unlike the latter which only provides many incentives or broad power sharing. The strength of consociational democracy *vis-à-vis* consensus democracy is also reflected in its demands for group autonomy

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<sup>75</sup> Lijphart (2007), p. 7. See also Chapter Three in Lijphart (2012).

<sup>76</sup> Lijphart (2007), p.7. See also Chapter Five in Lijphart (2012)

unlike its facilitation by consensus democracy. Lijhart thus recommends consociational instead of consensus democracy for deeply divided plural societies.<sup>77</sup>

*Malaysia as plural society and unsuccessful consociational democracy*

Malaysia became a plural society through the migration of peoples of different cultures from other lands to the Malay peninsula, especially in the late nineteenth and early twentieth centuries. Large numbers of Chinese and Indians left their homelands to take advantage of British demand for labour in opening up the Malay states for economic development after consolidating their rule in the late nineteenth and earlier twentieth centuries. This had followed several treaties with separate sultans, beginning with the Pangkor Engagement of 1874 facilitating British intervention to end anarchy which had disrupted trade and commerce in the Malay states conducted by British and Chinese merchants from Penang, a British trading colony founded in 1786, Singapore and other British trading posts.<sup>78</sup> Many Chinese and Indians entered the Malay states through the ports of Singapore and Penang to extract tin and rubber which had been discovered in serving as raw materials for Britain's industrialization. They also participated in the full range of new commercial activities that were happening as well as the development of the Malay states. With infrastructure and ancillary commerce firmly established, some began to settle there while others

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<sup>77</sup> Lijphart (2007), p.8

<sup>78</sup> For details, see Mills, L. A. (1961) *British Malaya 1824-6*, Malayan Branch Royal Asiatic Society, Singapore, Turnbull, C. M. (1989) *A History of Malaysia, Singapore and Brunei*, Allen & Unwin, Sydney, and Tregonning, K. G. (1967) *A History of Modern Malaya*, D McKay, New York.

continued to be “birds of passage”<sup>79</sup> coming to the peninsula to work and returning home on completion of their tenure.

Chinese and Indian migration to the Malay peninsula was extensive in the 1910-29 period before the world economic recession and its adverse effects set in from 1930. The British repatriated many to their homelands, considerably slowing down the rate of Chinese migration to Malaya that was disrupted during the Second World War. Whatever British plans to repatriate many sojourners after they reoccupied Malaya in 1945 were not carried out successfully when the communists took over China in 1949. By then many Chinese sojourners had decided to make Malaya their permanent home. Thus Chinese and Indian migration to Malaya in serving British colonial interests occurred when the native population was still relatively small, and over a span of fifty-seven years (1900-1957), their numbers, both through migration and natural increase, transformed the peninsula’s hitherto ninety per cent Malay-majority population into a plurality. By 1931, the Malays became a minority in the peninsula, accounting for less than half of the total population in the Malay Peninsula and Singapore which were treated as one entity by the British for administrative purposes.<sup>80</sup>

The peninsula’s demography on the eve of independence conformed to the descriptions of Furnivall and Smith for the urban enclaves of Java and plantation areas of Grenada prior to World War Two. Chinese and Indian migrants lived side by side with Malays in enclaves of commerce in the Straits Settlements of Penang,

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<sup>79</sup> Ratnam (1965).

<sup>80</sup> The Federation of Malaya had a population of 4,843,006 on 31 Aug 1957 when it became independent, comprising of 2,427,834 (49.3%) Malays, 1,884,534 (38.4%) Chinese and 530,638 (10.8%) Indians. Singapore on the other hand had 918,846 people, made up of 115,735 (12.3%) Malays, 730,133 (77.6%) Chinese and 68,978 (7.3%) Indians. The combined population of Malaya and Singapore then was 5,757,852 comprising of 2,543,569 (43.5%) Malays, 2,614, 667 (44.7%) Chinese and 599,616 (10.3%) Indians. Ratnam (1965), p. 46.



Malacca and Singapore as well as the Malay states in the peninsula, but did not interact closely with them beyond the market place. Like the Malays, they already had their own language, customs, religion and other values, and Smith's contention of organic solidarity among members of the same ethnic group, applied very much to Malaysia in the same setting. This segmentation of society along ethnic lines soon consolidated into cleavages with the mutual realization of impending strains in ethnic relations. Smith notes that none of the groups in a plural society held any political power<sup>81</sup> which was in the hands of the British colonialists but when the latter departed in 1957, this political power was handed over to the Malays, the largest and most favoured group acknowledged as the owners of the land. This was on the basis that the British had recognized the sovereignty of the Malay sultans through treaties conducted with them in the late nineteenth century leading to the residential system and indirect rule.

The post-independence government continued British colonial policy of treating the Malays as the indigenous peoples of the land. But the legacy of colonial policy which enabled mass Chinese and Indian immigration to Malaya also affirmed their status as economic migrants who must return to their home countries when their tenure ended, and thus unlike the Malays, had no political rights to Malaya. Even when many Chinese eventually settled in Malaya following the Japanese Occupation and the Communist take-over of China, their status in Malaya with no political rights remained unchanged. They came to comprise the majority of the Chinese population in Malaya in the early 1950s who were not citizens when Malay and Chinese elites engaged in inter-ethnic cooperation to satisfy British conditions for Malaya's independence.

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<sup>81</sup> Cited in Lijphart, (1977) , p.18.

The position of an economically-weak Malay community with immense political power *vis-a-vis* a Chinese community with significant economic clout but virtually no political leverage, formed the basis of elite Malay/Chinese negotiations for greater measures to uplift the Malays economically as well as greater enfranchisement of the Chinese. A partial consociational democracy emerged, reflected in three ethnic parties – UMNO, MCA and MIC representing the Malays, Chinese and Indians respectively forming the tripartite Alliance coalition government in 1957. In the first twelve years of independence (1957-69), Lijphart's power sharing arrangements thus appeared reasonably successful in that there were some checks and balances, especially between UMNO and MCA. The size of the Indian minority was too insignificant for the MIC as its representative in the Alliance to participate in the UMNO/MCA ethnic bargain where there appeared to be a *quid pro quo* power sharing arrangement. In exchange for liberal citizenship terms for Chinese, a free play in Malaya's then *laissez faire* economy and the liberal use of their languages allowed by UMNO, MCA accepted the Malay symbols of future nationhood relating to the national language, national culture, sovereignty of Malay rulers and Islam as the official religion with freedom of religious worship for other communities. MCA also agreed to the Malays being accorded special treatment in view of their perceived economic weakness *vis-à-vis* the Chinese.

However ethnic bargain dynamics in the first decade of independence tended to favour UMNO at the MCA's expense. Having conceded a superior political role to UMNO, MCA could not prevent UMNO from eroding the legitimate rights of the Chinese despite its ability to influence top UMNO leaders like Tunku Abdul Rahman to contain the excesses of UMNO radicals. But on the whole, there was far too much controversy in salient issues like language, culture and education where MCA was

out-manoeuvred by UMNO in the bargaining process. This prompted leaders from the PPP, Gerakan and DAP to accuse MCA of selling out Chinese rights to UMNO even as PAS and other radical Malays accused the top UMNO leadership, especially the Tunku, of selling out Malay rights to the MCA. Lijphart's partial consociational democracy for Malaysia predictably came under severe pressure from both the Malay and Chinese opposition in contestation. It eventually broke down in the 1969 General Election where the Alliance as a whole suffered severe reverses followed by the ethnic riots in Kuala Lumpur and a declaration of emergency rule. When parliament reconvened eighteen months later, new political realignments pointed to Malaysia becoming a majoritarian democracy, ending the UMNO/MCA bargain of the 1950s. From the tripartite Alliance, the government expanded into the fourteen-party BN coalition with the inclusion of opposition parties PPP, Gerakan and PAS. Where the larger Malay support was apportioned between two parties, UMNO and PAS, its smaller non-Malay support was dissipated from MCA and MIC to Gerakan and PPP. In splitting up the non-Malay ethnic constituencies into smaller parties relative to the power apportionment of the Malay ethnic constituency between UMNO and PAS, the BN appeared to be moving towards increasing Malay authoritarianism and eventually hegemony in post-1969 Malaysian politics.

Malaysia's partial consociational democracy between 1957 and 1969 failed mainly because non-Malay elites could not prevent further erosion of Chinese and Indian rights by UMNO. These included entitlement to grants commensurable to the development of vernacular schools, business and employment opportunities and recognition of their cultures and languages in nation building. Thus the principles of grand coalition, mutual veto, proportional representation and segmental autonomy in Lijphart's consociational democracy, could not be meaningfully implemented.

However in trying to showcase as “power sharing” the post-1970 BN coalition arrangement heavily tilting to its advantage, UMNO transformed Malaysia into both a majoritarian as well as a consensus democracy. Because of a larger representation of parties, the power pie was split into many portions with the result that each component received a smaller pay-off. But this only applied to the considerably smaller non-Malay portion of the pie after the Kuala Lumpur riots in relation to the much bigger Malay portion shared between UMNO and PAS from 1973 to 1977. With PAS’ exit from the BN in 1977, UMNO came to monopolize the Malay portion of the BN’s power pie in terms of ministerial positions and parliamentary and state assembly seats. While MCA used to be allocated the Chinese-majority seats and ministerial positions for the Chinese in the Alliance, it had to share this Chinese allocation with Gerakan when the latter joined the government as a *de facto* Chinese representative despite its establishment as a multi-ethnic party in 1968. Gerakan not only took over the Penang Chief Minister’s position, but was also given a federal ministership, both positions being held by the MCA in the previous Alliance power sharing structure. Thus not only had the principle of proportional representation been rendered meaningless to consociational democracy with MCA losing its monopoly of cabinet positions for the Chinese. More significantly it lost to UMNO the key positions like Trade & Industry and Finance which had given meaning to the principle of checks and balances and mutual veto. In terms of appointments to the civil service, military, judiciary, government companies, while there had been a sprinkling of non-Malays in them prior to 1970, in the NEP period, non-Malays came to be virtually excluded. Those who had resigned or retired were replaced by Malays leading to the current situation in which the public service is almost completely Malay. While the principle of segmental autonomy was by and large upheld in the government, from time to time it became compromised when UMNO was requested

by MCA leaders to intervene in either their factional quarrels or inter-party quarrels among BN components.<sup>82</sup> But of even greater significance was the failure of the decision-making process by consensus in the BN. Whatever true spirit in this consensus was set aside by UMNO as it increasingly turned hegemonic from authoritarian, especially during the 1980s when Mahathir became prime minister. In the Alliance coalition, even though UMNO held the upper hand in policy-making, its leaders had made it a point to consult the MCA to get the party's opinion, thus upholding the consensus principle.<sup>83</sup> However in the BN, the process of policy-making begins with the prime minister who is concurrently UMNO president, then handed down to the supreme council, the party's highest policy making body for deliberation before a final decision is made.<sup>84</sup> It would then be conveyed to the BN supreme council comprising of component party representatives to ratify. In principle, BN council members could exercise their mutual veto to block any decision adversely affecting the non-Malays, but in practice, the power of UMNO *vis-à-vis* all the other BN components collectively was so overwhelming that they readily endorsed what the UMNO supreme council had earlier decided on. Thus the fact that it is UMNO or more specifically the party president/ prime minister rather than the BN supreme council that makes government decisions more than anything else rendered even partial consociationalism inoperative in post-1970 Malaysian politics.<sup>85</sup> More than fifty years after independence, a divided and unequal plural society prevails in Malaysia's Malay ethnocratic state as UMNO continues to maintain what many

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<sup>82</sup> Means (1991) pp.176-179

<sup>83</sup> For a rationale of this, see Case, William (1991) "Comparative Malaysian Leadership: Tunku Abdul Rahman and Mahathir Mohamad", *Asian Survey*, Vol. 31, No.5, pp. 456-73

<sup>84</sup> See the rationale behind this in Case, William (1996) "UMNO Paramountcy: A Report on Single Party Dominance in Malaysia", *Party Politics*, 2 (1). Pp.115-27.

<sup>85</sup> This was particularly during the time when Mahathir was in charge. See Slater, Dan (2003) "Iron Cage in an Iron Fist: Authoritarian Institutions and the Personalization of Power in Malaysia", *Comparative Politics*, Vol.36, No.1, October, pp.81-101.

perceive as the façade of a consociational democracy, but which for practical purposes, displays characteristics of both majoritarian and consensus democracy. The boundaries between majoritarian, consensus and consociation democracy continue to overlap, perhaps making Lijhpart's recommendation that consociational democracy be applied to plural societies (like Malaysia) where ethnic/religious cleavages continue to be deep after more than five decades of independence.

#### **1.4 The Opposition**

##### *Institutionalizing the Alternative Viewpoint*

In an instructive study on the transformation of hegemonic regimes and competitive oligarchies to polyarchies, Dahl<sup>86</sup> suggests the development of a political system which allows for competition between a government and its opponents for the support of the people. This democratizing process which provides space for opposition participation, according to Schedler,<sup>87</sup> should take place through periodic elections to parliament where the collective choice of citizens voting for at least two parties with different ideologies, policies and programs would be exercised. The significance of regular and competitive multi-party elections would spur and subsequently institutionalize the development of political democracy. Teorell and Hadenius<sup>88</sup> contend that the sheer number of elections held regardless of whether they are free or fair, would provide opportunities for political participation, and more significantly, make citizens better prepared for the experience of real democracy. To emphasize

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<sup>86</sup> Dahl, Robert A ( 1971) *Polyarchy: Participation and Opposition*, New Haven, Yale University Press.

<sup>87</sup> Schedler, Andreas (2002) "The Nested Game of Democratization by Elections" *International Political Science Review*, 23(1): pp. 103-22.

<sup>88</sup> Teorell, Jan & Hadenius (2008) *Elections as Levers of Democracy: A Global Inquiry*, Working Paper Series 2008:17, The Quality of Government Institute, Department of Political Science, University of Gothenburg, pp.1-31.

their views, both scholars mention the social democratization process of Lindberg<sup>89</sup> where the experience of *de jure* competitive and inclusive elections results in a degree of democracy in the non-electoral arena - even if these elections turn out to be *de facto* neither fair nor free. Both individuals and voluntary associations bring to other spheres of society the resources, skills and norms they have learnt in the electoral arena. Teorell and Hadenius summarize Lindberg's overall hypothesis as that "the longer an uninterrupted series of elections a country has, the more its society will become imbued with democratic qualities".<sup>90</sup> Such a scenario would enhance the peaceful and legitimate pursuit of power through the ballot box where the winner would form the government to formulate policy and administer the country, while the loser becomes the opposition to scrutinize and criticize government policy. The viability of democracy would thus come to be reflected in the polity. Dahl's study in the proposed transition from autocracies to democracies would also go a long way to challenge Kolinsky's<sup>91</sup> comparison of the opposition to the losing side in the final of a sporting event which many scholars tend to neglect in their focus on the winners, the government. By suggesting that the opportunities for effective participation and contestation have increased, and hence the number of individuals and groups whose preferences have to be considered in policy-making, Dahl makes the opposition relevant. More importantly, Dahl has ensured that the opposition's position need only be transitory, provided it can convince the majority of voters to elect it as the next government in the next or subsequent elections by presenting more credible policies than the incumbent. Should it get elected but fail to perform as government for a

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<sup>89</sup> Lindberg, Staffan (2006) *Democracy and Elections in Africa*, John Hopkins University, Baltimore.

<sup>90</sup> Teorell & Hadenius (2008), p.3.

<sup>91</sup> Kolinsky, "Introduction" in Kolinsky, E [(ed) 1987b].

variety of reasons, it can be voted out in the next general election and once again revert to its role of opposition.

Dahl's definition of democracy being built around the need for political contestation affirms Lawson's<sup>92</sup> assertion that a constitutional opposition is necessary in a democracy as well as Close's<sup>93</sup> observation that the opposition is "co-extensive with political conflict and dissent" at its broadest point, and "synonymous" with party opposition in the legislatures at its narrowest". The opposition thus cannot play a central role if citizens in a democracy have no right to reject an incompetent government. As such, the opposition has come to represent the alternative viewpoint or the "dialectic counterpart of power" in democracies where its role can be summarized as "part and parcel of the whole political process", according to Ionescu and de Madariaga. They assert that the opposition cannot be ignored in the study of power, governments, parliaments and parties (political science), conflict or integration (sociology) and political institutions, rebellions, risings or revolutions (history).<sup>94</sup>

### *Types of Opposition*

When looking at the types of opposition which would elucidate Dahl's democratization process from hegemonic regimes and competitive oligarchies to polyarchies, fundamental questions like it is what oppositions oppose, how they go about opposing and what constitutes their structure and support base need to be addressed. Aspinall attempts to provide answers to these questions in his study on

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<sup>92</sup> Lawson, Stephanie (1993) "Conceptual Issues in the Comparative Study of Regime Change and Democratization" *Comparative Politics*, 25, pp. 183-295.

<sup>93</sup> Close, David (2000) *Democratization and Opposition*, Paper presented to XXII International Congress of LASA, Miami, Florida, 15-18 March. [PDF],

<sup>94</sup> Ionescu, Ghita & de Madariaga, Isabel (1968) *Opposition: Past and Present of a Political Institution*, Penguin Books, Middlesex, England, p.10.



Indonesia in the transition from authoritarian to democratic rule in the late 1990s.<sup>95</sup> Aspinall refers to four different types of opposition with overlapping boundaries: ‘Semi-Opposition’, ‘Alegal Opposition’, ‘Illegal Opposition’ and ‘Proto-Opposition’ used by Linz<sup>96</sup> in an earlier study on authoritarian rule in Spain under General Franco.

(a) Semi-Opposition

Due to the emasculation of political parties with policies seen to threaten the New Order regime of Suharto (1966-98), the type of opposition most characteristic of authoritarian regimes in Indonesia was the semi-opposition due to their limited pluralism. Linz notes:

Semi-opposition in our sense, consists of those groups that are not dominant or represented in the governing group but that are willing to participate in power without fundamentally challenging the regime. This attitude involves partial criticism and some visibility and identity outside the inner circle of participants in the political struggle.<sup>97</sup>

Thus groups or parties which made up the semi-opposition either in Franco’s Spain or Suharto’s Indonesia had partial aims and did not ‘fundamentally challenge’ the government to bring about regime change. Instead they typically oppose some aspects of government policy and work towards modifying these, making them appear as reformists. Aspinall also quotes Linz saying that semi-oppositionists limit themselves to partial goals and participate in government dominated structures for various reasons.<sup>98</sup> While believing that repressive political conditions provide them with no viable alternative, they may consider it possible to effect change from ‘within’.

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<sup>95</sup> Aspinall, E.T. (2000) *Political Opposition and the Transition from Authoritarian Rule: The Case of Indonesia*, PhD Thesis, Department of Social & Political Change, Research School of Pacific & Asian Studies, Australian National University, Canberra. [Online version]. February.

<sup>96</sup> See Linz, Juan, J (1973) “Opposition in and under an Authoritarian Regime: The Case of Spain ” in Dahl, Robert (ed) *Regimes and Oppositions*, New Haven and London, Yale University Press, pp. 191-259.

<sup>97</sup> See Linz (1973), pp. 191-2, cited in Aspinall (2000), p.6.

<sup>98</sup> Aspinall (2000), p.7.

Although semi-oppositionists may have genuine ideological affinities with core power-holders in the government, at the same time they seek material rewards for participation in official structures, especially in regimes which maintain cohesion partly through dispensing patronage. This has made them vulnerable to accusations of serving their own vested interests through seeking co-optation by the regime.

#### (b) Alegal Opposition

Unlike their counterparts in the semi-opposition whose proponents are satisfied in merely criticising the regime but continue supporting it, the alegal opposition “aims at a basic change in the regime and in its political institutions and to a large extent in the social and economic structure.”<sup>99</sup> Aspinall contends that the alegal opposition seeks regime change by harping on ambiguities in the regime’s laws and inconsistencies in their application and exposing these to the people. Mindful of the regime’s fierce resistance to change, it appeals to civil society as well as mobilize its supporters to overcome this resistance in a peaceful, legitimate and democratic manner through elections. In its moves to provide a credible alternative government, growing dissidence sometimes makes the alegal opposition overstep the boundaries of government toleration, prompting regime counter measures such as repression and co-optation.<sup>100</sup>

#### (c) Illegal Opposition

As the name suggests, this type of opposition is illegal, as noted by both Linz and Aspinall, since its members strive to overthrow the regime through all kinds of measures, including the use of force. Usually the illegal opposition in authoritarian regimes is associated with the political left and includes lower class groups as well as

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<sup>99</sup> Aspinall (2000), p.9 citing Linz (1973), p.219

<sup>100</sup> Aspinall (2000), p.10 citing Linz (1973), pp. 220 – 1.

separatist and religious movements.<sup>101</sup> Though well organized, such groups are forced to operate underground because of government coercion and repression.

#### (d)Proto-Opposition/Civil Society

Opposition to the regime need not necessarily be restricted to opposition parties and groups in both semi-opposition and alegal opposition, but can also take other forms through groups and individuals. While Aspinall has described such opposition not having the structure of semi-opposition or alegal opposition in Indonesia, as proto-opposition or civil society, Verma<sup>102</sup> explains that the idea of civil society represents a set of associations and communal bodies that acts as a buffer between state power and its citizens. The concept of civil society has been proposed as a source as well as an arena for democratic associations separate from the interests of the state. Verma further reinterprets the role of civil society as

...protecting the individual liberty and is broadly identified as an arena of freedom outside the state – a space for individual autonomy, voluntary associations and plurality in an era marked by market economies and political democracies...<sup>103</sup>

The term *civil society* can nevertheless be fairly ambiguous and has raised many contentious issues. These range from its internal boundaries, constituents (NGOs, political parties, associations, etc.) basic principles and separation from state to its relationship with religious and political institutions. Moreover as both state and civil society organizations are made up of large, complex organizations, the boundaries between the two have not always been clearly defined.<sup>104</sup> In a move to address this

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<sup>101</sup> Aspinall (2000),p.10.

<sup>102</sup> Verma, Vidhu (2002) *Malaysia: State and Civil Society in Transition*, Lynne Rienner Publications, Boulder, Colorado, London, p. 2.

<sup>103</sup> Verma (2002) p.2

<sup>104</sup> Verma (2002),p.2.

problem, Weiss<sup>105</sup> dwells on the diversity and vibrancy of civil society in Malaysia despite tight restrictions on freedoms of assembly, speech and the press. She notes that civil society encompasses NGOs advocating for human rights, sustainable development, mass-based movements such as Islamist or youth organizations, religious and social groups (even though not all are politically inclined), trade unions, public intellectuals, other unaffiliated activists and bloggers in the alternative media.

Academic interest in the concept of civil society was aroused from the 1980s due to political developments in a Poland that was demanding more democratic space from an authoritarian regime increasingly losing its power and legitimacy. Given the tight and pervasive state control in Poland then, NGOs like trade unions emerged to utilize the autonomous space that came to be located between private/family and the state, to severely criticize the regime's numerous shortcomings in demanding greater democratization. Diamond<sup>106</sup> argues that although Poland eventually became transformed into a democracy, it cannot be denied that the primary aims and objectives of civil society in principle are to influence rather than win formal power so that it can seek from the state concessions, benefits, policy changes, relief, redress or accountability. This did not detract some NGOs from acting more like members of semi-opposition and alegal opposition. What civil society did in the case of Poland or elsewhere suggests that the four types of opposition discussed above are not mutually exclusive. While the illegal opposition is banned, the other three continue to operate. They can cross boundaries depending on how they assess the prevailing situation. Thus a semi-opposition can transform itself into an alegal opposition to work towards

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<sup>105</sup> Weiss, Meredith L (2009) "Edging toward a New Politics in Malaysia: Civil Society at the Gate?" *Asian Survey*, Vol. XLIX, No. 5, September/October, p. 742.

<sup>106</sup> Diamond, Larry (1994) "Rethinking Civil Society: Toward Democratic Consolidation" *Journal of Democracy*, Vol.5, No. 3, July, p. 4-17.

regime change if it feels that the regime stubbornly refuses to reform itself in becoming more accountable. Likewise an alegal opposition may turn semi-oppositional if it wants to participate in government or seeks cooptation when it sees the existing regime as too powerful and unwilling to reform. Certain sections of civil society can also become semi-opposition or alegal opposition when prevailing circumstances permit them to do so. Within this context, Ramasamy argues that civil society could also be understood as the terrain of contestation between hegemonic and counter-hegemonic forces in the polity if a Gramscian approach is taken.<sup>107</sup> But with the nature of the contest skewed very much in favour of hegemonic forces as represented by the state, he proposes greater democratization to prevent the state from assuming too much control of society.

#### *Opposition in Malaysia*

The three categories of opposition discussed by Aspinall in his study on Indonesia to a considerable extent, apply to the opposition in Malaysia, particularly in the 1998 - 2014 period. Just like in Indonesia, the boundaries of the different types of opposition as well as the proto-opposition also over-lap. This took place from 1970 to 1998, especially in the early 1970s for alegal and semi-opposition, following the restoration of parliamentary democracy after eighteen months of emergency rule arising from the Kuala Lumpur riots. The alegal opposition is more significant than the other two categories, but the proto-opposition is increasingly becoming more active. Civil society in Malaysia which had been active since the 1980s assumed a higher profile some twenty years later.

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<sup>107</sup> Ramasamy, P (2004) "Civil Society in Malaysia: An Arena of Contestation?" in Lee Hock Guan (ed) *Civil Society in Southeast Asia*, Institute of Southeast Asian Studies (ISEAS), Singapore, pp.198-216.

As an alegal opposition, the opposition coalition in the 1998 to 2014 period, whether BA or PR, wants to replace the BN as the federal government. It has advocated a common Malaysian citizenship to bring the various ethnic groups closer to one another as citizens and also to reform the prevailing social and economic structure. It also seeks to reduce the disparity in the ownership and distribution of the resources of production in all ethnic groups.<sup>108</sup> As the PR coalition comprises of opposition parties with divergent ideologies, policies and programs, not to mention variations in the ethnic composition of their leadership, rank and file, it may be regarded as spanning both the alegal as well as semi-opposition categories. One has to examine each of the three PR components to ascertain which category of opposition it fits into.

The DAP has been an alegal opposition since its inception in March 1966 as a full-fledge Malaysian party<sup>109</sup> rather than the Malaysian version of the Singapore PAP which was an alegal opposition at federal level but the ruling party in Singapore when it was in the Malaysian federation from 1963-65. The DAP's inclination to be an alegal opposition is strongly manifested in its ideology of social democracy, and slogan of "Malaysian Malaysia". These are articulated through non-communal but Chinese-dominated politics in political contestation and clash with UMNO's *Ketuanan Melayu* and its strong imprint in the Alliance's/BN's Malay-dominated communal politics. The DAP is perhaps the strongest proponent of the PR's *Ketuanan Rakyat* or People's sovereignty, and to the extent that it has never been coopted into the government, the DAP's status as an alegal opposition has always been firm.

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<sup>108</sup> See The People's Pact, The People's Hope, Manifesto of the *Pakatan Rakyat*, pp.13-20. <http://www.keadilanrakyat.org/wp-content/uploads/2013/04/ENG-Manifesto-BOOK.pdf> (date accessed: 30 November 2013).

<sup>109</sup> Several DAP leaders asserted this in the course of their separate interviews with the writer in December 2012. More details in Chapter Two.

PKR is also an alegal opposition with its endorsement of PR's *Ketuanan Rakyat*, but sections of the party were nevertheless in the government prior to 1998 when Anwar was sacked and jailed. Anwar, also a former UMNO deputy president and deputy prime minister, had in fact opposed DAP and PAS prior to 1998 when the opposition was fragmented and lacked a coherent direction. But when he was expelled from UMNO in 1998 and jailed, his close aides like Azmin Ali, Saifuddin Nasution, Mansor Othman and their supporters regrouped in the PKR to fight for his release. When he was freed in September 2004, Anwar became the top leader of an alegal opposition coalition like the PR in view of his stature as a former deputy prime minister.

It is also helpful to locate PAS as alegal since it endorses the PR's *Ketuanan Rakyat*, even though it conflicts with the party's cardinal premise of an Islamic state. To affirm its alegal opposition position, the top PAS leadership attempts to strike an acceptable balance between PR's *Ketuanan Rakyat* and its own Islamic State by showcasing the latter as a Welfare or Benevolent State. Unlike the Islamic State endorsing *hudud*, the Welfare State attempts to paint a benevolent aspect of *syariah* or Muslim law in helping the poor and destitute not only among Muslims, but also non-Muslims. But for a time in the 1970s, PAS was considered a semi-opposition party when it was co-opted into the BN in 1973. However its differences with UMNO made opposition only to the implementation of BN untenable, and with its expulsion from the BN in 1977, PAS ceased to be a semi-opposition party. Since then it had assumed alegal opposition tendencies from 1998, but PAS remains susceptible to UMNO's continuing efforts to persuade it in forming a Malay unity coalition with all kinds of incentives such as ministerships and access to federal power. As such, the option for PAS to become a semi-opposition party in the BN is always attractive

given its ideology of Islamic State being viewed with misgivings by both DAP and PKR in the PR.

The semi-opposition only emerged in the early 1970s after the tripartite Alliance expanded into a fourteen-member BN coalition which included Gerakan, PPP and SUPP. The latter three were alegal or alegal-type opposition parties in the 1960s until their cooptation into the BN after parliament reconvened in February 1971. To the extent that they opposed only the implementation and not the principle of BN's policies, they may qualify as the semi-opposition in Malaysia. This is only to the extent that they differ with UMNO over the NEP's implementation in attempting to play a check and balance role in BN. All three Chinese-dominated BN parties were in fact like the DAP alegal with ideologies, programmes and agendas strongly opposed to the Alliance in the 1969 General Election campaign. While Gerakan and PPP in 1969 like the DAP advocated equal rights for Chinese/Indians through language, culture and education in the peninsula, SUPP also opposed the ethnic counterparts of the Alliance in Sarawak. But the Kuala Lumpur riots and their aftermath of growing Malay authoritarianism and eventually hegemony, rendered alegal contestation untenable through all kinds of punitive legislation like the SA, Official Secrets Act (OSA) and Internal Security Act (ISA). Gerakan, PPP and SUPP were forced to switch their status from alegal to semi-opposition following separate coalition governments the establishment made with all three in the early 1970s. It coopted them as Chinese representatives with the right of dissent in a wider BN coalition government following the dismal showing of the MCA in 1969.

The Malayan Communist Party (MCP) which had been banned by the British in 1948 when emergency in the country was declared, continued to be an illegal opposition. This was long after the emergency ended in 1960 and even after its dissolution



following a peace treaty signed with the Malaysian government in Hatyai, south Thailand, in December 1989.<sup>110</sup> The MCP's status as an illegal opposition was not only due to its struggle for power through the use of force to set up a communist republic in Malaya and abolish the Malay sultanates. More significantly it was considered an atheist party, diametrically opposed to the Muslim Malays and the position of Islam as the country's official religion. This is despite the fact that its top Malay leaders like Rashid Mydin were constitutionally Muslims. Unlike left-wing opposition parties like LPM and PRM which were alegal, the MCP was banned from taking part in elections and its leaders like Chin Peng and Rashid Mydin had to go underground.

#### *Proto-opposition in Malaysia*

In relation to the proto-opposition, civil society was generally viewed as keeping a low profile in the 1980s despite the presence of some active NGOs like like *Angkatan Belia Islam Malaysia* (ABIM)<sup>111</sup> or the Malaysian Islamic Youth Movement, the Penang-based *Aliran Kesedaran Negara* (ALIRAN) or National Consciousness Movement, Consumers Association of Penang (CAP) and *Suara Rakyat Malaysia* (SUARAM) or the Malaysian People's Voice in Selangor. Civil society became prominent and assumed a higher profile from 2000 onwards when some NGOs organized themselves to become a more potent force in calling for greater accountability and transparency in government policies. Among these were the *Gabungan Pilihanraya Bersih dan Adil* (BERSIH) or Coalition for Clean/Fair

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<sup>110</sup> "Hatyai Peace Accord – A benchmark if only it is honoured" *Malaysiakini*, 26 November 2009. <http://www.malaysiakini.com/letters/118452>. (date accessed: 23 June 2014). For details of the MCP, see Ward, Ian (2003) *Alias Chin Peng: My Side of History*, Media Masters, Singapore.

<sup>111</sup> Formed in 1961 by Malay students of the University of Malaya and registered in 1971 with Anwar then student leader, as its president, ABIM was very much associated with the *dakwah* or missionary movement and popular among urban Malays. It organized the peasants hunger march in 1974 in the town of Baling, Kedah against the government, leading to Anwar being detained under the ISA over the next two years. For details of ABIM, see Mutalib (1990), pp.75-84.

Elections, the Hindu Rights Action Force (HINDRAF) and *Himpunan Hijau* (HH) or Green Assembly. In response, a plethora of Malay/Muslim groups quickly emerged. The prominent among them were *Pertubuhan Pribumi Perkasa Malaysia* (PERKASA), an organisation promoting Malay/native supremacy, *Pertubuhan Kebajikan dan Dakwah Islamiah* (PEKIDA) an Islamic Welfare and Charity Organisation and *Ikatan Muslimim Malaysia* (ISMA), an Islamic NGO<sup>112</sup> To the extent that their establishment and activities allegedly received funds from the government, the NGO status of the Malay groups came to be compromised.

## **1.5 Political Contestation and Democracy**

### *Contestation, Democracy in Plural Societies*

Consonant with Dahl's observations of political democracy dynamics<sup>113</sup> the transition from European colonies to independent nation states often leads plural societies to grapple with problems not only of forming a government, but also ensuring its viability. The type of government inherited from the departing colonial power, and more significantly how it came to be established, is a useful starting point to examine the concept and dynamics of political contestation. As far as possible, the colonial powers tried to put up a kind of political system closely resembling their own in Europe. A former British colony like Malaysia was set up as a liberal democracy with the Westminster model of elections. While there appeared to be hardly any dispute over the form elections would take, dealing with its substance was a different matter altogether. Factors in the plural society concerning the demographic, socio-economic and cultural make-up of the former colonies, would have to be taken into account.

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<sup>112</sup> The roles of NGOs such as ALIRAN, CAP, SUARAM, BERSIH, HINDRAF, HH, PERKASA, PEKIDA and ISMA will be given fuller treatment in Chapter Two.

<sup>113</sup> Dahl (1971) *Polyarchy: Participation and Opposition*, Yale, New Haven.

How electoral boundaries had been delineated and voters apportioned to constituencies, electoral rolls drawn up, rules for campaigning and other related matters to ensure that elections were conducted freely and fairly, were open to manipulation.

### *Some definitions of Contestation*

A “contest” usually involves two or more opposing groups competing for a prize where both must abide by certain rules and conditions in which one would emerge the winner. Hence the term “contestation” may refer to the perpetual struggle between groups of people firstly to gain power or control in a polity. This power can be retained and consolidated through sound administrative procedures and practice where pre-election pledges can be carried out in the most effective and efficient manner. The term “political contestation” can thus be politics in action, going by Dahl’s assertion that “contestation means to contest...to make something the subject of dispute, contention or litigation, and its most immediate symptoms are to dispute, challenge or vie.”<sup>114</sup> Minus contestation, politics would merely be an incomplete scenario of untested ideals and principles. In an attempt to further explore the concept, Ahmad<sup>115</sup> describes contestation as “purposeful activity which essentially or ultimately operationalizes the quest for power and authority in any society and context ...” He contends that contestation strikes “...at the very core of political action and behaviour that goes beyond metapolitics, that is the realm of rhetoric, the contention of ideas as well as the language and its discourses..” While contestation can connote the principle of a peaceful struggle for power, the reality can be very

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<sup>114</sup> Dahl (1971), p.9.

<sup>115</sup> See Ahmad, Zakaria (1990) “Introduction: Political Contestation in Comparative Perspective” in Mahmood, Normah & Ahmad Zakaria eds. *Political Contestation: Case Studies from Asia*, Heinemann, Singapore, p. 1.

different. In instances of keenly contested elections with high stakes especially in third world countries, a range of strategies have been used from manipulation to outright violence. In plural societies including Malaysia, democracy has encouraged the contestation for power to assume forms such as mass-based parties coalescing around ethnic groups.

*Contestation and Participation key pillars of democracy*

Dahl has listed contestation and participation as the two key pillars of democracy which complement each other while drawing sustenance from its other features such as the freedom to form and join organizations, express ideas without hindrance and access to alternative sources of information.<sup>116</sup> The peaceful democratic process in the quest for power involves public debate and discourse on how each side can offer to serve the people in the best possible way through the policies it proposes and hopes to carry out if it secures power. Power in a parliamentary democracy comes from its citizens. How politicians mandate this power, and to whom, is reflected in the process of participation, the other key pillar of democracy. Participation follows from the right of citizens to choose the government they want for their country through elections. Unlike autocracies or dictatorships, democracies limit the people's mandate to victorious parties to a certain number of years before voters go to the polls again. If governments are perceived to fail in carrying out what they had pledged before they were elected, then the voters are able to reject them at the next polls. This practice in democracy not only keeps incumbent governments responsive to the latest political developments in the country, but also gives opposition parties the opportunity to perform better and form the new government.

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<sup>116</sup> Dahl (1971)

## *Contestation and Regime Change*

Although the emergence of a new government may indicate some movement towards regime change, the concept itself has to do with much more than a change of government in a polity with the incumbent government defeated in elections. Changes taking place must not only be substantive but also permeate the very roots of the prevailing political culture. The process of regime change can be seismic, taking years, even decades to complete as noted by Weiss.<sup>117</sup> A good starting point to look at regime change can be found in a study by Lawson<sup>118</sup> where three terms identified with the formation of a new government are closely examined. There is a tendency for all three - “regime”, “state” and “government” - to be lumped together as one, leading to some confusion in understanding the concept of regime change when a new government is formed. Lawson observes<sup>119</sup>:

A regime may be thought of as the formal and informal organization of the centre of political power and its relations with the broader society...the state is an all-inclusive concept that covers all aspects of policy making and enforcement of legal sanctions while the government is simply the agency through which the state acts in the political community.

While a regime determines who has access to political power and how those who are in power deal with others, the state is the community organized for political purposes and the government is the team of officials that takes decisions which affect the lives of their fellow citizens. Within the context of political contestation in multi-ethnic

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<sup>117</sup> Weiss, Meredith L ( 2012) “New Perspectives on mainland and Southeast Asia: The long and curious trajectory of ‘regime change’ in Malaysia” in *New Mandala*, 17 March.<http://asiapacific.anu.edu.au/newmandala/>. (date accessed: 24 January 2014).

<sup>118</sup> Lawson, Stephanie (1993) “Conceptual Issues in the Comparative Study of Regime Change and Democratization” *Comparative Politics*, Vol. 25, No. 2, January, pp. 183-205.

<sup>119</sup> Lawson (1993), p.185.

Malaysia, regime comprises a coalition of different ethnic parties that assumes power in the polity through Malay political supremacy which allows Chinese, Indian and non-Muslim native participation in government and the free enterprise economy. The regime's goal is a nation based on the sovereignty of the Malay sultans with Islam as the official religion and freedom of religious worship for the other communities. The Malays as an indigenous economically weaker group relative to the "immigrant" Chinese were to benefit from government affirmative action. All these conditions were the result of negotiations between Malay and Chinese elites in the early 1950s fully endorsed by the colonial administration and documented in the country's constitution at the time of independence. They also formed the Alliance's agenda that was implemented and enforced as policies through the civil service, judiciary, police and other statutory boards within the state.

While a government may change or fall, the regime in which it takes instructions from remains intact. This of course assumes that the socio-economic, political and cultural conditions that underpin its foundations are stable. Taking Malaysia as an illustration, by Lawson's criteria, the Alliance/BN with a massive electoral mandate from all ethnic groups, especially the Malays, constitutes the regime, while the territories of the Malay Peninsula, Sarawak and Sabah under its rule comprise the state. The government was first the tripartite Alliance (1957-1969) and then the multi-party BN (1973 onwards) coalition. The Kuala Lumpur ethnic riots of 1969 led to the phasing out of the Alliance and certain key figures in the government such as Tunku Abdul Rahman, but there was no regime change as the fulcrum of power, UMNO, remained intact. In fact it consolidated and expanded to the BN from the 1970s, making the regime even stronger.

Gasiorowski<sup>120</sup> observes that regime change is caused by structural changes, mainly in the socio-economic, political and cultural fabric of the polity which adversely affects the capacity of party/coalition in power. For regime change to take place in Malaysia, it is clear that UMNO, the leading component of the Alliance/BN, must lose the political power it acquired from the British and consolidated over the next five decades. With its close identification to Malay ethnicity and its influence permeating down at all levels to the very roots of Malay society, UMNO has become well entrenched. Any regime change where UMNO loses its power followed by the collapse of the other minor parties in the coalition dependent on UMNO's patronage is likely to be a slow and seismic ongoing process reflecting structural changes involving information, the economy and demography. Signs of this shift have been apparent since the 1980s. As noted by Gasiorowski<sup>121</sup>, the determinants of regime change have been linked to economic development or "modernization" including the level of per capita income, extent of literacy and education, degree of urbanization and quality/extent of communications media. Countries tend to undergo a gradual transition from authoritarianism with their low levels of such factors to democracy with their correspondingly higher levels as their economies develop. The unprecedented performance of the opposition in both the 2008 and 2013 general elections may reflect a particular stage of the slow and seismic ongoing process that can bring about regime change. It has given the opposition hope in intensifying their political struggle to realize this objective even as they become aware that in an UMNO-dominated Malaysia, any possible opposition victory and regime change

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<sup>120</sup> Gasiorowski, M J (1995) "Economic and Political Change: An Event History Analysis", *The American Political Science Review*, Vol. 89. No. , December, pp. 882-897.

<sup>121</sup> Gasiorowski (1995).

requires a level of opposition mobilization, unity, skill and heroism far beyond what normally would be required for victory in a democracy. Often it requires international observation and intervention to prevent and pre-empt (as in Nicaragua in 1990) or to expose and delegitimize (as in the Philippines in 1986) the electoral manipulations and fraud of the authoritarian regime.<sup>122</sup>

Malaysia continues to display characteristics of an authoritarian regime increasingly moving towards Malay hegemony even as analysts still regard it as a parliamentary democracy in which some of the criteria for regime change from Lawson and Garirowksi can apply. As such the lines separating all three terms – regime, state and government – appear to have been blurred. The UMNO-dominated regime has made itself indistinguishable from both the state and government in order to make itself even more formidable in contestation. As Gilly<sup>123</sup> observes

By identifying the ruling party both with the state and with the nation, [state party regimes] conceive of all attacks on the party as an attack on the state and interpret all proposals to change the government as an attempt to overthrow or destroy the state.

### *Pseudo-democracies*

In a situation where regimes face unprecedented pressure (both international and domestic) to adopt – or at least mimic – the democratic form, many authoritarian regimes allow democracy to function in the state at the same time as they impede greater democratization through a wide variety of measures. The result is what Diamond calls pseudo-democracies.<sup>124</sup> There have been many descriptions of ‘pseudo-democracy’ in Malaysia over the decades ranging from Ahmad’s “quasi-democracy”, Case’s “semi-democracy”, Von Vory’s “Democracy without consensus” and Crouch’s “repression and response to democracy” to Ufen’s “electoral

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<sup>122</sup> Diamond, Larry (2002), “Elections without Democracy: Thinking about Hybrid Regimes,” *Journal of Democracy*, Vol. 13, No. 2, April, p.24.

<sup>123</sup> Gilly, Adolfo (1990) The Mexican Regime in its Dilemma. *Journal of International Affairs*, 43, 2 Winter, p. 289.

<sup>124</sup> Diamond (2002), p.24.



authoritarianism” and finally Wong, Chin and Othman’s “electoral one party state”.<sup>125</sup> Wong, et.al have contended that the authoritarianism in Malaysia’s “electoral one party state” has been effectively camouflaged through various strategies where the form of democracy was retained but its substance manipulated. Participation and contestation, the salient features of Dahl’s democratization, were manipulated in such a way that they actually came to enhance the continuing ethnic, class, cultural, economic and religious divisions so that Malay dominance came to be perpetuated within Malaysia’s plural society. The result was that over the decades since a truncated parliament started functioning from February 1971, UMNO/BN had been able to win general elections with two-thirds parliamentary majorities<sup>126</sup> while winning foreign approval and attracting a lot of foreign investment (FDIs). This was most evident when Mahathir was Malaysia’s longest serving prime minister. Wong, et.al do not dispute the findings of Ahmad, Case, Von Vorys, Crouch or Ufen, but attempt to fine-tune their analyses to explain why in an electoral state, the ruling coalition has been winning elections since independence and managed to equate itself with the state. It is clear the regime allows elections, but controls the opposition in such a manner that the latter can make use of all the instruments of campaigning available, but would still end up losing the contest. More significantly, the regime has portrayed its landslide victories in eleven general elections from 1957 to 2004 both to the country and the world at large as legitimate and in accordance to the rules of

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<sup>125</sup> For details see Ahmad, Zakaria (1989) *Malaysia: Quasi Democracy in a divided society*, *Democracy in Developing Countries*, 3, pp. 347-381, Case (1996), Von Vorys (1975), Crouch (1996), Ufen, Andreas (2009) “The Transformation of Political Party Opposition in Malaysia and its Implications for the Electoral Authoritarian Regime,” *Democratization* 16, no.3, June, pp.604-27 and Wong Chin Huat, James Chin & Norani Othman (2010) *Malaysia – Towards a topology of an electoral one-party state*. in *Democratization*, Vol. 17, No.5 pp. 920-949. <http://dx.doi.org/10.1080/13510347.2010.501179>. (date accessed: 24 January 2014).

<sup>126</sup> Chin, James (2010) “The Future of Democracy in Malaysia”, *A Future for Democracy*, *PANORAMA: Insights into Asian and European Affairs*, Konrad Adenauer Stiftung, February, pp.81-89.

parliamentary democracy. Thus an electoral one party state that appears to legitimately circumvent many constraints of electoral democracy to inflict a crushing defeat on the opposition can better portray the characteristics of Malaysia which was modelled on and meant to function like Western democracies. They depend on sophisticated electoral manipulation like gerrymandering, mal-apportionment rather than intimidation and thus appear more legitimate than repressive hegemonic states.<sup>127</sup>

## **1.6 National Integration Concepts and Strategies**

Several assumptions and beliefs underpin the concept of national identity in national integration, even though the ultimate objective of political contestation is just to win power. They pose not only tremendous challenges but also opportunities for parties with different support bases envisaging different and sometimes conflicting types of nations. The assumptions and beliefs are varied to reflect the ideals of many regimes seeking their preferred vehicle to national unity, but they appear to envisage certain characteristics enumerated by Smith.<sup>128</sup> These include the territorial boundaries of separate cultural populations in their own homelands, shared nature of community myths of origin and historical memories, common bond of a mass-standardized culture, territorial division of labour, ownership of homeland resources by all its members, and a unified system of common laws and institutions. From these enumerations, Smith defines a nation as

a named human population, sharing a historical territory, common memoirs and myths of origin, a mass standardized public culture, common economy,

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<sup>127</sup> Wong, et al. (2010).

<sup>128</sup> Smith, Anthony D (1992) "National Identity and the Idea of European Unity", *International Affairs (Royal Institute of International Affairs, 1944-)*, Vol.68, No.1, January, pp. 55-76.

territorial mobility, common legal rights and duties for all members of a collectivity.<sup>129</sup>

He contends that the idea of nation defines and legitimises politics in cultural terms because a nation is a political community only in so far as it embodies a common culture and common social will.<sup>130</sup> The assumptions and beliefs underlining Smith's definition of nation are fine-tuned and adapted to the post-colonial plural societies of Southeast Asia by Wang in another study.<sup>131</sup> Wang brought up two inter-related concepts, "ethnic relations" and "nation-building" which are distinguished from each other to show their saliency in national integration. While the first is about ethnicity, the evolution of culture and human awareness of the kinds of changes that enable different groups of people to communicate, live and deal with one another, the second concerns the various stages in how the entity becomes a nation as in Smith's definition. Here, Smith likens "nation" to "nation-state" which, according to Wang, is based on the modern phenomenon first emerging in Western Europe about 200 years ago. Ideally every nation-state should consist of people who believe in their unity and belonging to a single nation serving as the foundation of the state. If a state already existed, then the people who saw themselves as being a nation would seek and determine the state's proper borders. In summing up the differences between "ethnic relations" and "nation-building", Wang observes that the first is a long-standing historical and evolutionary process that all humans have experienced since the beginning of their history, with each ethnic group having its own culture or sense of cultural identification. He regards the second as a modern phenomenon describing something constructed over time and can be re-built any time, shaped and controlled

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<sup>129</sup> Smith (1992), p. 60.

<sup>130</sup> Smith (1992), p. 62.

<sup>131</sup> Wang Gungwu (2004) "Chinese Ethnicity in New Southeast Asian Nations" in Suryadinata, L (ed) *Ethnic Relations and Nation-Building in Southeast Asia: the case of the ethnic Chinese*, Institute of Southeast Asian Studies (ISEAS), Singapore, pp.1-20.

by institutions such as a political and legal system as well as the bureaucracy. Wang argues that the original nation-states evolved in Western Europe among people mainly of a single ethnic stock who had lived together for a long time. They shared a lot together in coming to adopt a single dominant culture comprising of common elements like language, culture, religion and sense of common history. They also came to create the modern institution of the state and combined this unity of identity with the structure of the state. Thus over time, there occurred a marriage of cultural similarity and self-consciousness with the borders and institutions of the modern state. But the bringing together of the two words “nation” and “state” to become “nation-state” in a systematic way for all countries in the world only began in the twentieth century when the League of Nations was established, Wang notes.<sup>132</sup>

The conditions in Western Europe which led to communities becoming nations and eventually nation-states could not be successfully replicated in Southeast Asia with its different demographical, socio-economic, and cultural set-up complicated by historical developments. Perhaps the biggest factor which created serious problems for national integration in Southeast Asia was European colonialism and imperialism in the eighteenth and nineteenth centuries. This had led to different sub-regions having the same ethnicity, language and culture being carved out to serve the economic interests of different colonial powers. Thus what had been a single empire or kingdom such as Langkasuka, Srivijaya and Malacca with their people having the same language, culture and Hindu/Islamic traditions, soon became divided among British Malaya, Siam and the Dutch East Indies. The colonial policies often also encouraged an influx of people originating from outside the region like ethnic Chinese and Indians into the British colonies in Southeast Asia. This had the effect of

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<sup>132</sup> Wang (2004).

transforming entities hitherto having relatively homogeneous populations into plural societies. The process of national integration in Southeast Asia began after the Japanese surrender in 1945 and continued through to the 1950s with the dismantling of European colonialism. Suryadinata<sup>133</sup> observes that nation building in Southeast Asia by the elites of former European colonies took the route of creating nations based on existing state boundaries demarcated by the different colonial powers. Although this appeared to be the most practical national integration strategy then, it would encounter serious problems of uniting the different groups into a single nation. Suryadinata identifies two types of nation-states at various stages of being created in the plural societies of Southeast Asia, namely, the *ethno-nation* and the *social-nation*.<sup>134</sup>

#### *Ethno-nation*

As the same suggests, the *ethno-nation* is based on the dominance of one group in the plural society with citizenship premised on common descent or blood ties. The name of the nation-state in fact indicates the dominance of the group like the Vietnamese in Vietnam, the Thais in Thailand, the Burmese in Burma (Myanmar), the Malays in Malaysia and the Bruneians who are in fact Malays, in Brunei. The frame of reference in nation building in *ethno-nations* is always determined by and based on the dominant group. Their symbols of nationhood like the national language, the national culture and religion are those from the dominant group. Thus in Malaysia, Malay is the national language, Malay culture is the national culture, and Islam, the religion of the Malays, is the official religion. The *ethno-nation* is “more preoccupied with ethnic

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<sup>133</sup> Suryadinata, Leo (1997) *Chinese and Nation-Building in Southeast Asia*. Asian Studies Monograph Series No.3, Singapore Society of Asian Studies, Singapore Ch.1.

<sup>134</sup> Suryadinata (1997).

descent and cultural ties, genealogy, folk element, vernacular mobilization, a native folk culture, languages, customs, religions and rituals”.<sup>135</sup>

### *Social-nation*

Nation-states that do not use the dominant group as a frame of reference, but instead are based on diverse groups integrated into a community with shared values rather than common descent, are defined as *social-nations*. Citing the work of Kellas,<sup>136</sup> Suryadinata lists the Philippines, Indonesia and Singapore as examples of post-colonial societies in Southeast Asia that have opted for the *social-nation* in their national integration process. The names of such nations do not reflect the dominant group but suggest the characteristics of *social-nations* are less certain with their ruling elite attempting to seek congruence among different ethnic groups within a country. From out of such efforts, the national language of *social-nations* like Indonesia is Malay as it is commonly spoken among the diverse groups in the Malay archipelago rather than Javanese, the language of the dominant ethnic group. The national culture of *social-nations* is based on projecting the cultures of the different ethnic groups with unity in diversity being observed as in the case of Indonesia. The *social-nation* can be further sub-divided into two categories, the *indigenous social-nation* and the *immigrant social-nation*. While Indonesia and the Philippines are considered as the former, Singapore falls into the latter category. Both Indonesia and the Philippines use native ethnic groups as their frame of reference in nation building while Singapore’s frame of reference is the Chinese-predominated shared values of all ethnic groups within its borders.

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<sup>135</sup> Smith (1992), p.61.

<sup>136</sup> Kellas, J. G. (1998) *The Politics of Nationalism and Ethnicity*. London, Macmillan.

Suryadinata further contends that despite their differences, both concepts of *ethno-nation* and *indigenous social-nation*, are based on indigenous groups which means that ethnic Chinese are given lower priority to indigenous minorities regarding claims to citizenship. In *indigenous social-nations*, while the desire of indigenous minorities to maintain their cultural distinctiveness is acceptable to the majority group or groups, the ethnic Chinese are required to assimilate into the indigenous-based national culture. Although such a requirement appears to have changed or relaxed in Indonesia following the downfall of Suharto in 1998, the Chinese minority there is still wary of asserting its cultural identity, with many Chinese for purposes of expediency, continuing to subject themselves to assimilation. In Chinese-majority Singapore, the ruling elite continues to downplay Chineseness as a factor in national integration, conscious of the island being surrounded by Malay-majority Malaysia and Indonesia. Both the *indigenous social-nation* and *immigrant social-nation* approaches adopted by Indonesia and Singapore have bearings on Malaysia's path to national integration as an *ethno-nation*.<sup>137</sup>

#### *Malaysia as an ethno-nation, ethnocratic Malay/Muslim state*

The Federation of Malaya at the time of its independence on 31 August 1957 was an *ethno-nation* on grounds that the peninsula had always been regarded by UMNO, the leading government party, as *Tanah Melayu*. This basic position had not changed when Malaya extended into a wider Malaysian Federation on 16 September 1963 with the addition of Singapore, Sarawak and Sabah as part of the British decolonization process in the 1960s. Brunei, which was originally included, did not join the federation while Singapore left on 9 August 1965 following quarrels with the

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<sup>137</sup> Suryadinata (1997).

federal government over nation building policies. Malaysia's present status as an *ethno-nation* is reflected in the ongoing struggle between the proponents of both *ethno* and *social nations* dating back to the end of the Japanese Occupation in 1945.

The ruling Malay elite had always maintained that historically, the peninsula was once part of a Malay cultural empire whether as Langkasuka, Srivijaya or Malacca and sovereignty came to be vested in the different Malay states which was recognized by the British in treaties with them in the nineteenth century. In emplacing the Malay culture, language and Islam as characteristics for nation building, the ruling Malay elites came to exclude the cultures, languages and religions of the large resident Chinese and Indian populations even though their liberal use was allowed outside the public space. The Chinese and Indian influx in the 1910-1930 period to serve British colonial interests then had transformed the peninsula from a Malay-majority entity to an ethnically balanced plurality. Although being no more than sojourners, their position in the peninsula nevertheless made the British, for reasons of expediency, create a *social nation* in 1946 through the Malayan Union proposals. Liberal conditions would enable some eighty-three and seventy-five per cent of the resident Chinese and Indian populations respectively to become citizens of a future independent country.<sup>138</sup> Even more significant was the loss of the political power of the sultans under a unitary state that would replace the three different British administrative arrangements of the Straits Settlements, Federated Malay States and Unfederated Malay States respectively.

But due to strong opposition from a newly established UMNO, the British abandoned the Malayan Union proposals two years later and replaced it with the Federation of

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<sup>138</sup> Lim, et al. [eds (2009)], pp.5-94.



Malaya Agreement (FMA). The FMA not only restored the powers of the Malay sultans who had been relegated to mere advisers on the Islamic religion; more significantly conditions for citizenship were made more stringent such that only five per cent of resident Chinese and Indians became citizens. Thus the FMA in 1948 set the course for the peninsula to become an *ethno-nation*, but the declaration of emergency the same year owing to acts of terrorism by the MCP led to British efforts to win the loyalty of the Chinese. They were helped by the MCA that was established in 1949, working with UMNO to improve strained Malay-Chinese relations. The UMNO/MCA cooperation was eventually extended to the Indians through the MIC. The success of all three ethnic parties as the Alliance coalition in the 1955 general election satisfied the British it had the support of all ethnic groups in the peninsula and independence was granted. The British had sanctioned a *de facto social-nation* or at least one with many of its features when the peninsula became a *de jure ethno-nation* in 1957 with its national symbols being Malay. Between 1955 and the first general election in independent Malaya in 1959, when the MCA succeeded in persuading UMNO to liberalize conditions for foreigners to become citizens, many Chinese were able to do so, approximating their composition of the country's multi-ethnic population.<sup>139</sup> The *social-nation* characteristics of the country were affirmed when Singapore, Sarawak and Sabah with their majority non-Malay populations joined Malaya to become a larger Malaysian federation on 16 September 1963. These characteristics were in fact reflected in the opposition's contestation for a Malaysia where non-Malay citizens would be given equality as opposed to the government's preferential treatment for Malays with its *ethno-nation* features. The non-Malay fight

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<sup>139</sup> The Federation of Malaya had a population of 4,843,006 on 31 Aug 1957 when it became independent, comprising of 2,427,834 (49.3%) Malays, 1,884,534 (38.4%) Chinese and 530,638 (10.8%). Ratnam (1965), p. 46.

for equality with Malays soon assumed the slogan “Malaysian Malaysia” with the Singapore-based PAP leading the other non-Malay opposition parties against the federal government. After Singapore separated in August 1965, the DAP continued articulating “Malaysian Malaysia” to underline its endorsement of a *social-nation* in the 1969 general election. However the subsequent Kuala Lumpur riots and emergency rule over the next eighteen months paved the way for a rejuvenated UMNO/BN and the era of NEP politics set the course firmly over the next four decades for an *ethno-nation*. It was soon fine-tuned to become an ethnocratic Malay/Muslim state as UMNO increasingly turned hegemonic owing to the fragmented nature of the opposition until 1998. This type of state comprises of two elements, the ethnocratic and the Muslim state.

In defining the ethnocratic state, Brown cites Weiner’s observations relating to a single ethnic group taking control over the state and using its powers to exercise control over others such that in the ensuing nation-building process, other ethnic groups became devoid of power or influence.<sup>140</sup> He lists three propositions as follows: Firstly, the recruitment of the state elite positions, civil service, armed forces and government is disproportionately and overwhelmingly from the dominant group. Other ethnic groups may be recruited on condition that they assimilate into the dominant ethnic culture. Ethnic interests of the dominant group rather than those purportedly representing an autonomous state bureaucracy or socio-economic class strata are promoted. Secondly, the cultural attributes and values of the dominant group are utilized as the core elements for the propagation of the national ideology so that the state’s depiction of the nation’s history, position on language, religion, moral

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<sup>140</sup> Brown (1994), pp. 36-7. In his study, Brown was referring to Burma, but the conditions he mentions apply equally to Malaysia.

values and choice of national symbols, all derive primarily from the culture of the ethnic majority. Thus the national identity employed to define the plural society is neither ethnically neutral, nor multi-ethnic but mono-ethnic. Thirdly, the state's constitution, laws and political structures serve to maintain and reinforce the monopolization of power by the ethnic majority.<sup>141</sup>

As regards the Muslim state, its key features, according to Esposito,<sup>142</sup> must typically include the predominance of Muslims and the reflection of their way of life such as culture, language, value systems and religion in the entity. Islam is usually the official religion of the entity which is governed by the civil laws of the land and not *syariah* or Islamic law that applies to Muslims only and mainly on matters of family inheritance. The explanation of a Muslim state can be made clearer if it is compared to two other systems of government with large Muslim populations. The first is the Islamic state that is a theocracy where *syariah* dominates all aspects of life. The ruling elites in Islamic states like Iran believe they are invested with the authority of God to decree certain orthodox laws that the people must obey unquestioningly. Crimes such as apostasy and adultery are punishable by death usually through stoning and thieves have their hands amputated in public.<sup>143</sup> In secular states, the power elites completely eschew religion in the task of governance. They have constitutions that separate the state from the church and law from religion. There are no legally prescribed official or state religions and no state aid is given to any religion or for any religious purposes. Religion is entirely left to the religious establishments. This is not to say that religion is not important in society, only that it is placed in the private lives of the people. The downplaying of religion in secularism takes different forms in

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<sup>141</sup> Brown (1994).

<sup>142</sup> Esposito, J L (1984) *Islam and Politics*, Syracuse University Press, Syracuse.

<sup>143</sup> The Islamic state concept will be given fuller treatment in the section on PAS in Chapter Two.

countries like the United States where there is no official religion to countries like Indonesia where all religions are nominally given equal status to regulate public life. The Muslim state as a model of governance can be said to lie somewhere between the Islamic State and the Secular State. The government of a Muslim state has an obligation to protect and promote Islam as reflected in the state's key features mentioned earlier.

Malaysia's road to becoming a Muslim state was charted by the constitution at the time of independence. The Reid Commission, drawing up a constitution for the Federation of Malaya, had originally omitted religion, probably in believing that secularism would be more practical for a plural society with an ethnically and religiously balanced population. But the initial omission of religion was reviewed by a working committee that inserted Article 3 (1) to make Islam the official religion of the country with the *proviso* that other religions may be practiced in peace and harmony.<sup>144</sup> The country's constitution as the supreme law of the land thus came to be responsible for establishing the Muslim state in Malaya. But aside from Islam being written into the constitution as the official religion in the country, and the fact that all Malays are regarded as Muslims from birth, there was little substance to the Muslim state at least until the 1980s when Islamisation started to be vigorously pursued. *Syariah* may have been part of the legal system, running parallel to civil law modelled along the lines of British jurisprudence, but it was confined to Muslims and to matters of marriage and family inheritance only. For practical purposes, multi-ethnic Malaysia functioned very much like a secular country.

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<sup>144</sup> Shad Saleem Faruqi, (2001) *Constitutional Perspectives on Freedom of Religion, Secularism and Theocracy*, Universiti Teknologi, MARA, October, p.5 (mimeo).

It was not until the advent of the Islamic revolution in Iran in 1979 that Malaysia's Islamic credentials began to be questioned and challenged. Islamic hardliners began to accuse the ruling Malay elites of being too "western" in their ways. With the strong impact of the Islamic revival from the Middle East, Islam soon became an issue of contention in political contestation between Malay elites on both sides of the political divide. The spillover effects of this contestation put pressure on Malaysia as a Muslim state to do more for Islam especially when the adjudication of disputes involving religion through civil laws was not favourably received by Muslim hardliners. But so long as the supremacy of the federal constitution as the basic rule of the country's legal system continued to be upheld, concomitant with Muslims forming the majority of the population and the vigorous pursuit of Islamisation, Malaysia would remain a Muslim state as it had been since 1957. In summing up Malaysia's Muslim position, Faruqi<sup>145</sup> notes:

Malaysia is neither a full-fledged Islamic state nor wholly secular. On the one hand it maintains Islam as a state religion and is deeply committed to the promotion of the religion in the life of Muslims. On the other, it places the *Yang di-Pertuan Agong* (King) and the sultans as heads of the religious hierarchy and adopts the supremacy of the Constitution as the basic rule of the legal system.

## **1.7 Summary of Chapters**

The six chapters of this thesis are as follows:

*Chapter One* introduces several theoretical concepts against a backdrop of social, political, demographic and cultural changes in Malaya/Malaysia from 1957 to 2014, to study the opposition such as plural society, consociationalism, opposition, contestation, democracy and nation building. It also highlights a paradox in communal politics beginning with Malay rejection of the 1946 Malayan Union

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<sup>145</sup> Faruqi (2001), pp.18-19

proposals, followed by Singapore's 1965 separation and the 1969 Kuala Lumpur disturbances.

*Chapter Two* discusses PAS and Islamic State, DAP and "Malaysian Malaysia" as well as PKR and *Reformasi*. It also examines the role of Malaysian civil society and how NGOs came to position themselves on both sides of the political divide. Anwar's role in reorganizing the fragmented opposition to mount a formidable challenge to the government in the 2008 General Election is also examined.

*Chapter Three* examines opposition contestation within the context of structural changes in the information sector where the mainstream media's loss of its traditional news dissemination monopoly to the Internet, facilitated the opposition's creditable performances in both the 2008 and 2013 general elections.

*Chapter Four* looks at opposition contestation focusing on structural changes in the economy, education and culture that both facilitated and impeded the NEP. Among the issues the opposition raised were corruption with its impact on intra-Malay income discrepancies and ethnic relations caused by restrictions placed on qualified non-Malay students seeking admission to local universities.

*Chapter Five* deals with national integration with the opposition challenging the government's *Ketuanan Melayu* or Malay supremacy through proposing *Ketuanan Rakyat* or a sovereignty of all communities based on a common citizenship overriding the ethnic categorization of Malays, Chinese, Indians, Ibans, Kadazans, etc.

*Chapter Six* concludes the thesis by examining whether the opposition pursuit of regime change can end the political paradox in Malaysia to affect a paradigm shift away from the government's well-entrenched communal politics over the past fifty-seven years (1957-2014). It would also look into whether a second consociational

model along the lines of Lijphart can emerge or an alternative shift towards greater Islamisation.

## Chapter Two

### Forging Opposition/Civil society Cohesion: Origins, Development and Ideologies of PAS, DAP and PKR

#### Introduction

This chapter discusses the origins, development and ideologies of PAS, DAP and PKR and how the three opposition parties regrouped to revive a defunct Coalition BA that was repackaged as the PR coalition with Anwar Ibrahim assuming the role of overall leader in 2008. It will show how PAS, DAP and PKR contested the well-entrenched ethnic/religious politics of the BN government coalition over the decades to ascertain the type of opposition each has been since its establishment. Their roles and strategy as an opposition coalition are examined against the backdrop of Malaysia's societal and structural changes, partly from globalization. PAS functioned as an alegal opposition party for about two decades from its formation in 1951, became semi-oppositional for about five years from the early 1970s before reverting to its original alegal status in the late 1970s. The DAP's inception in 1966 after Singapore's separation from Malaysia the previous year, affirmed its alegal status which assumed an even higher profile in the early 1970s when its former alegal allies, Gerakan and PPP, turned semi-oppositional by joining BN. The third opposition party PKR, affirmed the earlier alegal status of its two components, PKN and PRM, when they merged as a single party in 2003. Where other alegal parties like LPM and *Semangat 46* or the Spirit of 46 had been neutralized by the government in contestation, PAS, DAP and PKR have established and affirmed an alegal coalition, PR, that strives to effect regime change through electoral democracy. This chapter



will also discuss and examine the role of NGOs and civil society that helped the PR in both the general elections of 2008 and 2013.

## 2.1 PAS – Malay and Islamic Party

Among the three opposition parties, PAS<sup>1</sup> is the oldest, and prior to 2008, the only party with experience in governing a state, Kelantan. PAS has contested every general election since 1955, becoming the first opposition party to win control of a state government, Kelantan, in Malaya's concurrent parliamentary and state elections in 1959. It was only forty-nine years later that PKR and DAP also came to lead opposition state governments in Selangor and Penang following the 2008 General Election.<sup>2</sup> With Islam as its core ideology, PAS' ultimately aims to establish an Islamic state based on the tenets of the *Koran* and *Sunnah*, but faces many obstacles within the context of Malaysia's plural society. Top PAS leaders have noted these difficulties, and since 2008, downplayed the Islamic state concept so as to maintain cordial ties with other PR component parties.

Though PAS was officially formed on 24 November 1951 in the town of Butterworth in Penang by a breakaway religious wing of its arch-rival UMNO, the roots of its

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<sup>1</sup> For a sample of the numerous literature on PAS, see Noor, Farish (2004) *Islam Embedded: The Historical Development of the Pan-Malaysian Islamic Party (1951-2003)*, Malaysian Sociological Research Institute, Kuala Lumpur, Marican, Y Mansor (1976) *The Political Accommodation of Primordial Parties DMK (India) and PAS (Malaysia)*, PhD Thesis, University of British Columbia, 1976, Mutalib, Hussin (1990) *Islam and Ethnicity in Malay Politics*, Oxford University Press, Singapore, (1993) *Islam in Malaysia: From Revivalism to Islamic State?* Singapore United Press, Singapore, Alias Mohamed (1991) *Malaysia's Islamic Opposition: Past, Present and Future*, Gateway Publishing House, Kuala Lumpur, Funston, N.J.(1976), "The Origins of Parti Islam se Malaysia", *Journal of Southeast Asian Studies*, VII, no. 1, pp.59-69. and Miller, Erika (2006) *Democratic Islamists? A Case Study of the Pan-Malaysian Islamic Party (PAS)* Master of Arts in Law and Diplomacy, The Fletcher School, Tufts University, 27 April. <http://repository01.lib.tufts.edu:8080/fedora/get/tufts:UA015.012.DO.00125/bdef:TuftsPDF/getPDF>. (date accessed: 24 January 2014).

<sup>2</sup> Ong Kian Ming (2010) "Pakatan Rakyat: What is Different This Time?", *The Round Table: The Commonwealth Journal of International Affairs*, 99:407, pp.141-152. DOI:10.1080/00358531003656222 <http://dx.doi.org/10.1080/00358531003656222>. (date accessed: 24 January 2014).

establishment can be traced to three different events (a) Radical Malay nationalism of the late 1940s which opposed British colonial rule and conservative elements of UMNO leadership (b) a religious wing in UMNO and (c) crisis within UMNO over concessions to non-Malay demands in the 1950s.<sup>3</sup> The events encompassed a dialectical relationship where Islam and Malay culture reinforced each other to make PAS strongly champion Malay ethno nationalism between 1956 and 1982 in its rivalry with UMNO. PAS then switched to focusing more on Islam without completely abandoning Malay ethno nationalism after 1982.

#### *Championing Malay ethno nationalism (1956-82)*

PAS had little option than to champion the Malay ethno nationalism cause right from the time of its establishment until the 1980s even though an Islamic state had always been its *raison d'être*.<sup>4</sup> It had emerged as a political force in colonial Malaya in the 1950s when nationalism dominated the political scene and prevailing socio-cultural conditions made it impossible to establish an Islamic state. In addressing Malay ethno nationalism, PAS initially wanted to remove British colonialism, but switched its attack to UMNO as the new political masters when Malaya became independent in 1957. PAS accused UMNO of collaborating with the British because of the way it obtained independence, which it held, made Malaya a neo-colony of Britain. The party lamented that UMNO's "alliance" with the non-Malays, especially the Chinese, worked to preserve not only British, but also Chinese commercial interests in Malaya. It argued that in both cases, the economic interests of the Malays were sidelined,

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<sup>3</sup> Marican (1976), p.28, and Funston (1976), pp.59-69. PAS used to be known as the Pan-Malayan Islamic Party (PMIP) from the time of its inauguration in 1951 until the early 1970s. It then switched to using the Malay acronym *Parti Islam se Malaysia* (PAS), an affirmation of Malay nationalism in post-1969 Malaysian political trends. For consistency, this thesis uses the term PAS right from the time the party was formed.

<sup>4</sup> Interview with Dr Mujahid Yusuf Rawa, Chairman of PAS' National Unity Bureau, and MP for Parit Buntar (Perak). (4 December 2012, Penang).

leading to their loss of political sovereignty as the indigenous people of the land. To restore this lost sovereignty so as to be on par with other independent Southeast Asian nations then, PAS wanted the symbols of nationhood like Malay language, Malay education and Malay culture to be aggressively pursued, something it accused UMNO of not doing. PAS found MCA a convenient scapegoat for its attacks on UMNO. The party was however forced to downplay Islam as a basis of its political struggle then because it could not find any model of an Islamic state acceptable to a wide range of voters.<sup>5</sup>

As Malay nationalists, PAS leaders appeared more extreme than UMNO on salient issues in national integration in the 1950s including language, education and culture. Thus where Malay identity was politically salient, PAS attempted to outbid UMNO in defending Malay rights, causing non-Malays, especially the Chinese, to regard it as a Malay extremist party. This was something which UMNO and MCA fully exploited to undermine Chinese support for PAS then. The advent of Malay nationalism<sup>6</sup> in the peninsula in the 1930s and 1940s was part of an overall wider pan-Asian nationalism leading to struggles for independence against European colonialism after the Second World War. Mutalib defines Malay ethno nationalism in Malaysia as

the close attachment that Malays accord to the safeguarding of their Malay ethnic primordial ties or parochial interests in their dealings with others, especially non-Malays. Although this attachment may include Islamic values and universal principles like the emphasis on equity, tolerance, fair play and justice irrespective of creed, frequently Malay ethnic nationalists tend to

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<sup>5</sup> Interview with Mujahid (4 December 2012, Penang). He said there was no mention of an Islamic state in PAS' Constitution.

<sup>6</sup> See Milner, A C (1994) *The invention of politics in colonial Malaya: Contesting nationalism and the expansion of the public sphere*, Cambridge University Press, Cambridge, Melbourne and Kahn, J S & Asian Studies Association of Australia (2006) *Other Malays: nationalism and cosmopolitanism in the modern Malay world*, Asian Studies of Australia in association with University of Hawaii Press, Honolulu.

dispense with these Islamic values in the defence of their ethnic, particularistic interests and unique cultural heritage.<sup>7</sup>

In this context, former radical Malay Nationalist Party (MNP) figures in PAS like Burnahuddin Al-Helmy and Asri Muda played a prominent role. Both sought refuge in PAS during its formative years shortly after the MNP was banned by the British in 1945 for its association with the Malayan Communist Party (MCP) and Indonesian nationalists.<sup>8</sup> PAS as a then religious wing of UMNO facilitated MNP's involvement in Malay politics since MNP members could also become PAS members.<sup>9</sup>

PAS' strong commitment to Malay ethno nationalism is perhaps best reflected in the thoughts of Burnahuddin, its third president (1956-69). In his book *Philosophy of Malay Nationalism* published in Jakarta in 1963<sup>10</sup>, Burhanuddin argued that a future Malayan polity formed from the plural society of British Malaya must be defined strictly in Malay terms. The Malays must be recognized as a distinct ethnic indigenous group, and not in the same category as the Chinese and Indians who were considered "immigrants". As such, the Malay language and Malay culture, important ingredients of the overall Malay identity, must be made the national language and national culture of the future Malayan nation to the exclusion of non-Malay languages and cultures. Though Burhanuddin was not specific on the model of his future Malayan nation, clearly he had Indonesia in mind. He envisaged a greater Malay nation or *Melayu Raya* just like Indonesia *Raya* with its predominantly Muslim population speaking the same Malay language. Burhanuddin might have been opposed to the presence of non-Malays in the country, but he nevertheless felt that they could become citizens provided they exchanged their previous lifestyles for one

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<sup>7</sup> Mutalib (1990), p.1.

<sup>8</sup> For more details of MNP, see Firdaus Haji Abdullah (1985), *Radical Malay Politics: Its Origins and Early Development*, Pelanduk Publications, Petaling Jaya, Selangor, Malaysia.

<sup>9</sup> Funston (1976), pp. 58-74. See also Interview with Muzahid (4 December 2012, Penang).

<sup>10</sup> Marican (1976), pp.60-62.

that was characteristically *Melayu* or Malay. In other words they could be assimilated to his concept of an all-encompassing *Melayu Raya* that would include ethnic, class and ideological identities in the same way as *Indonesia Raya*.<sup>11</sup>

Burhanuddin vehemently opposed British policy in encouraging mass migrations of Chinese and Indians to Malaya for economic reasons from the mid nineteenth century till the Great Depression in the 1930s. Before 1900, Malays comprised the majority of the peninsula's population with an identifiable language and culture which Malay nationalists like Burhanuddin felt should be the foundations of a future Malay nation, similar to Indonesia. But the huge influx of Chinese and Indians in the first two decades of the twentieth century drastically transformed the demographic profile of Malaya with the Malays no longer constituting an absolute majority.<sup>12</sup> This led to stirrings of Malay nationalism in the 1930s and the formation of the MNP.

A PAS memo in 1956 submitted to the Reid Commission which was deliberating on Malaya's constitution prior to independence in 1957 clearly reflected Burhanuddin's lament and the party's concern:

This nation is a Malay nation and the rights of the Malay race have been from time to time historically proven and recognized. Any attempt, constitutionally or otherwise to change that fact is both contradictory to human rights and the principle of law. The Malays have only one position in this nation and their sovereignty is the absolute sovereignty of this nation. The Malay nation and Malay race had opened its doors to foreigners and provided them with opportunities which had no parallel anywhere else in the world.<sup>13</sup>

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<sup>11</sup> *Indonesia Raya* or Great Indonesia is a concept of a single Indonesian nation as a successor to the Dutch East Indies rather than split into several colonies. For details, see King, Peter (2002) "Morning star rising? Indonesia Raya and the new Papuan nationalism" *Indonesia*, pp.89-127.

<sup>12</sup> The "native" population of the Malay peninsula stood at ninety per cent in 1800, dropped to fifty-one per cent in 1911 and further declined to 44.7 per cent in 1931. See Allers, Charles (2014) *Anwar Ibrahim: Evolution of a Muslim Democrat*, Monsoonbooks, Singapore, p. 22..

<sup>13</sup> Marican (1976), p.58.

PAS' growing concern that the Malays would be reduced to a minority in their own land was also expressed through its opposition to the proposed merger of Singapore with Malaya to create Malaysia in September 1963.<sup>14</sup> To PAS, Singapore's seventy-seven per cent Chinese-majority population would not only offset any Malay numerical supremacy in the multi-ethnic Malaysian federation, but in fact made the Chinese the largest community overall.<sup>15</sup> With UMNO making the Malaysia concept a *fait accompli* through incorporating the indigenous peoples of then British colonies Sarawak and Sabah to offset any Chinese numerical supremacy, PAS countered by suggesting a wider federation comprising of Malaysia, Indonesia and Philippines called *Maphilindo*.<sup>16</sup> PAS rationalized that the Chinese in Malaysia would be reduced to a very small political minority *vis-a-vis* the Malay peoples of the three countries combined although economically they would still be significant. However, the *Maphilindo* concept failed to take off for reasons outside the scope of this thesis. Throughout the 1950s and 1960s when discourse involving Malay and non-Malay parties on both sides of the political divide focused on the symbols of nationhood, PAS again showed its hostility to both the English and Mandarin speaking Chinese as well as Indians by calling for Malay to be immediately made the sole national and official language and Malay medium schools to dominate the country's education system. It felt that the prevailing dominance of the English language, English-medium schools and vernacular education, functioned more to serve the needs of the

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<sup>14</sup> Mutalib (1990), p.108.

<sup>15</sup> The Federation of Malaya had a population of 4,843,006 on 31 August 1957 when it became independent, comprising of 49.3% Malays, 38.4% Chinese and 10.8% Indians and 1.5% Others. Singapore had 918,846 people, made up of 12.3% Malays, 77.6% Chinese, 7.3% Indians and 2.8% Others. The combined population of Malaya and Singapore in 1957 was 5,757,852 of which Malays comprised 43.5% as against 44.7% Chinese, 10.3% Indians and the rest others. Ratnam, K.J. (1965), *Communalism and the Political Process in Malaya*, University of Malaya Press, Kuala Lumpur, p.46.

<sup>16</sup> This was a proposal to unite the people of Malay stock in the three countries at the 1963 Manila conference attended by Malaysian prime minister Tunku Abdul Rahman Indonesian president Sukarno and Philippine president Diosdado Macapagal. See Means, Gordon (1991) *Malaysian Politics: The Second Generation*, Oxford University Press, Oxford, New York, p.47.

colonial administration, Chinese and Indians, and opposed to Malay ethno nationalist aspirations. English then was the official and *de facto* language of administration in government and the most widely used language in the private sector. English medium schools functioned mainly in the non-Malay dominated urban areas to serve the needs of international commerce and a western-dominated capitalist economy. By contrast, the Malay language, Malay schools and Malay education, including Islamic education, existed to serve the relatively simple needs of the Malay peasantry in the rural areas. They had relatively negligible economic and educational value *vis-à-vis* the English language, English schools and English-medium education. As for the vernacular schools, their curriculum was geared towards China and India and their respective nationalisms and this was also resented by PAS. Its leaders strongly opposed the Alliance government's ten-year grace period to retain the official status of English in government and parliament after 1957 to enable Sarawak and Sabah to acquire the same fluency in Malay as the peninsula. This was reflected in the 1967 debate over the National Language Bill where fourth PAS president Asri (1971-82) chided first prime minister Tunku Abdul Rahman for "wounding the heart of his own race, disillusioning the Malay race and fulfilling almost everything that the non-Malays had demanded on the language issue".<sup>17</sup> PAS also pointed out to the Malays how this delay in implementing Malay as the sole national and official language had encouraged the non-Malays to fight for their languages, citing the demand of the PPP for multi-lingualism.<sup>18</sup>

PAS ensured that its move to restore Malay sovereignty by attacking the government for not pursuing aggressively the symbols of nationhood mentioned was not directed

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<sup>17</sup> Cited in Marican (1976), p.70.

<sup>18</sup> Marican (1976), p.69. The PPP controlled the Ipoh Municipal council in the late 1950s where it allowed the use of Chinese and Tamil in addition to English and Malay in council meetings.

against UMNO *per se*, but rather the Alliance coalition government, or more specifically the UMNO/MCA ethnic bargain. The Islamic party took pains in explaining to the Malays that it strongly opposed what it considered UMNO's subservience to MCA that had come to dominate Malayan politics through its control of the powerful Finance and Trade & Industry portfolios in the Alliance coalition government. PAS also argued that to protect Chinese commercial interests, MCA not only prevented UMNO from implementing policies to help the Malays economically; it also discouraged UMNO in aggressively pursuing the symbols of nationhood by implicit threats to withdraw financial assistance. Due to its relatively weaker financial position, UMNO had come to depend on MCA for financial assistance,<sup>19</sup> especially during general elections.

Thus PAS demanded several government measures to help reduce Malay economic backwardness that would benefit the rural Malays rather than UMNO members and Chinese contractors. For instance, it wanted government backed five-year rural development projects to prohibit Chinese contractors from exploiting Malay rural areas. While a PAS branch in Perak passed a resolution urging the government to ban non-Malay business activities in Malay villages, a party meeting in Kuala Lumpur in 1959 resolved that fifty-one per cent of workers in foreign and locally owned industries should be Malays. In 1965, PAS' *ulama* or council of religious leaders called for extensive government intervention in the economy, giving priority to the rights of the Malays.<sup>20</sup>

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<sup>19</sup> See Gomez, Edmund T (1999) *Chinese Business in Malaysia: Accumulation, Ascendence, Accommodation*, University of Hawaii Press, Honolulu, p. 32.

<sup>20</sup> For details see Marican (1976), p.65.



While PAS articulated Malay ethno nationalism from the 1950s to the 1980s, never at any point did it indicate it would give up its Islamic state concept. On the contrary, some PAS leaders like Burhanuddin and Zulkifli Mohamed were trying to conflate Malay ethno nationalism with their version of Islamic principles. They felt this move was logical as Islam had constitutionally become synonymous with Malay identity and culture.<sup>21</sup> But a motion to call for a fully Islamic form of government to be implemented immediately was defeated at the 1954 PAS *muktamar* or general assembly.<sup>22</sup> Many pragmatic PAS leaders were not sure how Islamic principles, more suited to the ethos of overwhelmingly Muslim societies like Saudi Arabia, Egypt, Libya and Pakistan in the 1950s, could be replicated in Malaya's plural society. Not only could difficulties arise with its evenly balanced Muslim and non-Muslim communities, but also the strong influence of Malay *adat* or customs and traditions on the Malays with their pre-Islamic Hindu and animist features, would be at odds with Islam's monotheism. Under such circumstances, PAS leaders concluded that the time was not appropriate and more research was necessary before an Islamic state could be set up in Malaysia.<sup>23</sup>

*Universalizing Islam to champion the cause of the Malays*

PAS officially switched to Islamism in its political struggle when a group of reformist leaders toppled incumbent party president Asri at the party elections in the *muktamar* in 1982.<sup>24</sup> The group blamed Asri's neglect of Islam, the party's core identity, for the

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<sup>21</sup> Article 160(2) of the Constitution of Malaysia defines a Malay as a person who professes Islam, habitually speaks the Malay language and adheres to Malay customs. [PDF]

<sup>22</sup> Liew Chin Tong (2004), *Articulating and Islamic State in Multiethnic Malaysia: The Case of PAS*, Hons thesis, Australian National University, Canberra, November, p.65.

<sup>23</sup> Mutalib (1990), pp.12-3. For more details, see Mutalib, Hussin & Ee Heok Kua,(1993) *Islam in Malaysia: from revivalism to Islamic state?* NUS Press, Singapore, Chs. 4 & 5.

<sup>24</sup> For more details on PAS' switch from Malay ethno-nationalism to Islamism to pursue its political struggle, see Mutalib (1990), Ch.4, Liew (2004) ), Ch.2, and Alias (1991) , Ch.6.

loss of its power base Kelantan in 1977 and its failure to regain it in the intervening five years. The reformist leaders like Yusuf Rawa, Nik Aziz, Mustapha Ali and Wan Mutalib Embong as well as Muslim NGO leaders Fadzil Noor, Nakhaei Ahmad and Hadi Awang, wanted PAS to prioritize Islam, as stipulated in the party's constitution. They contended that in focusing too much on Malay nationalism to articulate Malay issues relating to politics, economics, culture and education in contestation, PAS led by Asri had failed to prevail against UMNO. The reformist group thus wanted to reverse the prevailing order of priorities such that Islamism would precede over Malay ethno nationalism in reorganizing the party's decision- making structure.<sup>25</sup>

Islamism, defined by Olivier Roy as the “contemporary movement that conceives Islam as a political ideology” is given fuller treatment by Erika Miller<sup>26</sup> in her study on PAS. She relates it to political parties functioning within democracies or democratizing countries, asserting that many Muslims believe Islam and democracy are compatible and that the participation of Islamist political parties in democratic systems is permissible, even desirable. Miller cites Giles Kepel's observation that Islamism is

a social movement like any other – communism, nationalism, fascism, liberalism - which is subject to ebbing and flowing to internal contradictions; it has to compete fiercely with other social movements in order to attract and mobilize its followers.<sup>27</sup>

In the 1979-80 period, two events moved the hitherto dormant *ummah* or Muslim communities worldwide, including Malaysia, into action. Firstly, they were excited over Ayatollah Khomeini toppling the Shah with his close ties to western powers, to set up a theocratic Islamic state in Iran, an ideal that many had unsuccessfully

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<sup>25</sup> Conversation with PAS secretary-general Mustapha Ali in Singapore on 4 November 2009.

<sup>26</sup> Miller (2006), p.6.

<sup>27</sup> Miller (2006), p.9.

yearned for. Secondly, the Soviet invasion of Afghanistan evoked much sympathy from the *ummah* that responded by sending volunteers and donations to help the *mujahideen* or Islamic freedom fighters drive back the Soviet invaders. In Malaysia, Malays/Muslims, especially tertiary students, were moved by these two events. Anwar, Hadi and other Muslim reformists inspired by Khomeini, visited Iran to learn more about his success.<sup>28</sup>

The Islamic revival from the Middle East happened at a time when PAS realized it could no longer rely on Malay ethno nationalism to sustain its political struggle with the loss of Kelantan in 1977. Asri had begun well in utilizing Malay ethno nationalism that not only pushed back UMNO's move to take Kelantan, but also made inroads in UMNO's traditional strongholds in parts of Kedah in the 1969 General Election. But the Kuala Lumpur riots, followed by UMNO's post-emergency moves to emasculate the opposition parties through initiating separate coalitions, were to disadvantage PAS. Partly to reduce intra-Malay politicking, then prime minister Tun Razak persuaded Asri to form an UMNO/PAS Malay unity coalition under the BN's auspices at two levels – federal and state.<sup>29</sup> It allowed PAS to secure a few federal ministerial and ambassadorial positions and UMNO to participate as executive councillors in the Kelantan state government. However whatever UMNO/PAS unity move soon ran into problems with PAS asserting its Islamic influence at federal level, while UMNO began to manipulate political tensions in Kelantan by supporting dissident PAS leaders. In late 1977, UMNO took advantage of widespread protest demonstrations in Kelantan by PAS forces hostile to Asri, and used its federal powers to declare a state of emergency. PAS was subsequently

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<sup>28</sup> Allers (2014), p.61.

<sup>29</sup> Alias (1991), Ch.3.

expelled from BN and with the Islamic Party in turmoil, snap elections were called in Kelantan. PAS suffered a humiliating defeat that Asri was unable to reverse in two subsequent general elections in 1978 and 1982. The reformist group used this as an excuse to oust him in 1982 and introduced Islamism as its new strategy.<sup>30</sup>

PAS projected Islamism as a panacea for all the vices associated with a westernized secular society (like Malaysia under UMNO/BN) that they claimed were afflicting the Malays, especially the youth, such as drug addiction, alcoholism, gambling and sexual promiscuity. In implementing Islamism, PAS would seek guidance through the *Koran* and *Sunnah* emphasizing Islamic concepts like *syura* (consultation), *ijima* (consensus), *ijtihad* (interpretation) and *maslaha* (public interest).<sup>31</sup> More significantly PAS decided to showcase its *ulama* leaders that would distinguish it from UMNO's secular leadership. The term *ulama* is in fact plural for *alim* which refers to those trained in Islamic theology. According to Van Danzel, the *ulama* are generally

...the learned of Islam, i.e. the religious teachers, canon lawyers, judges and high state religious officials...They came to have, in a wide and vague fashion, the ultimate decision on all questions of constitution, canon law and theology. They might be government functionaries, either controlled by the government or keeping the government in certain awe; or they might be private and independent students of canon law and theology.<sup>32</sup>

The *ulama* had always been important to PAS because they enhanced the party's Islamic credentials, but PAS' move to project an *ulama* leadership in the 1980s was not a simple revival of the traditional *ulama* concerned only with the afterlife. It was in fact a new style of *ulama* PAS leaders were seeking to replace the traditional *ulama* that had been politically excluded and sidelined by Asri to the role of advisers.

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<sup>30</sup> Conversation with Mustapha Ali in Singapore on 4 November 2009.

<sup>31</sup> For more details, see Mutalib (1990), and Miller (2006).

<sup>32</sup> E. Van Danzel (1994), *Islamic Desk Reference: Compiled from the Encyclopaedia of Islam*, E.J.Brill, Leiden cited in Liew (2004) ), p.34.

The new style of *ulama* came to be one which saw not a clash but compatibility between spiritual and temporal values, combining the two. For this purpose, Yusuf Rawa (1983-89) who succeeded Asri as president opened the doors of PAS to English-educated Muslim professionals with secular educational backgrounds and at the same time encouraged the traditional *ulama* to imbibe professional and scientific knowledge as well as learn English. He also set up a *syura ulama* or religious council whose task was to ensure that the PAS Central Working Committee (CWC) did not deviate from Islamic values when making policies. It was headed by the *Mursyidul Am* (spiritual adviser) with a higher religious standing than the party president. With the *syura ulama* having a higher moral authority than the CWC, only the *ulama* could be the chief executive in PAS-controlled state or federal governments.<sup>33</sup>

This change was to give Islamism an all- inclusive non-ethnic image in line with the global revival that was occurring. This move strongly opposed UMNO's emphasizing Malay ethno nationalism on *Ketuanan Melayu*. PAS likened *Ketuanan Melayu* to the narrow tribal and chauvinistic concept of *asabiyyah* which Muhammad rejected in his ideal of an Islamic state based on the Charter of Madinah (see next section). Just like *asabiyyah*, UMNO's *Ketuanan Melayu* was exclusive to the Malays/Muslims and alienated the large non-Malay Muslim minorities in the country. It also accentuated ethnocentrism in politics which created an insurmountable divide in both Malay and Chinese politics. Rejecting *asabiyyah* meant PAS officially replaced the exclusive Malay ethno nationalism associated with Asri's leadership with inclusive universality to present a non-communal outlook which it hoped would enhance the party's standing to many Chinese and Indians who resented *Ketuanan Melayu*.<sup>34</sup> Despite

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<sup>33</sup> Interview with Mustapha Ali (17 December 2012, Kuala Lumpur).

<sup>34</sup> Interview with Mujahid (4 December 2012, Penang)

initial misgivings of both Malays and non-Malays in the 1986 general election causing PAS to suffer heavy losses, the party recovered by regaining Kelantan in the 1990 general election and went on to expand its support beyond its traditional power base in Kelantan and Terengganu to other west coast states in later general elections. PAS' success in both Kelantan and Terengganu was due primarily to Malay/Muslims opposed to UMNO though non-Malays who constituted only about five per cent of the populations of both states also played a role.

### *Islamic State Concept*

The only model to date which aspirants of the Islamic state concept can refer to is the Madinah Charter issued to the people of Medina by Muhammad in 622 AD. This decree, regarded more as an ideal in modern times, had all the possible features to establish governance by inextricably interweaving state, politics and religion to give it the highest moral standing against the backdrop of a chaotic Arabian Peninsula at that time. Miller puts this succinctly by citing the activism of reformist Hassan al-Banna, one of the earliest proponents of an Islamic state and founder of the Egyptian Muslim Brotherhood in 1928, to create

a reformist system of government based upon the *hakimiyyah*, the divine sovereignty of God. In such a system the *Koran* and *Sunnah* speak directly to the people of the state, would use its teachings to create a constitution that embodies the *syariah* as the primary source of law. Because of the importance of the individual in this process, the *ummah* was to possess the authority over the state.<sup>35</sup>

To understand its features clearly, one has to compare it with the criteria of political science in defining a traditional nation-state,<sup>36</sup> namely territory, people who have a lot

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<sup>35</sup> Miller (2006), p.11.

<sup>36</sup> A nation state is a political institution combining the concepts of nation and state. It refers to a state inhabited by people who identify themselves as a community because of shared culture, history,

in common, government and sovereignty. Mutalib<sup>37</sup> argues that although an Islamic state can have territory in the same way that a traditional nation-state has, this is not essential as its transnational identity is more important. The Islamic state acknowledges diversity among its population in that not all its citizens are Muslim based on the criteria of Arab conquests of non-Muslim territory in Islam's expansion in the seventh century AD. The significance is that all – Muslims, Jews, Christians and others - must acknowledge the order and policies of the Islamic state where as citizens, they ideally receive equal treatment and justice.<sup>38</sup> However non-Muslims or *dhimmi* in an Islamic state pledged submission to Muslim authority and were granted protection to maintain their way of life and their property in exchange for a special tax known as *jizyah*.<sup>39</sup>

PAS' usual answer to critics chiding its inability to set up an Islamic state was to assert that it could only do this if it was in charge of the federal government. This was demonstrated in 1993, when the PAS-controlled Kelantan assembly legislated for *syariah*, but failed due to the constitutional constraints under Malaysia's federalism which the ruling UMNO/BN coalition refused to amend (even though it had the requisite two-thirds majority in parliament) as this would have allowed Kelantan to officially become an Islamic state. The same control over PAS by the federal government was exercised again in 2002 when the party governed Terengganu (1999-2004).<sup>40</sup>

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language, ethnicity or other factors. Abdul Rashid Moten & El-Fatih A. Abdel Salam (2005) *Glossary of Political Science Terms: Islamic and Western*, Thomsen, Singapore, p.101.

<sup>37</sup> Mutalib (1990), p.115.

<sup>38</sup> Mutalib (1990), pp.115-8 Also Interview with Mujahid Yusuf Rawa (5 December 2012, Penang)

<sup>39</sup> Mutalib (1990), pp.115-8.

<sup>40</sup> Interview with Mustapha Ali (17 December 2012, Kuala Lumpur).

PAS was caught by surprise on 29 September 2001 when then prime minister Mahathir openly claimed Malaysia to be an Islamic state since its independence based on criteria the Islamic party considered secular and certainly unIslamic.<sup>41</sup> PAS was thus forced to respond to Mahathir's challenge to produce in writing the kind of Islamic state it would set up. It took PAS two years of deliberations, consultations and further research including sourcing information on Muslim minorities in Europe<sup>42</sup> and the United States, before it finally came up with an Islamic state blueprint in December 2003. It was drafted by Haron Din, a former professor of Islamic Studies at the *Universiti Kebangsaan Malaysia* (UKM) or National University of Malaysia, who had become a leading *alim*. The blueprint concurred with most of the features of the Madinah Charter, mainly with the aim of refuting Mahathir's criteria of an Islamic state. PAS leaders held that Mahathir was indulging in ambiguous semantics to conceal UMNO/BN's Malay ethno nationalism. In particular, PAS took issue with UMNO's unwillingness to implement *hudud*, considered integral to *syariah* as punishments to deter crime by amputating hands of thieves and stoning to death adulterers/adulteresses.

PAS also came up with a two-tier strategy<sup>43</sup> for implementing its Islamic state concept to cause minimal social disruptions. Malaysia's federalism would still be retained with two parallel sets of laws, civil and *syariah*. Its leaders held that west coast states where Muslims are a minority or do not form an overwhelming majority could opt for either civil law or *syariah*, but east coast states like Kelantan and

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<sup>41</sup> See Liew (2004), pp.69-70. Mahathir was then speaking at the Gerakan's assembly, some two weeks after Muslim terrorists bombed the Twin Towers building in New York. Mahathir had in fact made a similar statement prior to the 1999 general election despite BN non-Muslim components campaigning in the polls warning voters that a vote for the opposition would be a vote for PAS' Islamic state.

<sup>42</sup> Conversations with former PAS secretary-general Nasharudin Mat Isa in Yan, Kedah on 28 July 2000.

<sup>43</sup> For more details, see Liew (2004), pp.85-94.



Terengganu which are at least ninety-five per cent Muslim, would be governed by *syariah*. PAS saw this two-tier strategy as only a transitory phase that would end when Muslims comprised at least seventy-five per cent of Malaysia's population in the future.<sup>44</sup> Its leaders expected this population ratio to be replicated in parliament at some time then, where a vote would have to be called for a two-thirds majority to amend the federal constitution to officially transform Malaysia into an Islamic state.

## 2.2 DAP – Malaysian Malaysia Restated

The Thirteenth General election on 5 May 2013 thrust DAP forward as the most articulate and successful non-Malay opposition party since 1957, with overwhelming support from the Chinese followed by significant numbers of Indians, but fewer Malays.<sup>45</sup> DAP had convincingly defeated its BN non-Malay rivals, MCA, Gerakan and PPP after engaging them in a long and protracted struggle over several general elections since the 1970s. In this contestation, its fortunes had waxed and waned as it consolidated its non-Malay, especially Chinese constituency support. DAP's ideology is social democracy or democratic socialism where it pursues equal rights for all communities under the slogan "Malaysian Malaysia" that challenges the very basis of the Malay-dominated BN's core policies premised on *Ketuanan Melayu*.

The origins of DAP can be traced to the PAP which set up branches in Malaya to contest the 1964 General Election after Singapore joined the Malaysian Federation on

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<sup>44</sup> Interview with Mujahid (4 December 2012, Penang).

<sup>45</sup> DAP polled 1,736,267 votes (30.87%) translated into thirty-eight parliamentary seats (17.1%). By contrast MCA polled 899,420 votes (17.17%) translated into seven parliamentary seats (3.1%%) and Gerakan polled 153,081 (2.92%) translated into one parliamentary seat. (0.4%). *The Malaysianinsider* 6 May 2013 <http://www.themalaysianinsider.com/malaysia>, (date accessed: 9 August 2014).

16 September 1963.<sup>46</sup> When Singapore left barely two years later, the Malaysian members of PAP reorganized themselves to continue Lee Kuan Yew's fight for equal rights that had introduced the slogan "Malaysian Malaysia" in 1965. Initially they had wanted to retain PAP's name and logo to maintain continuity of PAP's struggle on grounds that it was increasingly gaining acceptance in Malaysia, particularly among the Chinese. However, their application to register PAP (Malaysia) as a local party was rejected by the Registrar of Societies (ROS) citing grounds that it was "foreign" inspired. They were to realize that the reason for their application's rejection was the federal government's policy to remove all possible manifestations of PAP after Singapore separated.<sup>47</sup> PAP (Malaysia) was thus forced to change its name to DAP with a new logo and filed a fresh application in September 1965. A crucial by-election later in the year came to facilitate the application for registration. A pro-tem leader, Dr Chen Man Hin, contesting as an independent, campaigned on the issue of the DAP's registration and won, putting pressure on the government to act.<sup>48</sup> Six months later in March 1966, the DAP's registration as a party was finally approved.

DAP's articulation of Chinese political, cultural and socio-economic rights seemed to contradict its moves in addressing the problem of Malay economic weaknesses due mainly to UMNO's manipulation of communal politics. It attempted to counter this by partly bringing in class as a variable in its struggle. Since its inception, DAP had consistently argued that espousing Chinese rights need not necessarily conflict with

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<sup>46</sup> For details of this, see Ong, Michael (1969), *DAP: Case for a Malaysian Malaysia Re-stated*, M A Thesis, La Trobe, Ch.1.

<sup>47</sup> Ong (1969), Ch.1 Also interview with Dr Tan Seng Giaw, MP for Kepong (Kuala Lumpur) and a former DAP deputy president (18 December 2012, Petaling Jaya).

<sup>48</sup> The by-election caused by the death of the MCA/Alliance incumbent was in the Chinese-majority state constituency of Rahang in Negri Sembilan on 11 December 1965. Dr Chen, a medical practitioner in Seremban, Negri Sembilan, polled 3576 votes to defeat the Alliance candidate who polled 2038 votes and Socialist Front (SF) candidate who polled 1231 votes. Dr Chen thus won by a clear majority of 1538 votes in a voter turn-out of 69.9%. Ong (1969), Ch.2.

helping Malays economically. On the contrary each could even complement the other if different oppressed groups cooperated in a common struggle against a corrupt regime of Malay and non-Malay elites exploiting ethno-centric politics to procure and protect their vested interests.<sup>49</sup> The two phases of DAP's "Malaysian Malaysia" struggle, one affirming Chinese rights within a plural society, and the other, exhorting a class struggle involving all ethnic groups, can be better understood by examining its two approaches separately.

#### *Articulating Chinese Malaysian nationalism*

DAP lost no time in reaching out to the Chinese after its registration of two branches in Kuala Lumpur and Petaling Jaya (Selangor) respectively, was finally approved in March 1966. Over the next three years DAP set up branches in most Chinese-dominated urban and semi-urban areas such as Georgetown (Penang), the Kinta Valley (Perak), Seremban (Negri Sembilan), Malacca and Johor Baru (Johor). It wanted to harness, nurture and consolidate the nascent non-Malay, especially Chinese support, that had been initiated through the Malaysian Solidarity Convention (MSC) set up by Lee Kuan Yew to directly challenge the Alliance government. With Singapore out of the federation in August 1965, the MSC, a loose coalition of opposition parties in Malaya, Sarawak and Sabah, had become defunct, but not its scattered and dormant constituency which came to augment the mainly Chinese-left wing constituency abandoned by the dissolution of the LPM in early 1969. DAP inherited this constituency, comprising mainly of working class and professional Mandarin and English-speaking Chinese as well as Mandarin and dialect-speaking petty traders, hawkers and small businessmen. It also attempted to attract the mainly

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<sup>49</sup> See "DAP and cultural democracy" in *DAP 15<sup>th</sup> Anniversary 66-81*, pp.243-52.

Chinese-right wing constituency made up of both Mandarin and English-speaking, businessmen, contractors, shopkeepers and traders, which traditionally supported MCA. Both groups of Chinese were also concurrently members of Chinese guilds, clans and associations as well as the Chinese educational movement called *Dong Jiao Zhong* (DJZ) which supported vernacular schools. By the time DAP contested its first general election in 1969, it had some sixty-five branches throughout Malaysia.<sup>50</sup>

Though DAP publicly dissociated itself from PAP with the return of its first secretary-general Devan Nair<sup>51</sup> to Singapore when it contested the 1969 General Election, its campaign for a “Malaysian Malaysia” was very similar to PAP’s campaign when Singapore was in the federation. In calling for non-Malays to be given equal rights as Malays, DAP strategists Goh Hock Guan, Lim Kit Siang and others vehemently attacked the Alliance government’s assimilative one language, one culture (Malay) policy, demanding an end to the official *bumiputera* discrimination in favour of Malays. DAP also wanted Chinese and Tamil to be made Malaysia’s official languages and a restitution of the official status of English which ended in 1967, in addition to vernacular (Chinese and Tamil) schools being made on par with national (Malay) schools. By calling for the symbols of nationhood to include non-Malay elements, DAP managed to not only consolidate the working-class left-wing constituency it inherited from LPM; it also considerably eroded the right-wing Chinese support of MCA. DAP gained a vital foothold in Malaysian politics by winning thirteen parliamentary and thirty-one state seats, mainly in the Chinese-

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<sup>50</sup> For details see Democratic Action Party (1991) *25 Years of Struggle: Milestones in DAP History*, Petaling Jaya, p.4.

<sup>51</sup> Though born in Malacca, Malaysia, Devan Nair was a PAP member in Singapore. He was the only successful PAP candidate in the 1964 Malaysian general election, winning the parliamentary seat of Bangsar. He remained behind to set up DAP after Singapore separated from Malaysia on 9 August 1965. See Nair’s open letter “Why I will not Contest Again” to the voters of Bangsar dated 31 May 1968 in DAP (1969) *Who Lives if Malaysia Dies?*, Democratic Action Party, Kuala Lumpur, pp. 67-70.

dominated urban areas, polling eleven per cent of the popular vote. Despite the Kuala Lumpur riots followed by emergency rule, severely curtailing opposition criticism over the next eighteen months, DAP still managed to appear as a staunch defender of Chinese rights in Malaysia. This role has continued against a background of Malay hegemony and growing Islamism.

DAP's strategy of representing Chinese and other minority rights has been held to since 1966 in securing massive Chinese support.<sup>52</sup> The pro-Malay policies of UMNO/BN pitted DAP directly against MCA, as part of the government. MCA traditionally occupied a centrist and perceptibly "moderate" position *vis-a-vis* dominating Malay interests, in contrast to DAP advocating a perceptibly more "extreme" position to appeal mainly to anti-establishment Chinese. As a Chinese-based opposition deprived of access to the Malay-led federal government, DAP could not offer constituents the benefits that MCA could. Therefore it adopted the higher moral ground through outbidding when criticizing the shortcomings of MCA's politics of patronage as serving vested party interests instead of the overall interests of the Chinese. DAP has put forward its own policies to counter those of MCA without having to worry about the impracticality of implementation so long as UMNO/BN dominated the political landscape.<sup>53</sup> However indications of this trend changing have been evident since 2008 after DAP came to power in Penang leading a PR coalition at state level. DAP also participates in the PKR-led PR state government of Selangor. In both PR controlled states, DAP has been able to dispense patronage at state level such as the award of tenders and cash payments to senior citizens from

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<sup>52</sup> Chew Huat Hock (1980), *The Democratic Action Party in Post-1969 Malaysian Politics: The Strategy of a Determined Opposition*, MA Thesis, Australian National University, Canberra.

<sup>53</sup> Bass, Jerome (1973) *Malaysian Politics: 1968-70, Crisis and Response*, PhD Thesis, University of California, Berkeley, pp. 459-68.

time to time. DAP leaders, conscious of their government status in Penang and Selangor, are careful not to say impractical things they said prior to 2008.

DAP did not choose to champion the cause of any single ethnic group in the same way MCA did directly and openly. Malaysians of all ethnic groups could become members of DAP since its inception as a non-communal party. This was unlike the Alliance/BN component parties whose membership targeted only single ethnic groups. In principle, DAP struggled for equal political, cultural and socio-economic rights for all communities as Malaysians, not specifically Chinese, Malays, Indians or others. However, the practical realities of an entrenched ethnically divided plural society with UMNO (and PAS) cornering virtually all the Malay support and the MIC being the only Indian-based party, meant that hardly any Malays and few Indians supported DAP. This predictably turned it into an overwhelmingly Chinese-based party seemingly at times articulating only Chinese issues and supported by Chinese who rejected MCA's subservience to UMNO. Despite such a predicament, DAP continued to uphold an ideal of Malaysian nationalism<sup>54</sup> through its slogan of "Malaysian Malaysia" which in principle advocated equal rights for all communities based on a common nationality. UMNO reacted by portraying DAP to Malays as a Chinese party rejecting *Ketuanan Melayu*. In the ongoing Malay/non-Malay discourse dictated by the government since 1957, DAP found that the more it was forced to articulate Chinese and Indian rights against their erosion by UMNO's *Ketuanan*

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<sup>54</sup> For details of Malaysian nationalism, see Wang Gungwu (1992) *Community and Nation: China, Southeast Asia and Australia*, Asian Studies Association of Australia, Southeast Asia Publications Series, No. 23, Community and Nation, Ch. 12. The chapter was in fact a paper on Malayan Nationalism Wang gave to the Royal Central Asian Society on 14 February 1962, preceding the formation of Malaysia on 16 September 1963. See also Ariffin Omar's "The Struggle for Ethnic Unity in Malaya after the Second World War", in Lim Teck Ghee, Gomes A, Azly Rahman [eds (2009)], *Multiethnic Malaysia: Past, Present and Future*, Strategic Information & Research Development Centre, Petaling Jaya, pp.45-58.

*Melayu*, the more it was depicted by UMNO as anti-Malay.<sup>55</sup> This was the price DAP had to pay in consolidating its Chinese support in the urban and semi-urban areas. However DAP's move to secure the Chinese constituency also targeted Indian and native support from Sarawak and Sabah as a necessary first step towards a "Malaysian Malaysia". This long-term goal within the context of Malaysia's paradoxical communal politics, could only be achieved with DAP's ability to attract significant Malay support.

#### *Moves to attract Malay support*

Attracting Malays in significant numbers to its cause has always been DAP's greatest challenge in showing that it is more a Malaysian party supported by all ethnic groups rather than a Chinese party concerned mainly with Chinese issues. Right from its inception in 1966, DAP in fact already had Malay members in its Central Executive Committee (CEC),<sup>56</sup> the party's highest policy making body, but they were relatively few. UMNO's criticism of its Malay representation as mere window dressing placed DAP in the same situation as PAP whose minority Malay (and Indian) members were urbanized English-educated and mainly with trade union backgrounds. They tend to articulate class issues in downplaying ethnic politics. DAP fielded Malay candidates in general elections from 1969 to 2013, but mainly in some Chinese-majority and mixed areas.<sup>57</sup> This tactical move to maximize their chances of success in elections where voting occurred mainly along ethnic lines, led to UMNO criticisms that Malay

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<sup>55</sup> For details, see Vasil, R.K. (1971), *Politics in a Plural Society: A Study of Non-Communal Political Parties in West Malaysia*, East Asian Historical Monographs, Oxford University Press, Kuala Lumpur.

<sup>56</sup> The first CEC of DAP included two Malays, Mohd. Nor Jetty and Daing Ibrahim Othman. Democratic Action Party (1991), p.2.

<sup>57</sup> For details see "23-Day Countdown to 13GE Polling Day – Dr M in his post-PM decade has emerged as the greatest enemy of his own Bangsa Malaysia concept in Vision 202 and the single greatest threat to Malaysian nation building" in <http://blog.limkitsiang.com/2013/04/12/23-day-countdown-to-13ge-polling-day-dr-m-in-his-post-pm-decade-has-emerged-as-the-greatest-enemy-of-his-own-bangsa-malaysia-concept-in-vision-2020-and-the-single-greatest-threat-to-malaysia/> (date accessed: 6 August 2014).

DAP lawmakers were elected because they condoned the party's policies opposed to *Ketuanan Melayu*. DAP's first Malay MP, trade unionist, Ahmad Nor representing the mixed constituency of Bayan Baru (Penang) from 1990 to 1995, became a target of UMNO attacks that he did not represent the Malays. DAP often found it difficult to counter such attacks through the pro-establishment mainstream newspapers to the Malays particularly in rural areas, the majority of whom supported UMNO. The typical UMNO line of attack through *Utusan Malaysia*, the UMNO-owned daily read by Malays, was to question why there were no Malays, elected to the DAP CEC, the highest policy-making body in the party.<sup>58</sup> In a Chinese-based party like DAP even with membership open to all ethnic groups, virtually all top party positions contested in party elections were won by the Chinese with the exception of a few prominent Indians.<sup>59</sup> DAP thus had to co-opt Malays into its CEC to make them privy to decision making. However, many Malay ordinary DAP members were in fact doing translation work from Malay to English and *vice-versa* concerning correspondence with the government and speeches of English-educated non-Malay lawmakers not proficient in Malay. This was in the 1980s especially in urban areas like Kuala Lumpur, Penang and Ipoh where some of them worked as press secretaries or special assistants to DAP leaders.<sup>60</sup> But when Malays, both members and leaders, eventually

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<sup>58</sup> Liew Chin Tong, DAP Election Strategy Adviser and MP for Kluang (Johor) said: "UMNO and its surrogates have accused the DAP of not electing Malay members into the CE...In their mind, it's always the skin colour." See Liew Chin Tong, "What Utusan doesn't know about DAP" *The Malaysianinsider*, 8 October 2013. <http://www.themalaysianinsider.com/opinion/liew-chin-tong/article/what-utusan-doesnt-know-about-dap> (date accessed: 8 April 2014).

<sup>59</sup> In the DAP party elections on 29 September 2013, of the twenty positions contested positions for the CEC, three were won by Indians and one by a Malay. The successful Indian candidates were lawyers Karpal Singh, his son Gobind Singh and M Kulasegaran. The sole Malay successful candidate was Zairil Khir Johari, political secretary of DAP secretary-general Lim Guan Eng. See "Zairil gets bigger majority as same set of DAP leaders elected in fresh CEC polls" *The Malaysianinsider*, 29 September 2013. <http://www.themalaysianinsider.com/malaysia/article/zairil-gets-bigger-majority-as-same-set-of-dap-leaders-elected-in-fresh-cec> (date accessed: 8 April 2014).

<sup>60</sup> Typical among them was Ramli Yunus, special assistant to then Penang DAP leader Gooi Hock Seng whom the writer met at the DAP's Seremban by-election campaign at the Catholic Centre in Seremban on 16 November 1983.



left after not making any political headway or quarrelled with top DAP leaders, UMNO's accusations that they had been utilized to "window dress" DAP's Chinese image, appeared to resonate among the Malays. DAP faced many difficulties in countering accusations concerning Malays joining and leaving its ranks from leaders like Daing Ibrahim Othman<sup>61</sup> in the late 1970s to Tunku Aziz Ibrahim in 2012.<sup>62</sup>

Interestingly, UMNO's moves to alienate Malays from DAP became less successful when many poorer Malays began to question their seeming exclusion from the NEP's largesse despite being *bumiputera*. Malay beneficiaries of NEP with their close ties to top UMNO leaders made the poorer Malays blame corruption and cronyism.<sup>63</sup> As many of these Malay complainants were not attracted to PAS' religiosity and considered PKR leaders vulnerable to corruption,<sup>64</sup> they came to regard DAP as a more reliable avenue in exposing these malpractices. This positive Malay perception of DAP came to be augmented by sympathy<sup>65</sup> for DAP leader Lim Guan Eng who was jailed for publishing "false news" in defending an under-aged Malay girl

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<sup>61</sup> Daing a former CEC member, left the party shortly before the 1978 general election after he had not been nominated to defend a Chinese-majority state seat in Perak won from the PPP in the 1974 general election. For details, see Crouch H, Lee Kam Hing and Michael Ong [1980 (eds)] *Malaysian Politics and the 1978 Election*, Oxford University Press, Kuala Lumpur.

<sup>62</sup> Tunku Aziz, a corporate figure who founded the Malaysian chapter of global graft watchdog Transparency International, joined DAP in 2008 and was appointed a party vice-president and senator. However he left the party four years later after he publicly disagreed with its support for a public rally *Bersih 3.0* to call for free and fair elections in Malaysia and was relieved of his senatorship. For details, see <http://www.freemalaysiatoday.com/category/nation/2012/05/09/tunku-aziz-to-be-dropped-as-senator/> and <http://www.themalaysianinsider.com/sideviews/article/tunku-azizs-misplaced-anger-with-the-dap-fikry-osman/> (date accessed 6 April 2014).

<sup>63</sup> See C T Ali "Wither UMNO and the Malays?" *Free Malaysia Today*, 3 December 2013. <http://www.freemalaysiatoday.com/category/opinion/2013/12/03/wither-umno-and-the-malays/> (date accessed: 8 April 2014).

<sup>64</sup> See Raja Petra Kamarudin (2012), "*Melayu dan bukan Melayu muda lupa*" (Malays and non-Malays forget easily)" in *MalaysiaToday*, 28 June. Blogger Raja Petra cited examples of PKR leaders amenable to defections to UMNO/BN if they were offered substantial monetary inducements. Although much of what he alleged turned out to be not entirely true, it was not entirely false either. <http://www.malaysia-today.net/melayu-dan-bukan-melayu-mudah-lupa/> (date accessed: 8 April 2014).

<sup>65</sup> This sympathy was evident when many Malays turned up among the large Chinese and Indian crowds with colourful banners and placards to greet Guan Eng on his release on 25 August 1999 outside the gates of Kajang prison where he had spent a year in jail. See booklet in Malay, DAP (1999), *Kembalinya Seorang Wira* (Return of a Hero) October.

allegedly raped by an UMNO chief minister. What was encouraging to DAP was the fact that more and more Malays began to perceive it as a party more concerned with issues of social justice for Malaysians than just Chinese-centric issues. Even two former UMNO leaders, Mohamad Ariff Sabri Aziz and Aspan Alias, eventually joined DAP<sup>66</sup> to convince more Malays, especially in the rural areas, that the party was not anti-Malay as asserted by UMNO. Prominent blogger Mohamad Ariff wrote many opinion pieces in the online media under the pseudonym of *Sakmongkol AK47*, where among other things he disproved UMNO's allegations that DAP would take over the federal government. He argued that owing to the way constituency boundaries were delineated to disadvantage DAP, the maximum number of parliamentary seats the party could contest based on support from Chinese-majority and mixed constituencies was about fifty-five.<sup>67</sup> Even if the party were to win all which was about one quarter of parliament's 222 seats, it would still be unable to take over the federal government by itself.

Even more hopeful to DAP's move in attracting many Malays to its ranks in the long run was the emergence of a Malay-dominated younger, educated and urbanized citizenry comprising of all ethnic groups. Many of them were in their early twenties when the *Reformasi* movement first began in 1998 to free Anwar from detention. They were more concerned with issues of social justice, good governance, accountability and transparency which they associated with democracy rather than ethnicity/religion. As such, the Malays from this group were in a position to judge for themselves whether UMNO's stigmatisation of DAP as an anti-Malay party was

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<sup>66</sup> For details, see "DAP membership not due to seat availability, says Aspan, Ariff" in *The Malaysian Insider*, 1 April, 2012. <http://www.themalaysianinsider.com/malaysia/article/dap-membership-not-due-to-seat-availability-say-aspan-ariff/> ( date accessed: 8 April 2014).

<sup>67</sup> See "Malays should not fear the DAP" in *Sakmongkol AK47*, 1 January 2012. <http://sakmongkol.blogspot.com.au/2012/01/malays-should-not-fear-dap.html> (date accessed: 8 April 2014).

valid. While some like Nik Nazmi, Rafizi Ramli and Nurul Izzah went on to join PKR, others like Zairil Khir Johari became DAP members. Zairil and even younger Malays who joined DAP in the 2000s like Dyana Sofia, were recruited as political secretaries of DAP secretary-general and Penang Chief Minister Lim Guan Eng and DAP adviser Lim Kit Siang respectively. Zairil went on to contest the 2013 General Election in the Chinese-majority constituency of Bukit Bendera (Penang). He was one of the two successful DAP Malay MPs, the other being Mohamad Ariff in the mixed constituency of Raub (Pahang). Though the unprecedented election of two Malay MPs in 2013 bodes well for DAP, the party still has some way to go in overcoming the perception of being a party defending the rights of Chinese Malaysians rather than one genuinely fighting for the rights of Malaysian citizens of all ethnic groups.

### *Social Democracy or Democratic Socialism*

Social democracy,<sup>68</sup> also known as democratic socialism, has been DAP's ideology since its inception, with its principles sketched out in the Setapak Declaration,<sup>69</sup> the first of a series of party pronouncements over the decades from 1967, the year DAP also became a member of the Socialist International (SI). These required DAP to strive for "racial equality, social and economic justice" within the institution of a parliamentary democracy to create a "democratic and socialist Malaysia". It was not until 2006 that DAP decided to officially change the term "democratic socialism"

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<sup>68</sup> Norbert von Hoffman (2009) *Social Democratic Parties in Southeast Asia – Chances and Limits*, Friedrich Ebert Stiftung, January, pp.2-3. Social democracy is a political ideology of the left or centre-left that emerged in the late 19th century from the socialist movement and continues to be influential in many countries worldwide. It is neither a system, nor a patent remedy for all the social and economic diseases, nor a ready made model that could be exported to other places in the world. Social democracy is in fact a pragmatic approach to give equal value and importance to all five "basic rights", namely civil, political, social, economic and cultural rights, in the framework of a liberal democracy. The respective social democratic institutions, however, have to be shaped in order to suit the concrete conditions of individual countries.

<sup>69</sup> For full details of the Setapak Declaration announced in Setapak, Kuala Lumpur on 29 July 1967 at the First DAP Congress, see *DAP 15<sup>th</sup> Anniversary 66-81 Publication*, pp.229-34.

which it had been using for the first forty years of its existence, to “social democracy” in its constitution.<sup>70</sup> This was to repackage its socialist image following socialism’s setback as a doctrine in the years after the former communist regimes of Eastern Europe/Soviet Union, China and Vietnam made their transition to free enterprise market economies.

The origins of DAP’s social democracy can be traced to Lee Kuan Yew’s student days in the United Kingdom in the 1940s where he had been impressed with the concept propounded by the Fabian Society<sup>71</sup> in 1884 to educate the public in moving away from capitalism to democratic socialism. The Fabian Socialists believed in a slow and gradual transformation of a country’s social structures through constitutional means and the agency of a democratic state. This evolutionary approach towards the ultimate goal of socialism, eschewing the violence of the communists, was adopted by the left-of-centre Labour Party which had a strong bearing on Lee’s political inclinations. On his return to Singapore and the formation of PAP in 1954, social democracy was made its ideology. PAP used the term “democratic socialism” in an attempt to show that it was pursuing its struggle through the peaceful democratic process, unlike the revolutionary approach of the communists. Lee had meant to advocate PAP’s democratic socialism in the peninsula

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<sup>70</sup> In 2006, DAP officially adopted social democracy as its ideology, not to simply replace democratic socialism, but to fine-tune and make clearer the true ideals for a free and democratic Malaysia. See Wan Hamidi Hamid (2011) “From Malaysian Malaysia to Malaysian First” in *The Rocket*, 2 March. <http://www.therocket.com.my/en/from-malaysian-malaysia-to-malaysian-first-by-wan-hamidi-hamid/> (date accessed: 3 August 2014).

<sup>71</sup> Moten and Salam (2005), p.47. The Fabians are a group of British intellectuals, prominent among whom were Sidney Webb, George Bernard Shaw, Graham Wallas and Annie Besant, who founded the Fabian Society in 1884 to educate the public about the desirability of moving slowly away from capitalism and towards democratic socialism. The Fabians were not revolutionary Socialists and they did not outright condemn capitalism or identified it with exploitation. They aimed at changing the social structure by a slow and gradual process through the agency of a democratic state and by constitutional means.

in 1963-5 when Singapore<sup>72</sup> was in the Malaysian Federation, targeting the Malay peasantry in rural areas. He had attempted to project it as a class struggle of the “have-nots” or economically deprived of all communities against the “haves”, capitalists of mainly Chinese, but all communities, supported by the then Alliance federal government. Lee had coined an apt slogan “Malaysian Malaysia” to give democratic socialism a non-communal image in politics, but it failed as UMNO was able to convince the Malays that the slogan was a sinister attempt by the Chinese in both Singapore and Malaysia to end *Ketuanan Melayu*.

When DAP inherited democratic socialism from 1967, the party attempted to implement many of PAP’s ideas to help rural Malays by convincing them that the doctrine was a panacea to their economic backwardness which it blamed on UMNO for failing to resolve entrenched economic divides. DAP leaders argued that UMNO’s commitment to capitalism saw its leaders collaborating with MCA businessmen to distribute economic largesse to Alliance elites and their family members. In attacking the collusion of UMNO politicians with MCA businessmen in the Alliance as harmful to Malay economic interests, Malay DAP leaders like then vice-chairman Mohd Nor Jetty persuaded Malays to accept the party’s democratic socialism which he argued, could do away with class exploitation which was compatible with Islam’s teachings.<sup>73</sup> Jetty however was not very successful in convincing the Malays. Over the decades DAP has attempted to give more substance to democratic socialism even as it was repackaged into social democracy to correct existing social imbalances as far as possible in establishing a non-communal polity. In its proposed 2009 budget brief, DAP argued for a re-engineering of the country’s social security system to

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<sup>72</sup> Some details of this can be found in Josey, Alex (1968) *Lee Kuan Yew*, Donald Moore, Singapore.

<sup>73</sup> For details, see Mohd Nor Jetty, “Islam and Socialism” in DAP (1969), pp. 242-5.

ensure that the poor, underprivileged and less fortunate of all ethnic groups were not neglected.<sup>74</sup> This included calling for a fair wage policy for all low wage earners above thirty-five years of age as well as an equitable distribution of wealth for all communities from the country's abundant natural resources.

### **2.3    PKR – Third Force in Malay Politics**

PKR was established on 3 August 2003 as a merger of two Malay-dominated parties with similar objectives to promote social justice for all ethnic groups through non-communal politics. This would be within the framework of Malay sovereignty and the maintenance of Islam as the country's official religion. One of them, PKN, planned to reform the political system, but lacked the experience to deal with all its complexities.<sup>75</sup> Originally an NGO formed by Wan Azizah Wan Ismail, the wife of Anwar, and academic/social activist Dr Chandra Muzaffar, PKN sought to free the former deputy prime minister from fifteen years imprisonment for sodomy/corruption convictions in 1998. The other, PRSM, was an experienced party that had failed to promote socialism with the left-wing Chinese-based LPM in the 1960s under the banner of the SF class coalition. With its top leaders detained in the 1970s, PRSM languished into obscurity over the decades until 1998 when it joined PAS, DAP and PKN in the BA coalition. Even before BA subsequently became defunct, PKN and PRSM had planned to merge as a single larger party to blend idealism with resilience in promoting non-communal politics.<sup>76</sup>

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<sup>74</sup> See Proposed DAP 2009 Budget Brief, p.6.

[http://dapmalaysia.org/newenglish/DAP\\_2009\\_Budget\\_Brief\\_En.pdf](http://dapmalaysia.org/newenglish/DAP_2009_Budget_Brief_En.pdf) ( date accessed: 19 February 2012).

<sup>75</sup> Interview with Mansor Othman, PKR vice-president, a former deputy chief minister of Penang and MP for Nibong Tebal (Penang), (3 December 2012, Penang).

<sup>76</sup> For details, see Chandra Muzaffar, (2001) "Merger: Adding value to the struggle" *Berita Keadilan*, No 2., March, p.14. Also interview with Mansor Othman (3 December 2012, Penang). It should be noted that while both PKR and PKN are known in English as the National Justice Party, the difference

Both PKN and PRSM, which changed its name to PRM, scheduled their merger as PKR in 2001 when the majority of delegates in their respective annual congresses adopted a resolution to this effect.<sup>77</sup> But the ROS, which PKN and PRM leaders believed took instructions from the government, procrastinated in approving their application. Rather than being subjected to an indefinite delay, PKN and PRM leaders decided to sue the ROS and government when they publicly declared their merger on 3 August 2003. They won, and the merged party PKR affirmed the common struggle of both parties to fight for social justice on seventeen points which serve as its guiding principles.<sup>78</sup> PKN's president Wan Azizah and PRM's top leader Syed Husin Ali became PKR's president and deputy president respectively while other top leaders from both parties participated in the new party's supreme council.

#### *A Multi-Ethnic Party*

Even before its official inauguration in 2003, the founders of PKR had already intended it to be a third viable force in Malay politics. They wanted PKR to be different from both UMNO and PAS which were closely identified with Malay ethnocentrism and Islamism respectively. A former PKN leader had argued that the shift<sup>79</sup> in Malay support from UMNO to PAS/PKN in the 1999 General Election need

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between them is that PKR includes the PRM which embraces PKN's fight for justice to free Anwar after the merger of the two parties.

<sup>77</sup> See Syed Husin Ali (2004) "Youth and Women as Generators for Change", speech by PKR Deputy President Dr Syed Husin Ali at the party's National Congress of the Women and Youth Wings in Ipoh, 17 December.

<sup>78</sup> Syed Husin Ali (2004). The seventeen points include struggle for a just and democratic society, upholding constitutional monarchy, championing an independent media, judiciary, freedom of speech, assembly and association, recognition of Islam as the country's official religion, respecting freedom of worship, Malay as the official language and mother tongues of minority groups. See "PRM votes to dissolve, merge with Keadilan" *Malaysiakini*, 15 July 2001 (<http://www.malaysiakini.com/news/3882>). (date accessed: 26 February, 2012). The supreme council of PKN at a meeting on 21 February 2001 decided to merge with PRM. See Chandra Muzaffar, (2001), p.14. On 24 June 2001, at a PKN special congress, 63 % of the delegates supported the key resolution for merger.

<sup>79</sup> See Chandra Muzaffar (1999) "UMNO, PAS and..." in *Aliran Monthly*, 14 December, when referring to the 1999 electoral gains of PAS and PKN. <http://aliran.com/archives/high9912a.htm> (date accessed: 23 Feb 2012). Chandra's remarks apply equally to PKR which came into being after he left PKN.

not mean that PKN, a forerunner of PKR, was becoming another Malay party like UMNO, but one which could be genuinely multi-ethnic. Another PKR leader asserted that Anwar was no longer seen as a Malay leader concerned only with Malay politics, but a Malaysian leader and prime minister designate of a new-multi-ethnic, non-communal coalition that had the potential to replace UMNO/BN as a new federal government.<sup>80</sup> It was within this context that PKR came up with its own concept of multi-ethnic politics as noted by PKR deputy president Syed Husin:

Ours is a multi-ethnic party, and it was decided right from the beginning that membership would be open to people from all ethnic and religious backgrounds. We do not want to create yet another party in the country's political arena...restricted to one ethnic group or religion...targets and champions the needs and demands of only one ethnic group or religion. In view of the multi-ethnic and multi-religious demography of our nation, single-ethnic and religious parties will not be able to contribute towards the shaping of a united nation, especially if it adopts narrow-minded ethnic and religious politics.<sup>81</sup>

This was showcased by the party having a multi-cultural display of a Malay *kompang* (drum) beating group, a Chinese Lion Dance, an Indian *tabla* (drum) and flute group, an Iban Warrior Dance and a Kadazan *sumazau* dance in welcoming national party leaders and invited guests to party assemblies.<sup>82</sup> However, much more still needed to be done beyond such cosmetic moves before PKR could be considered a genuinely multi-ethnic party.

One major criterion in multi-ethnic politics is to seek out candidates of merit trying to ensure that only the best and most capable are selected for scholarships, jobs, award of tenders, etc., without reference to ethnicity. As the existing ethnic and religious divisions in the country opposed this kind of meritocracy that has been portrayed

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<sup>80</sup> Interview with Mansor Othman (3 December 2012, Penang).

<sup>81</sup> Syed Husin Ali (2006) Opening speech of PKR deputy president Syed Husin Ali for the Women & Youth Wings National Congress, Penang, 1-3 September.

<sup>82</sup> Opening ceremony of PKR National Congress at Stadium Melawati, Shah Alam on 29 November 2008. The writer was present.



negatively by the government as benefitting Chinese Malaysians, PKR (and for that matter also DAP) has faced many obstacles in trying to make multi-ethnic politics successful. The difficulties though have not deterred the party using the principle of meritocracy in party elections, especially during the PKR general assembly in Seremban on 25-28 May 2007.<sup>83</sup> *De facto* PKR leader Anwar claimed it was a success in projecting the party as a multi-ethnic, with the predominantly Malay delegates electing a significant number of Chinese and Indians to top party positions. He cited the case of Ng Kim Ho polling the highest number of votes in the election of twenty-five supreme council members, two of whom were Chinese, three Indians and the remaining twenty Malays.<sup>84</sup> He also mentioned that another Chinese member Dr Lee Boon Chye was elected as one of the three party vice-presidents because of his personal efforts to attend as many PKR functions nationwide as possible despite his busy schedule as a cardiologist in Ipoh, Perak. Anwar held that had meritocracy not been practiced in PKR and voting been strictly along ethnic lines, none of the non-Malays would have been elected.<sup>85</sup> He attributed the success of the non-Malays to their active participation in PKR activities and the fact that they often openly spoke on behalf of the party on national and other issues. Due to its Malay-majority leadership and rank and file, PKR has avoided the dilemma of Chinese-led parties which uphold multi-ethnic politics by attacking the pro-Malay government policies, but end up being perceived as condoning ethnic politics themselves.<sup>86</sup> UMNO has, as yet, not been able to depict PKR to the Malays as a pro-Chinese party. This is despite

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<sup>83</sup> See Anwar's winding up address at the conclusion of the PKR assembly on 27 May 2007 in Seremban at the Chung Hua school hall. The writer was present.

<sup>84</sup> The two Chinese were Ng Kim Ho and Christina Liew and the three Indians were Sivarasa Rasiah, M Gobalakrishnan and Irene Fernandez.

<sup>85</sup> Anwar's press conference, 27 May 2007. He said that Ng from Sarawak polled even more votes than popular Malay candidates Badrul Hisham and Mansor Othman who came in second and third respectively.

<sup>86</sup> Such was the case of Chinese-based opposition parties in the 1960s like PPP, Gerakan and DAP. Vasil (1971).

top PKR Malay leaders like Anwar, Wan Azizah and Azmin Ali successfully persuading the party's Malay-majority members to elect candidates to party positions in 2007 based on their ability rather than ethnicity. This led to significant numbers of non-Malays winning party positions and PKR circumventing many negative aspects of ethnic politics.

### *Reformasi*

*Reformasi* appeared to be a pan-Asian movement comprising of popular groups to topple authoritarian regimes blamed for the economic hardships caused by the Asian Financial Meltdown in 1997 and aggravated by human rights abuses. This was especially the case in Indonesia where protest groups chanting *Reformasi* or reform brought down the 32-year (1966-1998) regime of military strongman Suharto. When it spread to Malaysia and first caught the attention of the public in September 1998, *Reformasi* initially lacked a clear and coherent definition<sup>87</sup> to qualify first as PKN's and then later as PKR's ideology, unlike PAS' Islamic state and the DAP's Social Democracy. Yet it was this lack of clarity in *Reformasi's* aim that gave it the strength and diversity to serve as the rallying cry of PKR and its *de facto* leader, Anwar Ibrahim. Anwar led street demonstrations in Kuala Lumpur against the government in the eighteen days (2 - 20 September 1998) between when he was dismissed from the government/UMNO and prior to his arrest. The scope of *Reformasi* was also wide enough to attract Malay NGOs committed to utilizing Islam as a platform against social injustice and non-Malay NGOs striving to make a success of social democracy respectively. Thousands of people participated in the *Reformasi* movement which was multi-ethnic but overwhelmingly Malay in composition, with the protest groups

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<sup>87</sup> For details, see Noor, Farish (1999), "Looking for *reformasi*: The discursive dynamics of the *reformasi* movement and its prospects as a political project", *Indonesia and the Malay World*, Vol. 27, No. 77, pp. 5-18. <http://www.tandfonline.com/loi/cimw20> (date accessed: 23 Feb 2012).

comprising of social activists, tertiary students, working people, conservative religionists and even investors who had lost their money in the financial meltdown. While the social activists and tertiary students called for an end to human rights abuses by repealing the draconian Internal Security Act (ISA), many people who lost their jobs or became bankrupt blamed the government for their plight.

However, the main focus of the *Reformasi* movement appeared to be on the government's ill treatment of Anwar. He was arrested and initially charged under the ISA for leading street demonstrations in late 1998 to call for Mahathir's resignation. Anwar's supporters were further provoked by intense widespread anger towards Mahathir and the government at the sight of their leader with a bruised eye when he first appeared in public about a week after his arrest. It was not until the then Inspector-General of Police, Rahim Noor, admitted to assaulting Anwar on the night he was taken to the police lock-up pending charges against him, that they realized Mahathir had lied about Anwar's self-inflicted injury. Their anger towards Mahathir could be best explained in terms of widespread Malay perception then of a sacrosanct agreement between ruler and subordinate in Malay culture being breached as illustrated in Malay history. In *Sejarah Melayu* or the Malay Annals, harmony in Malay society had always been maintained through cordial relations between the ruler and subjects where the former was expected to treat them fairly in exchange for their unquestioned loyalty.<sup>88</sup> Any one party breaching the agreement was deemed to have upset this harmony and had to rightly face the consequences. In Anwar's case, many Malays felt that the punishment Mahathir meted out to him for "committing treason"

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<sup>88</sup> See Wan Azizah (2004) "Sowing the seeds of a new age", President's speech at the PKR's annual congress in Ipoh, December. Wan Azizah cites the example of *Demang Lebar Daun*, (Anwar) who as the representative of his people, pledged loyalty to *Sang Sapurba* (Mahathir) in return for the King's promise that he should do nothing that harmed the dignity of his subjects, such as his liberty, fundamental rights and property.

in challenging his authority had been too harsh. Mahathir had unjustly humiliated Anwar by subjecting him to long jail terms for sodomy and corruption that were not convincingly proven in what had been widely perceived as sham trials.

But *Reformasi* appeared to have lost momentum and was becoming redundant, partly due to the police ban on public rallies from July 2001 even before Anwar's release. PKR attempted to find new directions for *Reformasi* by projecting it as the party ideology following a brainstorming session by the party's supreme council in June 2003.<sup>89</sup> However the party's move based on elements of its core struggle such as social justice, democracy, people's sovereignty and ethnic plurality encountered problems in giving *Reformasi* a role outside street protests. How *Reformasi* would help the party chart ways in "...spending the country's wealth... to increase and improve social facilities in education, health and housing to benefit ordinary people...."<sup>90</sup> could not be clearly defined. More significantly was whether *Reformasi* conformed to the opposition's peaceful struggle for regime change since it continued to condone noisy street protests. Nevertheless *Reformasi*, despite its negative attributes, helped the opposition coalesce around a common goal to oust the government. It still remains a contingency PKR measure to be used if and when democratic means for regime change are exhausted.

#### **2.4 Proto-Opposition and Civil Society in Malaysia**

NGOs, both Malay and non-Malay, had already been in existence in Malaysia from the 1970s as part of civil society's development. But those which were multi-ethnic and non-communal like ALIRAN, CAP and SUARAM had been highly critical over

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<sup>89</sup> Syed HusinAli (2004).

<sup>90</sup> Syed Husin Ali (2004).

the government's handling of social, political, economic, environmental and human rights abuse issues. They accused the government of manipulating such issues to aggravate inter-ethnic tensions. Their publications in English and read mainly by the English-educated in the urban areas, failed to attract mass appeal, especially among the rural Malays. Though, the government considered them more of a nuisance than a threat, it continued to reject an application by ALIRAN to publish a Malay version of its bulletin *Aliran Monthly*, hitherto in English. SUARAM was formed in 1989 in Selangor by some of the 106 opposition leaders, Chinese educationists, trade union leaders and environmentalists who were detained under the ISA two years earlier in a government crackdown called Operation Lallang.<sup>91</sup> SUARAM's struggle has always been against human rights abuses by the government with a sustained call to repeal the ISA. Although there had been some cooperation between NGOs and opposition parties, it was only from 1998 after Anwar's incarceration that NGOs began to play a prominent role in joining forces with the opposition. Some NGO members were associated with the *Reformasi* movement through their regular postings on the Internet of street demonstrations which were ignored or downplayed by the mainstream newspapers and media. Others like bloggers Raja Petra Kamaruddin, Haris Ibrahim and Jeff Ooi operated popular websites like the Free Anwar Campaign (FAC), People's Parliament and Screenshots respectively to become vociferous critics of BN, especially on human rights abuses and corruption. SUARAM members like Tian Chua and Elizabeth Wong became PKR members to continue their anti-ISA struggle. Other NGO members who also joined political parties were Dr Hatta Ramli

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<sup>91</sup> Among the opposition leaders detained then were DAP leaders and MPs, Lim Kit Siang and Dr Tan Seng Giaw. For their account of Operation Lallang, see Lim Kit Siang (1990) *Prelude to Operation Lallang*, Petaling Jaya, and Tan Seng Giaw (1989) *The First 60 Days*, DAP, Petaling Jaya.

and Kamarudin Jaffar (PAS), Irene Fernandez and Dr Xavier Jayakumar (PKR) and bloggers Jeff Ooi, Charles Santiago and Ronnie Liu (DAP).

As public resentment towards BN intensified after the 2004 General Election, three other prominent NGOs emerged on the political scene to protest against what they felt to be government injustices. Their arrival could not have been more timely for the opposition parties which had been heavily trounced in the 2004 General Election, Malaysia's eleventh. Being intrinsically ethnic-based, they badly needed stimulation from civil society activism to ensure that the then prime minister Abdullah Badawi kept his pre-2004 General Election pledge of weeding out corruption, an issue cutting across ethnic lines, to underline BN's victory then. The impending cooperation between the opposition parties and NGOs was also seen as a viable move to counter BN's ethnic-cum-religious politics in the 2008 General Election. The first NGO called BERSIH comprising of sixty-two NGOs and five political parties, including PKR, DAP and PAS, was formed in July 2005 to demand electoral reforms including free and fair elections. The second, HINDRAF, emerged as a protest movement against the government not doing enough to alleviate the economic plight of Indians. It also had a religious dimension in Indian resentment towards the government's demolition of Hindu temples held to be illegally erected on state land, as well as the denial of Hindu burial rites to Moorthy Maniam whose secret conversion to Islam was highly disputed by the Indians.<sup>92</sup> The third, *Himpunan Hijau*, (HH) or Green

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<sup>92</sup> Moorthy was an Indian policeman who achieved fame as one of a 10-man Malaysian team which climbed Mount Everest in 1997. He became paralysed after an accident during a training exercise in 1998 and remained in that condition until his death on 20 December 2005. His widow could not give him a funeral according to Hindu rites as the Muslim authorities claimed that Moorthy had converted to Islam on 11 November 2004. The widow produced proof that he was not circumcised, ate pork, drank alcohol and participated in Hindu festivals, but the civil court abdicated its responsibility by referring her case to the *syariah* court which ruled on 22 December 2005 that he had converted to Islam. The Muslim authorities in Kuala Lumpur then claimed his body for a Muslim burial. Moorthy's widow Kaliammal remains bitter with the government to this day and continues her fight to have his

Assembly, dwelt on the effects of radioactivity caused by Lynas Corporation Ltd, an Australian rare earth mining company operating a refining facility at Kuantan, Pahang, since November 2008.<sup>93</sup> Unlike other NGOs, BERSIH, HINDRAF and to some extent HH, had mass appeal among all ethnic groups and were able to organize street protests involving thousands of people. The first BERSIH protest rally in Kuala Lumpur on 10 November 2007 attracted about 40,000 people of all ethnic groups marching to the King's palace to present a memo demanding free and fair elections.<sup>94</sup> Fifteen days later, on 25 November 2007, HINDRAF rallied some 30,000 Indians to make a symbolic protest to the British High Commission in Kuala Lumpur regarding the deployment of Indians as cheap labour in colonial Malaya.<sup>95</sup> The government was shocked by both the BERSIH and HINDRAF street protests and deployed police personnel using water cannon and tear gas to disperse the protestors.<sup>96</sup>

While some NGOs shared the opposition's anti-government sentiments and were perceived to align themselves with the opposition on a whole range of issues, there were others that openly supported the government. These were mainly Malay NGOs

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remains cremated according to Hindu rights through Indian lawyers in the opposition. For details, see "The Moorthy Maniam case: Compassion and justice missing" in *Aliran Monthly*, Vol.25, Issue 11, 2005. <http://aliran.com/archives/monthly/2005b/11b.html> (date accessed 22 August 2013).

<sup>93</sup> For details, see "Himpunan Hijau threatens even bigger anti-Lynas rally" in *The Malaysian Insider*, 26 February 2012, <http://www.themalaysianinsider.com/malaysia/article/himpunan-hijau-threatens-even-bigger-anti-lynas-rally> (date accessed 18 August 2014).

<sup>94</sup> See "Remembering the 2007 Bersih Rally", *Free Malaysia Today*, 10 November 2012. <http://www.freemalaysiatoday.com/category/opinion>. (date accessed: 23 June 2014). A second similar rally in Kuala Lumpur was held on 9 July 2011 drawing equally large crowds. Farish Noor "After the Bersih 2.0 Rally: Impact and Implications", *RSIS Commentaries*, No.103/2011, 14 July, 2011.

<sup>95</sup> For details, see Noor, Farish (2008) "The Hindu Rights Action Force (HINDRAF) of Malaysia: Communitarianism Across Borders?" *S Rajaratnam School of International Studies*, 4 July, No. 163. pp.1-36.

<sup>96</sup> For details of the street demonstrations in Kuala Lumpur by BERSIH and HINDRAF in Nov 2007, see Chin, James and Wong Chin Huat (2009), "Malaysia's Electoral Upheaval", *Journal of Democracy*, Vol. 20, No.3, pp. 71- 85. [http://muse.jhu.edu/login?auth=0&type=summary&url=/journals/journal\\_of\\_democracy/v020/20.3.chin.pdf](http://muse.jhu.edu/login?auth=0&type=summary&url=/journals/journal_of_democracy/v020/20.3.chin.pdf) (date accessed: 23 Feb 2012).

like PERKASA<sup>97</sup>, PEKIDA and ISMA whose leaders almost immediately rallied to defend the government each time it was criticized by the opposition and other NGOs. Formed to articulate Malay and Muslim issues, these Malay NGOs often attacked the DAP, Anwar and other NGOs when they defended the Chinese and Christians who had been criticised earlier. PERKASA was formed by Ibrahim Ali, a former Kelantan UMNO leader, who had won a parliamentary seat in Kelantan in 2008 under the PAS banner, but decided to leave PAS in order to regain the support of UMNO by setting up an NGO fully committed to articulating Malay rights.<sup>98</sup> Many UMNO members joined PERKASA, including Mahathir, who was its patron. In the event, the support of PERKASA, PEKIDA and ISMA for UMNO pitted them not only against the opposition and NGOs critical of the government, but also non-Malay BN components MCA, Gerakan and MIC.

## **2.5 Anwar reorganizes Opposition, seeks civil society support**

A top priority for Anwar after his release from prison in September 2004 was to rebuild the opposition coalition, with PKR forming its middle pillar flanked by stronger and more established Malay and Chinese components, PAS and DAP. The new opposition coalition was named PR only after the 2008 General Election when PKR, DAP and PAS succeeded in ushering in a two-coalition system. The new name PR was to distinguish it from its predecessor coalition the BA, which had tried to take over the federal government in both the 1999 and 2004 general elections, but failed. It is necessary for us to examine the BA first before studying the PR in detail with regard to the opposition's quest for regime change in contestation.

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<sup>97</sup> For details of UMNO's links with the three Malay/Muslim NGOs, see "The unabashed proselytization of Malaysia" in *Free Malaysia Today*, 15 May 2014. <http://www.freemalaysiatoday.com/category/opinion/2014/05/15/the-unabashed-proselytisation-of-malaysia/> (date accessed 18 August 2014).

<sup>98</sup> For details, see "Who supports Perkasa?", *The Nutgraph*, 19 May 2010. <http://www.thenutgraph.com/who-supports-perkasa/> (date accessed: 18 August 2014).



Formed shortly before the 1999 General Election with unclear objectives other than to free Anwar, the BA comprising of PAS, DAP, PKN and PRSM in fact made some significant electoral gains even though not all the opposition parties benefitted. While PAS performed very well, not only in fielding twenty-seven MPs and controlling two state governments, Kelantan and Terengganu, DAP with ten MPs, lost much of its traditional Chinese support in the urban areas, and even its two most prominent leaders Lim Kit Siang and Karpal Singh were defeated. PKN in its political debut managed to win five parliamentary seats, mainly with the help of PAS in Malay areas, while PRSM lost all its contested seats. But internal differences mainly over how the opposition coalition addressed controversial issues such as the Islamic state came to offset these electoral advantages in the months preceding the 2004 General Election. PAS wanted the BA to endorse its Islamic state concept, leading DAP to protest and quit the BA in September 2001 to fight on its own. PKN due to its dependence on PAS to develop as a political party could not object to PAS' arbitrary move. Three years later, a badly-split opposition was trounced by a revitalized BN in the 2004 General Election. While a then new prime minister Abdullah Badawi espoused *Islam Hadhari* or Civilizational Islam as the main issue in 2004 for the BN, the divided opposition had a strong PAS articulating the Islamic state, a weak PKR unable to oppose it, and a DAP anxious to regain the Chinese support it lost in 1999, opposing it. Twenty-one of PAS' incumbent twenty-seven MPs, including party president Hadi Awang, were defeated and PAS lost the state of Terengganu. PKN, reorganized as PKR, managed to win only one parliamentary seat in Permatang Pauh through its president Wan Azizah. DAP barely managed to hold its urban ground but succeeded in having its defeated leaders Kit Siang and Karpal Singh re-elected to parliament. Utterly disillusioned, all three opposition parties willingly set aside their differences so that third parties could mediate to help them seek common ground against the BN.

This first step in mending broken ties enabled some NGO members to arrange for leaders of DAP, PKR and PAS, then with lesser political baggage to meet informally in 2005 at the seaside resort of Port Dickson (Negri Sembilan). Against the backdrop of strident anti-Chinese rhetoric at the ongoing UMNO youth assembly in Kuala Lumpur then, DAP's Teresa Kok, PKR's Sivarasa Rasiah and PAS' Syed Azman Nawawi, together with other party colleagues, rationally discussed prevailing developments in Malaysia, and how the opposition parties collectively could address them. They unanimously agreed on greater democratization for Malaysia's political system and more equitable distribution of the country's wealth among all ethnic groups.<sup>99</sup> The general consensus derived at the 2005 Port Dickson meeting led to improved ties among PKR, DAP and PAS over the following months, paving the way not only for Anwar to sound out their top national leaders, but also reorganize the opposition in contesting the 2008 General Election. In repackaging the defunct BA coalition by giving it another name PR, Anwar was able to distinguish the new coalition from the BA in order to address and resolve several salient differences among the three opposition parties.

The Islamic state concept appeared as the biggest stumbling block to moves by Anwar to unite a fragmented opposition, as not only would it alienate non-Muslims, but also many Muslims inclined towards moderation in Islam. Like *Ketuanan Melayu*, the Islamic state concept could be used to divide and split the opposition. But with PAS demoralized after its heavy 2004 polls defeat and anxious to rebuild itself for the Twelfth General Election in 2008, its leaders had no choice but to downplay and eventually phase it out.<sup>100</sup> They agreed with their PKR/ DAP colleagues to refer

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<sup>99</sup> Interview with Liew Chin Tong (5 December 2012, Penang)

<sup>100</sup> See Anwar's interview with *The Sun*, 27 March 2008.

to the Federal Constitution as a guide when seeking consensus on controversial issues to arrive at decisions binding on all parties. Here, Malaysia's constitution which clearly did not stipulate an Islamic state, but only Islam as the official religion<sup>101</sup> and freedom of worship for non-Muslims, reigned in PAS. However in line with freedom of expression in democracy sanctioned in the PR, PAS was allowed to articulate the Islamic state concept but only to its followers at internal party functions.

With PAS agreeing to downplay the Islamic state concept, Anwar was able to persuade the DAP to work together with PKR and PAS as the Chinese support which it commanded was badly needed to make the opposition coalition broad-based and more significantly, multi-ethnic. Though the ramifications of "Malaysian Malaysia" were not exactly similar to those of an Islamic state, DAP leaders were nevertheless prevailed upon not to highlight the need of equality for all ethnic groups in Malaysia. Even though this cardinal principle could eventually be accepted, "Malaysian Malaysia" nevertheless came to be successfully propagated over the decades by UMNO to the majority of Malays as Chinese political aspirations to take over the country.<sup>102</sup> This was despite the Chinese lacking the numbers to rule Malaysia on their own as their composition of Malaysia's population continued to decline. Anwar rationalized that one way which DAP could assuage such Malay fears, real or imagined, was to downplay its Chinese image so that in time to come, it would be perceived as more multi-ethnic and accommodative to the Malays and thereby more Malaysian.<sup>103</sup> Once PAS and DAP could be persuaded in downplaying their respective core ideologies to converge from both ends to the centre of Malaysia's

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<sup>101</sup> Article 3 of the Federal Constitution clearly states that Islam is the official religion of the country while other religions can be freely practised. There is no mention of Islamic state. Constitution of Malaysia.

<sup>102</sup> Impressions from interview with Liew Chin Tong (5 December 2012, Penang).

<sup>103</sup> Anwar's interview with The Sun, 27 March 2008.

political spectrum, the position of PKR's role as the coalition's middle pillar could be strengthened. It was however not to PKR's advantage to be seen as another UMNO clone with some Islamic additions from its Malay members who concurrently joined Muslim NGOs like ABIM and *Jemaah Islah Malaysia* (JIM) or the Malaysian Reconciliation Association. What was needed for PKR was an enlargement and strengthening of its non-Malay, particularly Chinese component to make it appear more multi-ethnic than its prevailing overwhelmingly predominant Malay image. Even as moves to strike a more acceptable ethnic balance in PKR were already under way via recruitment of more Chinese (and Indian) members, Anwar<sup>104</sup> called for this process to be accelerated. While Anwar deliberated with top PKR, PAS and DAP leaders on drawing up the opposition's programs and policies, they also had to contend with the problem of two opposition parties competing for the same anti-establishment support in three-cornered fights with the government.<sup>105</sup>

The opposition wanted to avoid a situation where the split in anti-establishment support led to government victories in certain constituencies<sup>106</sup> as shown in the 2004 General Election outcome. The problem of overlapping support was more prevalent in mixed constituencies coveted by both the PKR and DAP, although it was also evident in Chinese-majority and Malay-majority constituencies, traditionally held by PAS and DAP. In the latter instance, PKR appeared to be playing the "spoiler's" role to both the DAP and PAS, though it denied this. The opposition solution to avoiding multi-cornered fights was to uphold the rule of incumbency in a particular disputed

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<sup>104</sup> To make himself more acceptable to the Chinese, Anwar used an appropriate Mandarin phrase "*Wo men dou shih jia ren*" (We are one family) in his inter-actions with them. He in fact started using this phrase during his meetings with the Chinese as deputy prime minister from 1993.

<sup>105</sup> Interview with Liew Chin Tong (5 December 2012, Penang).

<sup>106</sup> The most prominent among such cases of the opposition losing through split votes was the parliamentary constituency of Taiping in the 2004 general election. The BN-PPP candidate M Kayveas polled 20,129 votes to beat DAP's Ong Chee Keng who polled 17,957 votes and PKR's A Annah Dorai who polled 4,371 votes to win by a majority of 2,172 votes. *New Straits Times* (NST), 23 March 2004.

constituency, where the party which contested in the constituency in the previous general or by-election, got to field its candidate. This rule could be dispensed if the incumbent party decided not to contest or the party wanting to contest it, proved that its support in the area had increased to the point that its chances of winning were high or exchanged it for another seat with another party.

By the time of the Twelfth General Election on 8 March 2008, the revitalized opposition parties were able to regroup as a well-balanced multi-ethnic broad-based alternative coalition capable of replacing BN as the federal government. It had Anwar as the prime minister designate leading PKR, flanked by both PAS and DAP, with the Malay/non-Malay balance of power almost half-half, slightly tilting towards the Malays. Even before it was officially named as such, the PR demonstrated that it had the credentials and qualities to replace the BN at the centre of power without causing the same kind of insecurity among the Malays. Opposition leaders wanted their coalition to be officially registered to contest the Twelfth General Election so as to maximize its chances of taking over the federal government. An official opposition coalition would ensure that all its three components espouse the same policies so as not to confuse voters. But as in the case of the 1999 and 2004 general elections, the opposition had to contest the 2008 General Election as separate parties because the ROS, under instructions from the government, held back their application. Though contesting under separate logos meant the opposition parties could not openly display coalition solidarity as in the case of BN, they were nevertheless not constrained by mutual accommodation in a multi-ethnic coalition. Both PAS and DAP could resort to outbidding when campaigning in mono-ethnic majority constituencies respectively, even though they were more cautious in mixed constituencies. Having reorganized itself from a fragmentation of different ethnic-based parties into a relatively cohesive coalition with a unity of purpose, the opposition, led by Anwar contested the 2008

General Election with renewed confidence. With the impact of diverging ideologies, policies and programmes minimized, it focused on problems of national integration blamed on the BN's communal politics in areas like information, economy and demography. By taking an egalitarian approach as far as possible in attacking the government, the opposition was able to attract the support of NGOs and civil society. One major factor for its fine showing in both the 2008 and 2013 general elections was skilfully using the social media which is discussed in the next chapter.

## Chapter Three

### Discrediting Government-controlled Mainstream Media

#### Introduction

After reorganizing itself into a more cohesive coalition, the opposition engaged the social media to challenge the national agenda in the government-controlled mainstream media in Malaysia's 2008 and 2013 general elections. Although its unprecedented move failed to topple the federal government and bring about regime change, the opposition nevertheless ended the monopoly of news dissemination by the major newspapers and television/radio channels, paving the way for a two-coalition system in 2008 which was affirmed in 2013. PKR, DAP and PAS collectively denied BN its traditional two-thirds majority which had enabled the government to unilaterally make constitutional changes in parliament. Since then, the three opposition parties, have as a coalition, successfully exposed many government malpractices hitherto concealed from public scrutiny by the mainstream media. Their whistle-blower-cum- watchdog role was facilitated by the social media which involved the collective use of the internet, Facebook, YouTube, twitter and short message systems (SMS) and through mobile phones. The social media emerged from the late 1990s as part of globalization - which includes the international spatial movements of peoples, goods and services, carrying with it the future of progress and modernity and a certain perspective to viewing things.<sup>1</sup> With the advance of

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<sup>1</sup> Savage, Victor (1997) "The Third Wave: Cultural Impact, Regional Implications", *Department of Geography, National University of Singapore, Singapore*. (mimeo). See also Huntington, Samuel P

telecommunication facilities, economic boundaries worldwide became more porous. Within ten years (1998-2008), the extent of the online media outside the direct control of government legislation was to prove highly, though not completely, successful to the opposition's media strategy. The opposition took advantage of the advent of the social media, especially the Internet from 1998, after it had been denied meaningful access to the pro-establishment mainstream major newspapers and national radio/television networks which then virtually monopolized the dissemination of news in Malaysia. In projecting Malaysia as a practising democracy, the government had to uphold freedom of the press, but at the same time ensure that articulating ethnic/religious sentiment did not jeopardize the country's security and economy.<sup>2</sup> However it found difficulty in drawing a clear line between upholding media freedom and maintaining socio-political stability when both clashed. In such instances, when the mainstream media appeared to cross the line in supporting measures to maintain socio-political stability, the online media countered by highlighting freedom of speech which had been favoured by the opposition and NGOs. The opposition's activities/agenda were given extensive coverage by *Malaysiakini*,<sup>3</sup> an independent online newspaper established in 1999, which published news from both sides of the political divide. Relative to news closely associated with government propaganda that the mainstream media carried, *Malaysiakini's* independent coverage of political developments, mainly based on empirical observations, was more objective and reliable. As the opposition, on most occasions, was inclined to concur with the online

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(1991) *Third Wave: Democratization in the Late Twentieth Century*, University of Oklahoma Press, Norman and London. p 109- 163.

<sup>2</sup> For details, see Mohd Azizuddin Mohd Sani (2005) "Media Freedom in Malaysia" *Journal of Contemporary Asia*, 35, 3, pp. 341-367.

<sup>3</sup> For details of *Malaysiakini* and the circumstances leading to its establishment, see Steele, Janet (2009) "Professionalism Online: How Malaysiakini Challenges Authoritarianism", *The International Journal of Press/Politics*, 14, (91), pp.91-111. <http://hij.sagepub.com/cgi/content/abstract/14/1/91> (date accessed: 22 May 2014).



paper's views, *Malaysiakini* tended to be perceived as pro-opposition by the government.<sup>4</sup>

But despite the opposition benefiting immensely from utilizing the online media, its failure to change the government in both the 2008 and 2013 general elections came to affirm that the internet was merely the latest tool in Information and Communication Technology (ICT) which could help facilitate but not necessarily bring about regime change in the country. As Loo observes:

Technology *per se* does not foster or hamper participatory democratic culture. Instead users of technology determine if the civic and democratic potential of interactive communication technology can be realized. Therefore the Internet is only a tool that enables users to disseminate their ideas and opinions ideally without fear or favour and to freely seek and receive information from global sources.<sup>5</sup>

A PKR leader contended that just like how the cassette tape exposed the excesses of the Shah of Iran in 1979, the Internet two decades later, similarly enabled the message of change to be speedily and effectively conveyed to Malaysians.<sup>6</sup> However Malaysia in the 1990s and 2000s was not exactly like Iran in 1979 where westernized-induced socio-economic problems became aggravated to make rising Islamism an attractive panacea. Unlike the Pahlavi regime which virtually gave no leeway to dissent in Iran then, the BN at times was prepared to accommodate discontent even when it was cracking down on the opposition in Malaysia's semi-democracy or syncretic state.<sup>7</sup> The BN embarked on all kinds of people-oriented development programmes even as

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<sup>4</sup> Brown, Graham (2005) "The Rough and Rosy Road: Sites of Contestation in Malaysia's Shackled Media Industry," *Pacific Affairs*, 78, 1, Spring, p.47.

<sup>5</sup> Loo, E "The Internet: Simulacrum of Democracy?" in Banerjee, I [ed (2007)] *The Internet and Governance in Asia: A Critical Reader*, Asian Media Information and Communication Centre (AMIC), Singapore, pp. 21-38.

<sup>6</sup> Interview with Mansor Othman (3 December 2012, Penang).

<sup>7</sup> See Case, William (1996) "Can the 'Halfway House' Stand? Semi-democracy and Elite Theory in Three Southeast Asian countries", *Comparative Politics*, Vol.28, No. 4, July, pp. 437-64 and Jesudason, James "The Syncretic State and the structuring of opposition politics in Malaysia" in Rodan, Gary [ed (1996)] *Political Oppositions in Industrializing Asia*, Routledge, London, New York.

it came up with one draconian law after another to curb civil liberties and freedom of expression. A change of government will therefore depend very much on how structural changes in the social, political, economic and cultural fabric of the country influence voting behaviour in elections. The mass media in principle plays a critical role in highlighting these structural changes in contestation even though in practice this was hardly the case for the pro-government mainstream media. It was clear that in both 2008 and 2013, structural transformation, though significant, had yet to foment widespread discontent. Despite growing public resentment towards the BN's coercive powers, the people still had enough "instrumental acquiescence"<sup>8</sup> left in them to continue supporting the government as it was able to deliver rising living standards in the country.

### **3.1 Government/Mainstream Media Symbiosis**

The mass media's importance in society has been evident since the colonial era when the British used it to win public support in fighting the communists and left-wing Malay nationalists. The colonial administration encouraged newspapers, magazines and periodicals helping to preserve Malaya's security, to emerge collectively as the mainstream print media. In reporting, analysing and interpreting social, economic and political developments, the mainstream print media came to function as a conduit to disseminate information and obtain feedback on policies and programmes from the people. This was the basis of a pro-establishment but cautiously autonomous<sup>9</sup> media after independence. Its news coverage not only had supported the British crackdown on groups threatening peace and security deemed essential for economic

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<sup>8</sup> George, C. (2006). *Contentious journalism and the Internet: Towards democratic discourse in Malaysia and Singapore*. NUS Press, Singapore, pp.37-38.

<sup>9</sup> Means, Gordon P (1991) *Malaysian Politics: The Second Generation*, Oxford University Press, Oxford, New York, p. 137.

development; its spin also ensured that when the British left, the state would continue to be as friendly as possible to the former colonial masters.

The print, together with the broadcast media, thus came to be a government accessory from Malaya's independence, focusing on security and economic priorities in its news coverage. This role however did not constrain first prime minister Tunku Abdul Rahman from maintaining the mass media as the fourth estate in upholding democracy by giving more space to press freedom from 1957-1969. The government allowed newspapers considerable leeway in publicising reports deemed fair to both sides in political contestation. It hardly interfered even if some of their news coverage was highly critical. In the 1959, 1964 and 1969 general elections, the mainstream papers gave opposition parties wide coverage of their campaign activities despite their support for the government. The popular English-language daily Straits Times (ST) gave equal prominence to both government and opposition successes and reverses in the 1969 General Election while Radio Malaysia did not delay announcing the results of opposition victories in its live broadcasts throughout the night of 10 May after polling.<sup>10</sup> However whatever role as fourth estate intended for the mass media was disrupted with the Kuala Lumpur riots three days later followed by emergency rule over the next eighteen months. The government tightened its control on the media, reiterating that Malaysia was not ready for greater freedom of expression as it would lead to inter-ethnic unrest which would undermine economic development.<sup>11</sup>

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<sup>10</sup> For instance in its front page news on 11 May 1969, the Sunday Times, Sunday edition of Straits Times (ST) came up with a split banner headline "Razak romps home in Pekan- Penang Goes Gerakan" for its lead stories to show the then deputy prime minister's victory while reporting that the Alliance controlled state of Penang had fallen to Gerakan, a then leading opposition party.

<sup>11</sup> Mohd Azizuddin (2005), p.345.

When parliamentary democracy was restored in February 1971, the mass media came to be used as a propaganda tool, crossing the line that separated news dissemination from government agenda spin. The regime tightened its control of the media over the next four decades from 1970 as it increasingly turned authoritarian, moving towards a one-party state. Incorporating state propaganda into news, particularly about its activities, was part of a new government role for the mainstream media. In justifying this role, then prime minister Mahathir cited the need for social responsibility. Addressing the 48<sup>th</sup> UN General Assembly in 1993, Mahathir said: “Malaysia believes in press freedom. But the freedom as other freedom and rights must be with responsibility. We hope for a responsible Malaysian media, but we do not ignore the need of supervision of this responsibility.”<sup>12</sup> The relationship between the state and the mainstream media in Malaysia became so strong that it developed into a symbiosis between the two<sup>13</sup> where the mainstream media served the interests of the government. Here, editors of both print and broadcast media often published propaganda as news when coming under pressure to serve government interests. Their moves led the mainstream media to be discredited<sup>14</sup> as partisan government machinery abdicating its responsibility to disseminate news to the public. This lack of credibility caused the mainstream media to lose its traditional news monopoly, and

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<sup>12</sup> Mahathir Mohamad (1994). *Hak Asasi dan Kebebasan Manusia (Fundamental Right and Human Freedom)* March, Information Department Malaysia, Kuala Lumpur, cited in Mohd Azizuddin (2005), p.345.

<sup>13</sup> Mustafa K Anuar (2005) “Politics and the Media in Malaysia”, *Kasarinlan: Philippine Journal of Third World Studies*, 20, (1), pp.25-47. See also Mohd Azizuddin (2005) for a justification of this view.

<sup>14</sup> See Zaharom Nain “Hacks and Hussies: How much cruder and more vulgar can Malaysian mainstream media become?” and Rodan, Garry “Free Press Missing from Malaysia Transparency Plan” both in *Aliran Monthly*, 2000: 20, (1). Also “Utusan Malaysia is a daily reminder of the hollowness and hypocrisy of Najib’s 1Malaysia concept as the UMNO newspaper continues to peddle lies and poison to incite strife and hatred in Malaysia’s plural society” *Media statement by Lim Kit Siang in Kuala Lumpur on Monday, 3 January 2011*. <http://dapmalaysia.org/english/2011/jan11/lks/lks5842.htm> (date accessed: 13 November 2013).

was mainly responsible for the government heavy reverses in both the 2008 and 2013 general elections.

### *Government Control of Mainstream Print and Broadcast Media*

The mass media as an integral component of the information process, does not operate in a vacuum, but interacts with other societal forces trying to gain access to it, influence it or control it. The government's role of enhancing security and development depends greatly on existing legislation to control the media. This was not a problem traditionally when the task of news dissemination was performed by the pro-establishment newspapers and radio/television stations. But with the advent of globalization, the role of news dissemination had been extended to the online/social media.<sup>15</sup> In response, the government tightened existing laws like the Preservation of Public Order (PPO) and the Sedition Act (SA) which had served the colonial administration well in apprehending dissidents, to control the media. The laws were not only reaffirmed/fine-tuned, but also augmented with other legislation in the 1960s and 1970s. The Internal Security Act (ISA)<sup>16</sup> introduced in 1960, empowered the Home Affairs Minister to detain suspected communists without trial for at least two years. The 1972 Official Secrets Act (OSA)<sup>17</sup> classified any information entrusted to a public official in confidence by another official as secret and unauthorized persons possessing it would be apprehended. Although the PPO, SA, ISA and OSA aimed at

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<sup>15</sup> In this context the term social media applies when use of the online media or internet extends to civil society. For details of the roles of the print, broadcast and online media in news dissemination, see Wang Lay Kim (2001) "Media and Democracy in Malaysia", *The Public*, Vol.8, 2, pp.67-88.

<sup>16</sup> Means (1991), pp.15-16

<sup>17</sup> Means (1991), Ch.5.

maintaining security and development, they also penalized those possessing confidential information which could be used to expose corruption in government.<sup>18</sup>

In 1984, the government repealed the 1948 PPO and replaced it with the Printing Presses and Publications Act (PPPA) in empowering government officials to censor or ban offending publications with ‘biased articles’ or materials ‘prejudicial to the national interest’.<sup>19</sup> The PPPA also reinforced legislation introduced in 1974 requiring Malaysian majority ownership that facilitated BN parties gaining control of all local newspapers so that the government could determine the content of news they published. Thus the UMNO purchase of the Malaysian edition of the Singapore-based Straits Times (ST) and renaming it New Straits Times (NST) in 1974, was augmented in the 1980s with its acquisition of majority shares in companies publishing popular Malay and Chinese dailies like *Berita Harian* (BH) and *Utusan Malaysia*, *Nanyang Siang Pau* and *Sin Chew Jit Poh*. While MCA purchased seventy-five per cent of the shares of The Star, another popular English-language daily in 1982, MIC acquired control of two popular Tamil newspapers, *Tamil Nesan* and *Malaysia Nanban*. This was a stark contrast to the situation in the 1957-1969 period where the Alliance government hardly interfered in how newspaper companies sourced and packaged their news for dissemination.

Although radio and television were established in the country at different times, both came under the Information ministry’s purview from 1969. Collectively known as the broadcast media, the role of radio and television was to explain in depth and with the widest possible coverage, government policies and programmes in fostering the

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<sup>18</sup> Those convicted of retaining such information with the purpose to communicate it to others without permission could be jailed up to seven years or fined up to M\$10,000. Means (1991), p.139.

<sup>19</sup> For a fuller treatment of the roles of the SA, ISA, OSA and PPPA in regulating media freedom in Malaysia, see Mohd Azizuddin (2005), pp.346-353.

development of a Malaysian culture.<sup>20</sup> The British introduced radio in April 1946 as part of the Malayan Broadcasting Authority and among its first task was to counter communist propaganda when the emergency was declared two years later. Radio came to play a territorializing role in the independence of Malaya in 1957, the formation of Malaysia in 1963 as well as the battle against Indonesian confrontation in 1964-65.<sup>21</sup> Radio's traditional role was complemented by television which made its debut in Malaysia in December 1963 with the establishment of a channel mainly to explain government policies and programmes. Among these were the importance of Malay as the country's national language, rural development, low-cost housing schemes and Koran reading competitions at various levels, especially during the Muslim fasting month. There were also cultural and entertainment programmes, but like government policies, they were aimed mainly at the Malays in the rural areas. Chinese, Indian and English language programmes on television were few and far between and tended to be window-dressing measures. The main language used in television programmes was Malay except for news bulletins in Chinese, Tamil and English. There were the occasional Chinese and Tamil movies in addition to western movies and popular television serials, but these were slotted mainly outside prime time.

#### *Showcasing Malay culture as national culture*

The broadcast media underwent a major revamp after the Kuala Lumpur riots. A second television channel was set up in November 1969 and both radio and television

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<sup>20</sup> Wang (2001), p.75. See also Kamin, Jaafar (1978) "Ethics and social responsibility of the mass media : Radio-TV Malaysia", *paper presented in AMIC Seminar on Mass Media and Socio-Economic Change : Kuala Lumpur*, 21-22 October, Singapore: Asian Mass Communication Research & Information Centre.

<sup>21</sup> Wang (2001), pp,67-88.

together were rebranded as *Radio Televisyen Malaysia* (RTM), coming under the purview of the Information Ministry. RTM's explanation of government policies and programmes were intensified to openly support the dominant ideology and policies of the new Malay ruling elite.<sup>22</sup> It followed closely government policy that popularity was less important than educating people in promoting the ideals of the *Rukunegara* or national ideology.<sup>23</sup> Promulgated after the Kuala Lumpur riots, *Rukunegara's* tenets of belief in God, loyalty to King and country and adhering to the constitution, were regarded by many non-Malays as growing Malay hegemony in propagating Malay culture as national culture. In its daily telecasts to the nation, RTM showcased Malay culture with scant regard for Chinese, Indian and non-Muslim indigenous cultures of Sarawak and Sabah, such that over time many people tended to associate Malaysian culture with Malay culture. Even for cultural programmes on Sarawak and Sabah, RTM tended to feature the Muslim minority rather than the Christian majority functions despite both groups being indigenous. Thus in Sarawak, Malays and Melanaus took precedence over Ibans and Bidayus in showcasing indigenous culture while in Sabah, Bajaus and Suluks came to represent indigenous culture rather than Kadazans and Muruts.

Attempts at depicting Malay culture as national culture through RTM in the early 1970s even extended to announcements and entertainment where English, Chinese and Tamil radio newscasters/announcers had to speak in Malay. Lunchtime popular western music was replaced with Malay music. Attempts were even made to change

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<sup>22</sup> Juliana Abdul Wahab (2006) "Communication Technology and the Television Industry in Malaysia" *Paper submitted for the ARC Asia Pacific Future Network International Conference: Media, Policies, Cultures and Futures in the Asia Pacific Region*, Curtin University of Technology, Perth, Australia, 27-29 November. pp. 1-17.

<sup>23</sup> Karthigesu, R (1995) "Public service programming in Malaysia: background, present status and future prospects" in *AMIC Seminar on the Impact of the Changing Media Environment on Public Service Broadcasting in Asia*, Seoul, 28-29 September, Asian Media Information and Communication Centre, Singapore..



the format of a popular national talent time *Bakat TV* featuring the country's best musical talents where contestants could sing in any medium. Eleven of the twelve finalists in the 1970-71 competition, nine of whom were Malays while the remaining three comprising of a Chinese, an Indian group and a Eurasian, chose to sing/perform in English. In the 1971-72 competition, the format of *Bakat TV* was changed to make it compulsory for a song in Malay to be performed while the second song could be in any language. But what was even more significant in RTM's promotion of Malay hegemony through entertainment was its rejection in the 1980s of moves by popular Malay artistes, Sudirman Arshad and Noor Kumalasari, to become multi-cultural. RTM edited out a section of a popular programme where both artistes wore Chinese costumes while performing Mandarin songs to show not only their versatility, but also ability to cross cultural barriers in entertainment in a multi-cultural society like Malaysia.<sup>24</sup> Observer Umi Khattab notes:

Under UMNO/BN, television tends to reflect Malay culture in hegemonic and monolithic terms, failing to represent diverse differences within and between various ethnic and indigenous groups.<sup>25</sup>

#### *Mainstream Media's negative news coverage on Opposition*

The mainstream media, both print and broadcast, carried mainly negative news on the opposition which was not only admitted by the Controller of RTM's Radio programmes<sup>26</sup>. It was also criticized in a call by 581 journalists on World Press Freedom Day in May 1999 to the Home Affairs Minister to set up an independent

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<sup>24</sup> For details, see "K Temoc Considers: Remembering a Great Malaysian – Sudirman Arshad, 18 June 2009 <http://ktemoc.blogspot.com.au/2009/06/remembering-great-malaysian-sudirman.html> (date accessed: 4 June 2014).

<sup>25</sup> Umi Khattab (2006) "Non-Mediated Images: Public Culture and (State) Television in Malaysia", *International Communication Gazette*, No. 68, pp. 347- 371. <http://gaz.sagepub.com/content/68/4/347>. ( date accessed: 4 June 2014).

<sup>26</sup> Kamin (1978).

Media Council<sup>27</sup> to replace the PPPA. In a move to show the public that it did not completely deny the opposition access, the mainstream media published news on its activities or events related to it from time to time. However, in most instances, whatever published turned out to be considerably damaging to the opposition.<sup>28</sup> While opposition internal problems were depicted by government leaders as more serious than what they really were, opposition rebuttals or clarifications were considerably toned down or even omitted. As the mainstream newspapers prominently displayed negative news in their front pages with banner-catching headlines, sometimes accompanied by dramatic pictures, they deliberately overlooked positive developments in the opposition or buried these in the inside pages of dailies. In sum, the government, through the mainstream media, attempted to cause confusion within opposition ranks, as well as incite opposition leaders to take different sides on an issue in squabbles with one another, with sometimes BN leaders joining in to attack both sides.<sup>29</sup>

Negative coverage by the pro-establishment mainstream media was intended to inflict maximum damage so that the opposition would become demoralized particularly during general elections. The mainstream papers slanted reports, editorials and opinion pieces to portray the opposition unfavourably to the people with its right of

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<sup>27</sup> See Ramanathan, S, Lim S C and Kaur, K ( 2006) “Media Regulation, Re-Regulation and Self-Regulation in Malaysia and Singapore: A Comparative Analysis of Current Status, Needs and Trends” *Paper presented at 15<sup>th</sup> AMIC Annual Conference at Equatorial Hotel, Penang, 17-20 July*, pp. 1- 25.

<sup>28</sup> Conversation with senior journalists of The Star and NST who requested anonymity in Kuala Lumpur in December 2012.

<sup>29</sup> For a sample of such reports, see “Karpal: Hadi an embarrassment to Pakatan” in The Star, 13 June 2009, <http://thestar.com.my/news/story.asp?file=/2009/6/13/nation/4110249&sec=nation> (date accessed: 16 June 2013) and “Opposition lying to the people, says Muhyiddin” in NST, 16 June 2013 <http://www.nst.com.my/nation/general/opposition-lying-to-the-people-says-muhyiddin-1.266112> (date accessed: 16 June 2013).

defence either ignored or downplayed in such a way as to lose its effectiveness.<sup>30</sup> *Utusan* was very adept in using a time-tested tactic of negative reports, picking leads from anywhere, including the online media, and ran the issue for two or three days for it to be picked up by other mainstream papers.<sup>31</sup> The paper addressed the issue to its targeted audience, the rural Malays in UMNO's heartland, in viewpoints under *Awang Selamat*, the *nom-de-plume* of UMNO propagandists.<sup>32</sup> Often these viewpoints were based on half-truths, speculations or concoctions which could not be verified, but nevertheless served as disinformation on the part of UMNO to malign and defame opposition leaders in making them appear unfit as top leaders. Opposition leader Anwar who was the main target of UMNO's vilification in *Utusan* during his sodomy and corruption trials in the late 1990s, was once again scandalized by fabricated reports of him condoning homosexuality as well as being video-taped having sex with a prostitute.<sup>33</sup> *Utusan* also accused him of being a "traitor" to the Malays because he endorsed Penang Chief Minister Lim Guan Eng's moves to help Malaysians of all ethnic groups in Penang, Anwar said.<sup>34</sup> He rebutted Penang UMNO accusations that Guan Eng was victimizing the Penang Malay minority through helping all ethnic groups with affordable low-cost housing, dispensing cash payments

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<sup>30</sup> See Mustafa K Anuar, "The media psyched for GE 13," in *The Malaysianinsider*, 9 April 2013 <http://www.themalaysianinsider.com/sideviews/article/the-media-psyched-for-ge13-mustafa-k-anuar/> (date accessed: 14 June 2013).

<sup>31</sup> Conversation with senior journalists of The Star and NST who requested anonymity in Kuala Lumpur in December 2012.

<sup>32</sup> See Lim Kit Siang "Utusan Malaysia living up to its reputation as "lies paper" when its *Awang Selamat* alleged that "LKS adalah antara orang kepercayaan Kuan Yew ketika dalam PAP" and that I was Kuan Yew's press secretary" <http://blog.limkitsiang.com> (date accessed: 14 June 2013).

<sup>33</sup> For details see, press releases issued on Anwar's behalf by PKR vice-president N Surendran. (mimeo) The first media statement on 17 January 2012 referred to reports in *Utusan* that same day that Anwar had in an interview with BBC called for the legalizing of homosexuality. In the second press release on 27 January 2012, Surendran held that a challenge issued by certain UMNO leaders to Anwar to subject a video clip featuring the opposition leader having sex with a prostitute to forensic tests was meant to lay down the groundwork for the release of more fabricated sex videos to tarnish his reputation even further.

<sup>34</sup> Anwar was speaking at a dinner organized by the DAP in the hall of the Moral Uplifting Society, Bukit Mertajam, Penang on 23 August 2009. The writer was present at the function.

to senior citizens of all ethnic groups and implementing other “people friendly” policies. *Utusan’s* move to accuse Anwar of treason to his own community in addition to his corruption and sodomy convictions, were calculated to make the rural Malays see him as being morally unfit to be prime minister of the country.

More significantly, UMNO attacks on the opposition took on an ethnocentric line, reinforced with religion when the target was DAP. UMNO through *Utusan* consistently played up the traditional Malay fears of an impending Chinese take-over of the country through the DAP. Both PKR and PAS were dragged in to show the rural Malays that their subservience to the DAP had in fact turned the PR into a Chinese-dominated opposition coalition. UMNO’s tendency to incite hatred aimed at frightening the Malays so that they would turn more to it as their traditional protector against the Chinese. This incitement was extended from the Chinese to the Christians in linking DAP with Christianity such that an opposition take-over of the federal government would lead to DAP installing a Christian as prime minister and making Christianity an official religion. The repercussions of abolishing the Malay sultanate system in favour of a republic would be explosive.<sup>35</sup> This issue was earlier sensationalized by an *Utusan* report with front-page headlines that the name of Penang Chief Minister Lim Guan Eng had replaced the King’s name in the Friday sermon at several mosques in Penang.<sup>36</sup>

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<sup>35</sup> For details, see *Media statement by Lim Kit Siang in Kuala Lumpur on Monday, 3<sup>rd</sup> January 2011*: Utusan Malaysia a daily reminder of the hollowness and hypocrisy of Najib’s 1Malaysia concept as the UMNO newspaper continues to peddle lies and poison to incite strife and hatred in Malaysia’s plural society in <http://dapmalaysia.org/english/2011/jan11/lks/lks5842.htm> and “Utusan let off with ministry warning” in *The Malaysian Insider*, 12 May 2011 reproduced in <http://blog.limkitsiang.com/> (date accessed for both: 14 June 2013).

<sup>36</sup> For details see “Utusan Malaysia’s front-page headline is the most irresponsible act in history of Malaysian journalism” in *Lim Kit Siang for Malaysia*, 20 August 2010 <http://blog.limkitsiang.com/> (date accessed: 14 June 2013).

UMNO's moves to use Islam in maligning the opposition through the mainstream media even dragged in foreign politicians like Australian senator Nick Xenophon who were friendly to Anwar. When Xenophon visited Kuala Lumpur in early May 2012 to observe a civil society street demonstration demanding free and fair elections, a pro-establishment newspaper carried a report with the glaring headline "Anti-Islam Australian lawmaker comes under fire."<sup>37</sup> The NST quoted Xenophon as saying: "What we are seeing is a worldwide pattern of abuse and criminality. On the body of evidence, this is not happening by accident; it is happening by design. Islam is not a religious organization. It is a criminal organization that hides behind its so-called religious beliefs."<sup>38</sup> In the same report, Xenophon was also said to have strongly supported the lesbian, gay, bisexual and transgender community, enhancing his close ties with Anwar. However when the online media, quoting Australian newspapers such as the Sydney Morning Herald and Age, pointed out that NST had in fact used the word "Islam" to replace the actual term "Scientology" (which Xenophon had criticized in his November 2009 parliamentary speech in Australia), the newspaper conceded that it had made a serious mistake.<sup>39</sup> It was forced to admit that Xenophon in his speech had neither used the word "Islam" nor assert that the religion was a criminal organization hiding behind dogma. The retraction of the offending remarks and an apology tendered did not stop Xenophon from contemplating legal action

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<sup>37</sup> For details see NST, 2 May 2012.

<sup>38</sup> NST, 2 May 2012.

<sup>39</sup> See "Aussie senator irked over NST's 'switch'" in *Free Malaysia Today*, 3 May 2012.

<http://www.freemalaysiatoday.com/category/nation/2012/05/03/aussie-senator-fuming-over-nsts-word-switch/> (date accessed: 30 September 2014).

against NST and criticizing the offending article as “an example of the kind of dirty tricks the ruling party employs and had used against Opposition leader Anwar”.<sup>40</sup>

### *Privatization of broadcast media*

In explaining the government’s move to privatize the broadcast media, Khalid Ahmad, the then Managing Director of TV3, the first private television channel, held that it was not a complete transformation of television from a public to a private entity, but rather the granting of licences to businessmen to operate private broadcast stations.<sup>41</sup> He stressed that the government would not only continue to operate RTM, but affirmed its priority of propagating government policies ahead of providing entertainment. Thus by awarding a licence in 1984 to TV3 to operate, the government was merely privatizing the broadcast industry under the NEP’s auspices in enabling selected Malay tycoons associated with UMNO to participate in the lucrative entertainment sector hitherto neglected by RTM. By airing popular entertainment programmes both foreign and local, TV3 hoped to rake in the huge profits hitherto accruing to the sale and/or rental of videocassette tapes. But even when the broadcast media eventually became commercialized, private radio and television stations that emerged tended to take a pro-government position when presenting news, analyses and commentaries which could in fact be independent and diversified to attract a wider audience. Their rationale was essentially “to explain in depth and with the widest possible coverage government policies and programmes in order to ensure

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<sup>40</sup> See “NST replaces word, paints Anwar’s Aussie senator friend as anti-Islam” in *The Malaysianinsider*, 3 May 2012. <http://www.themalaysianinsider.com/malaysia/article/nst-replaces-word-paints-anwar-aussie-senator-friend-as-anti-islam/> (date accessed: 15 November 2013).

<sup>41</sup> Khalid Ahmad (1994) “Privatisation and the broadcast media” *Paper in AMIC Seminar on Television Development in the Asia-Pacific Region: Jakarta*, 8-9 December. Asian Media Information and Communication Centre, Singapore. <http://hdl.handle.net/10220/2881>. (date accessed 4 June 2014).

maximum understanding by the people.”<sup>42</sup> Even though TV3 was profit-oriented, moving into a niche like entertainment and sports which had assumed a lower priority in RTM, it in fact came to duplicate RTM’s role in disseminating information and news. TV3 initially carried RTM’s main news bulletin until 1985 when it developed its own, but even then its presentation of domestic socio-political-economic news was little different from RTM’s in taking a strong pro-government line. This lack of diversity in news presentation was mainly due to its owners, Malay corporate figures associated with UMNO, opting to dispense with objectivity in news reports. For instance, TV3 as part of the mainstream media in reporting on the 1997 Asian Financial Crisis, portrayed the government positively with some ministers making use of public transport instead of their own cars, and advising the people to be prudent in their spending. It did not follow the trend of foreign news channels reporting on the free fall of Asian currencies wiping out billions in the local bourses and causing economic hardship to the people.

*Internet emerges; Multi-media Super Corridor established*

The emergence of the internet in Malaysia in the 1990s and social media posed serious problems for the government in maintaining its effective monopoly of disseminating news to the people through the print and broadcast media. Unlike newspapers, radio and television operating within the territorial boundaries of Malaysia which could be controlled by government legislation and majority ownership of the shares of media-related companies, the internet was a completely different phenomenon altogether. It offered unprecedented independence and facilitated cross border flows of information in a way that was previously impossible.

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<sup>42</sup> George (2006), p.50.

The emergence of the Internet was a logical progression of the social media's development in Malaysia involving mobile phones and facsimile transmission from the 1990s. Then prime minister Mahathir wanted to utilize the Internet for commercial and educational purposes to transform Malaysia into a developed nation over the next two decades in his *Vision 2020*. Mahathir had been aware of the Internet's numerous positive features as a communicative tool, especially in terms of speed, volume and affordability. The conventional approach towards processing deals and transactions involving tedious writing and mailing could be completed within minutes and even seconds.<sup>43</sup> The Internet would thus come to serve Mahathir's objective of projecting Malaysia as a Muslim country engaging ICT in a Multimedia Super Corridor (MSC)<sup>44</sup> that was located about thirty kilometres south of the capital city of Kuala Lumpur. The 750 sq. km MSC was to be the Malaysian equivalent of the US Silicon Valley offering generous fiscal terms in attracting media-related companies embracing ICT to operate there. More significantly, the government accepted their contention that censorship of any kind of information would be regarded as interference in their activities. It had in fact signed a Bill of Guarantees to allay their apprehensions over Internet censorship at the official launching of the MSC in 1996. Although the government subsequently became concerned at the potential erosion of its powers of control by uncensored news, it had then felt that the enormous benefits to be derived commercially from utilizing the Internet would far outweigh the price of non-censorship. Thus while considerations of security and development came to determine the government's attitude towards the internet,

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<sup>43</sup> For details, see Huff, Toby (2005) "Malaysia's Multimedia Super Corridor and its First Crisis of Confidence" in Baber, Zaheer (ed) *Cyber Asia: The Internet and Society in Asia*, Vol. 5, Brill, Chicago, pp.15-40, and Abbot, Jason P. (2001) "Democracy@internet.asia? The challenges to the emancipatory potential of the net: lessons from China and Malaysia", *Third World Quarterly*, Vol.22, No.1, p.113.

<sup>44</sup> Huff (2005).



Mahathir's pledge not to censor the internet was also aimed at competing with Singapore which had set up its own online enclave to attract media-related FDI. There was no Singapore version of Malaysia's Bill of Guarantees where the Internet facilitated the vast potential intellectual exchange between Malaysia and the rest of the world. There would be a technical convergence between computing, broadcasting and telecommunications leading to time-space compression affecting every aspect of Malaysian life from economy to culture, leisure and entertainment.<sup>45</sup> In 2000, while Malaysia with some four-million people accessing the internet, had seventy-two internet users and nine personal computers per 100 inhabitants, the comparative figures for Singapore's 1.3million-internet population were thirty-two and forty-eight respectively per 100 people.<sup>46</sup> Thus the government came to regard the internet as a double-edged sword where on the one hand it opened up a marketplace of ideas, but on the other it also brought in undesirable genres like pornography and violence, justifying its need to intensify state censorship firewalls and data filters.<sup>47</sup> It was nevertheless willing to promote rather than curb the Internet's usage.<sup>48</sup> The Internet not only continued to allow access to greater unfiltered flows of information within the cyberspace landscape free from government control,<sup>49</sup> but also enabled the government to monitor the unfiltered news and come up with measures to counter their deleterious effects.

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<sup>45</sup> For details, see Banerjee, I and Annuar, M K (1999) "The Promise and Pitfalls of Leapfrogging – The Malaysian IT Experience" *Asia Pacific Media Educator*, Issue No.6, Jan-June, pp.133-143.

<sup>46</sup> George, Cherian. (2005) "The Internet's political impact and the penetration/participation paradox in Malaysia and Singapore", *Media, Culture & Society*, 27 (6), p.903.

<sup>47</sup> Loo in Banerjee, I [ed (2007)].

<sup>48</sup> See for instance "Najib: Social media a double-edged sword for UMNO" in *The Malaysianinsider*, 26 January 2013 <http://www.themalaysianinsider.com/malaysia/article/najib-social-media-double-edged-sword-for-umno/> (date accessed: 17 June 2013).

<sup>49</sup> Abbot (2001), p. 99.

Although the government had pledged through the 1996 Bill of Guarantees not to censor the internet, this did not mean that the manner in which it was used could not be controlled particularly when government policies came under attack. The regulation of the internet fell under the immediate purview of the Malaysian Communications and Multimedia Commission (MCMC) which was overseen by the Minister of Information, Communications and Culture. Both the MCMC and the Information Ministry were in turn guided by the 1998 Communications and Multimedia Act (CMA) which would not censor the internet as allowed for under the 1996 Bill of Guarantees<sup>50</sup> but would still empower the Information Minister to deal with government critics in cyberspace. It did not matter whether the offensive postings were in the online or print media. So long as the government deemed what they did as offensive, it would invoke the SA, OSA, PPPA and ISA against them for creating public disorder. Between May 2009 and January 2010, then Information Minister Rais Yatim suggested that all bloggers register themselves with the government. He also directed the MCMC to issue tenders for a nationwide Internet filtering system in August 2009.<sup>51</sup> But in all instances, the government had to put on hold its measures due to strong public protests as well as its awareness that such moves would contravene the 1996 Bill of Guarantees not to censor the internet.

### **3.2 Opposition challenges Government media control**

Although the opposition as a whole continued to reel from incessant government attacks through the mainstream media, some opposition leaders nevertheless felt that they were in a position to counter and even turned these attacks round to advantage. PKR vice-president and MP for Batu (Kuala Lumpur) Tian Chua asserted that the

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<sup>50</sup> Kelly, Sanja and Cook, Sarah (2011) *Freedom on the net 2011: A Global Assessment of Internet and the Digital Media*, UNDEF United Nations Democracy Fund, Freedom House, 18 April, p.232.

<sup>51</sup> Kelly and Cook (2011).

opposition could harness both the then emerging social media and other traditional information avenues like the mainstream media and people-to-people contact and utilize them as counter-offensive measures in an optimal manner. He observes:

By picking on all kinds of issues to attack us, the mainstream media reminded the people that these issues in fact exist, but the people don't believe what the government say because the mainstream media lacks credibility. If the mainstream media did not raise these issues, it would be difficult for us to react and state our position on the said issues through the Internet. The people can see that we have more credibility than them and tend to believe us.<sup>52</sup>

It was within this context that the opposition came to develop a media strategy which proved to be fairly successful in challenging government media control in both the 2008 and 2013 general elections. Briefly the opposition's approach engaged the social media to not only fully expose what had been hitherto concealed or at least downplayed by the mainstream media over the decades. In highlighting the BN's ethnic/class discrimination and bad governance, the opposition also came to project what an aspiring incoming PR federal government could offer to make Malaysia a better country. The opposition media strategy basically involves two inter-related and complementary phases: first, organizing attacks on the government in cyberspace outside the reach of punitive Malaysian legislation such as the PPPA, and second, extending cooperation among internet users to meet personally in the form of physical coalitions involving opposition parties and NGOs.<sup>53</sup>

*Organizing attacks on government in cyberspace – imagining dissent*

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<sup>52</sup> Interview with Tian Chua (15 December 2012, Kuala Lumpur).

<sup>53</sup> For details of the two phases, see Khoo Boo Teik (2010) "Cyber-networks, Physical Coalitions and Missing Links: Imagining and realizing dissent in Malaysia 1998-2008", *Institute of Developing Economies Discussion Paper* No. 244., August, pp.1-29.

This first phase of the opposition's media strategy deals with how different groups with diverse backgrounds, hitherto fragmented and divided, could be brought together and united for a common cause. They came to be motivated in imagining themselves as a community of dissent which could then be galvanized into action against a common adversary. Owing to the government's increasingly authoritarian tendencies over three decades (1970-1998), it was not difficult for all groups which had been oppressed in different ways to identify their common enemy. To begin with, the government's nationwide ISA detention under Operation Lallang in late 1987 of opposition lawmakers, trade unionists, Chinese educationists and environmentalists, for instance, was a sufficiently strong motive to collectively seek social justice. What was then needed to complete the process of imagining dissent was a channel for all groups in discussing and formulating their views to be conveyed to the people. A line of communication to maintain rapport between the groups and the voters came to be established through opposition initiatives reflected in their response towards government measures against them. Their common target was the mainstream media. Although it had become an open secret over the decades from 1970 to 2014 that the government had made the mainstream media a propaganda tool against the opposition, no government minister had openly admitted this then - until two members of a visiting European Muslim Election Assessment Committee paid a courtesy call on then *de facto* Law Minister Nazri Aziz in February 2013. After the visit, one of them, Fadime Orgu a former MP in the Netherlands, spoke at a media conference in Kuala Lumpur: "Nazri told us the structure of the media is different in Malaysia. That here, the mainstream media is a government tool. He said this is normal in Malaysia, and if the opposition came into power, it would do the same".<sup>54</sup>

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<sup>54</sup> For details, see Anisah Shukry "Nazri told us mainstream media govt tool" *Free Malaysia Today* 5

Whether inadvertently or otherwise, a senior federal minister had admitted to foreign election monitoring agents that the mainstream print and broadcast media was more a propaganda machinery. A Malaysian academic's comment that the government's tactical media manipulation was no longer news to citizens, but something very much different to run down the opposition/ NGOs<sup>55</sup>, affirmed the opposition's lament that it had been denied meaningful access to the mainstream media. Its call to repeal all punitive government legislation and for greater democratisation of the media, especially during electoral campaigns, increasingly gained wide public acceptance. PKR deputy president Azmin Ali notes:

Among other things, access to media is of paramount importance. But where one party gets to monopolize the media and the other is deprived either partially or even completely in some cases, this brings into question the fairness and propriety of the elections. Not only is democratic governance at stake but the legitimacy of the government that is formed based on such an outcome.<sup>56</sup>

(i) Opposition wants punitive legislation repealed

Adequate access to the media to air its views and policies has always been a top priority of the opposition since it regrouped as a coalition from 1998. The opposition had always lamented that government legislation such as the PPPA, SA, OSA and ISA impeded greater press freedom. However the government defended its actions by blaming the foreign media's influence on the local media. Then Prime Minister Mahathir asserted: "The people who control the media control our minds, and

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February 2013. <https://www.freemalaysiatoday.com/category/nation/2013/02/05/%E2%80%98nazri-told-us-mainstream-media-govt-tool%E2%80%99/> (date accessed: 13 June 2013).

<sup>55</sup> Lim Teck Ghee "Media manipulation and tactical strategy" *The Malaysianinsider*. 12 April 2013, <http://www.themalaysianinsider.com/sideviews/article/media-manipulation-as-tactical-strategy-dr-lim-teck-ghee/> (date accessed: 13 June 2013). Lim also asserted that media manipulation had always been one of the cornerstones of the BN's remarkable record of cheating and trickery in the elections over the past fifty years.

<sup>56</sup> See Azmin Ali's remarks made at Workshop D, 59<sup>th</sup> Commonwealth Parliamentary conference at Johannesburg, South Africa, on 4 September 2013. (mimeo).

probably control the world.... Not the national Governments of tiny developing nations....or the Government of powerful nations. A very few people in the west control all the international media”.<sup>57</sup>

But having won control of some state governments in the 2008 General Election, the opposition attempted to legislate for some kind of press freedom at state level as part of its measures to pressure the federal government to repeal or at least amend the PPPA, SA and OSA considered as repressive legislation. It was encouraged by criticisms against the legislation, particularly the PPPA, from prominent public figures like former judge and Vice Chairman of the Malaysian Human Rights Commission, Harun Hashim<sup>58</sup> who said: “The Act... is clearly unconstitutional if the constitutional rights stand alone...It imposes restrictions on the right to freedom of speech and expression, but as such restrictions are permitted by the Constitution, the law is valid.” Thus PKR’s then Communications Director, Selangor assemblyman Nik Nazmi, disclosed that opposition moves to have the various media legislation withdrawn in parliament would logically follow the introduction of the Freedom of Information Enactment (FOIE) which had been passed by the Selangor state assembly on 1 April 2011. He contended that the FOIE would meet the demand of citizens for more transparency and accountability in how the government conducted its business, especially when public funds were utilized. FOIE had in fact been one of the PKR’s pre-2008 General Election pledges for Selangor, mainly against the OSA. In Nik

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<sup>57</sup> Mahathir Mohamad (1999) *A New Deal for Asia*, Pelanduk Publications, Selangor, p.71, cited in Mohd Azizuddin (2005), p.353.

<sup>58</sup> See Harun Hashim “Sword of Damocles over the heads of journalists”, NST, 13 April 1999, cited in Mohd Azizuddin (2005), p.352. Harun, a then Deputy Public Prosecutor, set up the Anti-Corruption Agency (ACA) in 1967 to investigate corruption cases, especially high-profiled ones. He became the ACA’s Director-General and had a distinguished legal career, being promoted to a judge in the Supreme Court of Malaysia prior to his retirement from the judiciary in 1994. Harun died on 30 September 2003. For details, see <http://www.iium.edu.my/hmhlawcentre/about-us/tribute> and <http://www.aliran.com/archives/monthly/2004a/4m.html> (date accessed for both: 3 April 2014).

Nazmi's view, it would go a long way in strengthening democracy weakened by the OSA's strict enforcement where even a tissue paper at a government meeting was deemed an official secret.<sup>59</sup> The arraignment of two prominent opposition leaders under the OSA had necessitated legislating for FOIE in defending potential whistle blowers, at least at state level, against OSA convictions.

The OSA came to be invoked against then DAP secretary-general Lim Kit Siang in the late 1970s and then PKR youth president Ezam Mohamed Noor in the early 2000s respectively when both attempted to expose instances of what they felt to be government corruption. On 24 April 1978, Kit Siang's move to highlight some M\$9 million of public funds used by the government to purchase four Swedish warships landed him in court on five charges of possessing classified government information. He was found guilty in November 1978 and duly convicted under the OSA.<sup>60</sup> Kit Siang however successfully appealed against his conviction on 14 September 1979 and the fine imposed on him was reduced to a level which enabled him to retain his status as an MP.<sup>61</sup> Nearly twenty-two years later on 13 Jan 2000, Ezam was also prosecuted for disclosing two ACA classified reports which had recommended that former International Trade Minister Rafidah Aziz and former Malacca Chief Minister, Rahim Thamby Chik, respectively be charged with corruption. Not surprisingly, Ezam was found guilty after a long trial and duly convicted under the OSA.

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<sup>59</sup> See Nik Nazmi's keynote address at the Bloggers Universe Malaysia 2011 Forum: Bloggers solidarity with the Press at the Selangor Chinese Assembly Hall (SCAH), Kuala Lumpur on 11 June 2011. (mimeo).

<sup>60</sup> For details of the arraignment of Kit Siang, see Mohd Azizuddin (2005), p.349.

<sup>61</sup> The DAP leader had been fined a total of M\$15,000 or M\$3000 for each charge which would have disqualified him as an MP. Although the guilty verdict was upheld, Kit Siang's fine was reduced to M\$6500 or M\$1300 per charge. Each fine was below the mandatory M\$2000 figure, which meant he was not disqualified as an MP. See Democratic Action Party (1981), p.165 and Mohd Azizuddin (2005), p.349.

The PR also lamented that the government had embarked on several measures to prohibit opposition activities from being disclosed to the people. As allowed for under the PPPA, opposition programmes, activities and views could be published in their respective party newspapers and conveyed to the public. But this mode of reaching out to the public through subscriptions, mail or direct sales of newspapers, magazines and periodicals in public was limited by the small circulation of political party newspapers relative to sales of daily newspapers.<sup>62</sup> Nevertheless even these moves were hampered by the government as part of its wider measures to prevent opposition ideologies and views from reaching the public. As noted by a social activist:

...the 1984 Printing Presses and Publications Bill removes whatever minor safeguards that now exist in checking the exercise of executive authority. It confers absolute power upon the minister concerned. Whatever his virtues as an individual, there is no doubt that he will be in a position to control the most fundamental of all freedoms – the freedom of expression. It may give him the sort of dictatorial image that he may not desire or deserve.<sup>63</sup>

Opposition leaders contended that in particular, the Home Affairs Minister could use his discretionary powers under the PPPA not to grant printing/publishing permits to opposition news outlets or renew their existing permits on the grounds that they are or have become undesirable publications.<sup>64</sup> The minister could apply Section 3 of the PPPA which requires all publications to apply for a licence or permit from the minister annually which can be withdrawn without judicial review. Alternatively, he could invoke Section 7 empowering the government at its discretion to ban the

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<sup>62</sup> An indication of this was given in the sales figure of PAS bi-weekly *Harakahdaily* which had a circulation of 75,000 copies prior to 1998 before Anwar was dismissed as deputy prime minister. But by the end of 1999, its circulation shot up to 360,000 or that of a then popular newspaper like NST. For details see Garry Rodan (2000), “Free Press Missing from Malaysia Transparency Plan” in *Aliran Monthly*, 20 (1), pp.6-7.

<sup>63</sup> See Chandra Muzaffar (1986) *Freedom in Fetters*. Aliran Kesedaran Negara (ALAN), Penang, p.2

<sup>64</sup> Interviews with Tian Chua (15 December 2012, Kuala Lumpur), Teresa Kok, DAP vice-chairman and MP for Seputeh (Kuala Lumpur) (17 December 2012, Kuala Lumpur) and Dr Xavier Jayakumar, Selangor state government exco member from 2008 to 2013. (20 December 2012, Shah Alam).



publication, import and circulation of any manuscripts deemed prejudicial to “public order, morality, security, the relationship with any foreign country or government, or which is likely to alarm public opinion, or which is otherwise prejudicial to public interest or national interest.”<sup>65</sup>

Owing to frequent police warnings and crackdowns on instructions from the Home Affairs Ministry which mandated “for members only” labels on political party periodicals, news vendors and agents were often discouraged from selling PAS’ *Harakahdaily*, DAP’s *The Rocket* or PKR’s *Suara Keadilan* in public. They felt intimidated by the police confiscation of opposition newspapers put up for sale as well as fines imposed on them after being charged in court. But while the opposition parties had legitimate grounds to complain that even the limited sales of their party newspapers in public had not been allowed, they were even more resentful that the Home Affairs Ministry had created all kinds of difficulties for them to apply/renew their annual publishing and printing permits. For without a valid permit, political parties could not legally publish their newspapers even though some of them do so in defiance of the government. PKR leaders like Tian Chua<sup>66</sup> lamented that the party had to go through a long and complicated process in making an official written application to the Home Ministry for a publishing/printing permit. Sometimes the acknowledgement of the application took weeks, if not months. After a long wait, the party would receive a rejection letter. The opposition, especially the PKR, had no choice but to defy the government and carried on publishing and distributing its newspaper to the people despite police crackdowns.

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<sup>65</sup> For details pertaining to control of undesirable publications, see Sections 3 and 7 of Act 301 in Laws of Malaysia (2006) *Printing Presses and Publications Act 1984 (Reprint)* National Printers, Malaysia, Kuala Lumpur, pp. 9-11. <http://www.agc.gov.my/Akta/Vol.%207/Act%20301.pdf> ( date accessed: 9 August 2014).

<sup>66</sup> Interview with Tian Chua (15 Dec 2012, Kuala Lumpur).

(ii) Denied Mainstream media access, opposition engages Internet

Apart from the limited sales of their party organs, the opposition parties were denied meaningful access in conveying their views to the people and maintaining dialogue with them. This happened for nearly three decades after 1970.<sup>67</sup> The opposition parties either faced a complete rejection and/or heavy editing/censorship of their ideologies, policies, programmes, manifestoes and press releases when these were routinely sent to the major newspapers for publication. The lack of a suitable forum in the mainstream media had also affected the significance of opposition party activities especially if they were aimed at canvassing support, but could not be conveyed in a suitable and timely manner. This usually happened when mainstream newspapers omitted mentioning opposition activities, dismissed them in a few paragraphs or buried them in their inside pages, where they were likely to be overlooked by many readers. Thus through manoeuvrings in the mainstream media, the government severely constrained the opposition from articulating and initiating public debate/discourse on issues of the day. Under such circumstances, the government has ensured that the opposition could not reach a wide voting audience to convey its ideologies, policies and programmes.

PAS Selangor deputy commissioner and MP for Shah Alam (Selangor) Khalid Samad held that the mainstream media, both print and broadcast, ignored news on the Selangor government's activities on the instructions of the federal government since the opposition took over the state from BN on 8 March 2008. The federal government, Khalid added, did not want to inform the people through the mainstream

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<sup>67</sup> Lim, *The Malaysianinsider*. 12 April 2013.

media that the PR state government had succeeded in salvaging some thirty-five out of 142 projects abandoned by the previous BN administration that took no action against the developers who had close connections with BN politicians.<sup>68</sup> In another development, Penang Chief Minister and DAP secretary-general Lim Guan Eng noted that BN was similarly anxious to prevent the people from knowing that the PR could achieve much more for Penang in its first year of governance after 2008 compared to the BN for the same or even longer duration.<sup>69</sup> News on the PR's ability to transform Penang's annual budget deficits into a surplus from 2008, whilst providing affordable public housing and cash payments to senior citizens to help them cope with rising inflation, etc., was either downplayed or ignored in the mainstream media. The mainstream media's prohibition of meaningful access to the opposition was severely criticized by both Lim Kit Siang and Anwar Ibrahim. Kit Siang had berated RTM for not giving DAP the right of reply after portraying it as a Chinese chauvinist party.<sup>70</sup> Anwar had attacked RTM for ignoring his exposures of public scandals like the Port Klang Free Zone (PKFZ) and lawyer V K Lingam, who was close to top UMNO leaders, brokering of judicial appointments even as its reporters on separate occasions continued hounding him to give "proof" of his other accusations.<sup>71</sup>

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<sup>68</sup> Khalid Samad's remarks were made at a seminar "Long March towards a two-coalition system in Malaysia" organized by the Institute of Southeast Asian Studies (ISEAS) in Singapore on 28 July 2009. The writer was present at the seminar.

<sup>69</sup> Lim Guan Eng spoke at a function on Penang since the opposition came to power in 2008, organized by the Singapore chapter of the Penang Old Frees Association (OFA) in Singapore on 15 June 2009. The writer attended the function.

<sup>70</sup> See "DAP seeks air-time to rebut RTM's *Bahaya Chauvinisme*" in *Malaysiakini*, 19 November 2002 <http://www.malaysiakini.com/news/200211190018253.php> (date accessed: 6 June 2014).

<sup>71</sup> For details of Anwar's press conference on 17 June 2010 in the lobby of parliament, see <https://www.youtube.com/watch?v=LcT6teVViUU> (date accessed: 6 June 2014). Lingam was videotaped in a phone conversation with a former Chief Justice over how he brokered the judicial appointments by Loh Gwo-Burne, during a visit to the lawyer's house in Selangor with his businessman father sometime in the 2000s. Anwar got hold of the video clip and widely publicized it to attack the government, but no action was taken against Lingam. Loh joined PKR and successfully contested as its MP in Kelana Jaya (Selangor) in the 2008 General Election.

Not being able to effectively counter UMNO's attacks on it through the mainstream media, especially the major newspapers, the opposition took to the Internet that appeared in the media scene from the late 1990s to air its views. Since then PKR, DAP and PAS have found the online media a suitable platform that eventually led them to break government control in ending the monopoly of news dissemination by the mainstream print and broadcast media. Unlike the clearly defined parameters of the country where the mainstream media operates, the absence of physical barriers in cyberspace allows the publication and dissemination of news to be free of censorship.

As Tan observes:

The Internet connects individuals to become networks which in turn create powerful echo chambers that have or will ultimately strain the effectiveness of pre-existing laws and state imposed norms governing free speech.<sup>72</sup>

George<sup>73</sup> also contends that where government controls have severely constrained opportunities for dissent in Malaysia, the internet attempts to democratize public discourse by challenging dominant ideologies and the consensus that powerful interests try to shape and sustain through the mainstream media. For an electoral democracy like Malaysia, lying between liberal democracies and closed authoritarian regimes, the Internet provides dissenting journalists with enough political space to practice their craft openly, but not constitutional protection from political censorship or politically motivated reprisals.<sup>74</sup> Another commentator, Chin,<sup>75</sup> notes that the Internet has been largely free from government censors and control not because the

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<sup>72</sup> Tan Hang Wu (2009) "The Networked Electorate: The Internet and the Quiet Democratic Revolution in Malaysia and Singapore", *Journal of Information & Technology (JILT)*, 2, pp.1-33. [http://go.warwick.ac.uk/jilt/2009\\_2/tang](http://go.warwick.ac.uk/jilt/2009_2/tang) ( date accessed: 3 June 2014).

<sup>73</sup> For details see George, Cherian (2005 ) "The Internet's political impact and the penetration/participation paradox in Malaysia and Singapore", *Media, Culture & Society*, 27 (6), pp. 903- 920.

<sup>74</sup> George (2006), p. 3.

<sup>75</sup> Chin, James (2010) "The Future of Democracy in Malaysia", in *A Future for Democracy, PANORAMA: Insights into Asian and European Affairs*, Konrad Adenauer Stiftung, February, pp.81-89.

BN believed in the free flow of information, but because the MSC's Bill of Guarantees had prevented it from doing so. Thus opposition media statements were frequently emailed to popular websites like *Malaysiakini*, *The Malaysian Insider*, *FreeMalaysiaToday* and *Malaysia Chronicle* for publication where they served a distinct purpose in providing diversity in the alternative media. So too were letters of opposition figures taking legal action against *Utusan* for libel and slander demanding punitive damages.<sup>76</sup> These would have been blacked out in the mainstream papers by their editors.

*Malaysiakini* has in fact become the leading Internet newspaper since its debut in 1999 to report on the Tenth General Election. It was established by journalists Steven Gan and Premesh Chandran who had previously worked for *The Sun*, a mainstream newspaper. *Malaysiakini* aspired to address a glaring media anomaly where mainstream newspapers failed to exercise journalistic independence so that they tended to become government accessories publishing propaganda projected as news. Steele<sup>77</sup> observes that *Malaysiakini* displayed "...journalistic professionalism to challenge the *status quo* and to create a 'pocket' of resistance to authoritarianism in Malaysia." She contends that its independent news, investigative reporting, in depth analysis covered both sides of the political divide, making it different from the mainstream papers. More significantly *Malaysiakini's* news was presented in the format of a blog with a comments section that proved useful in securing feedback from readers. This was markedly different from mainstream media news where readers' comments were published only if they praised the government or berated the

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<sup>76</sup> See press release "Azmin Ali sues Utusan Malaysia for Rm100 million over fake sex photos" issued by PKRM vice-president N Surendran on 3 May 2012 (mimeo) and letter from Edwin, Lim, Suren & Soh, Advocates & Solicitors to Managing Director of Utusan Melayu (Malaysia) Bhd demanding Rm 50 million for defamatory and malicious allegations against Anwar Ibrahim, 17 January 2012. (mimeo)

<sup>77</sup> Steele (2009).

opposition. *Malaysiakini's* variety of features such as news breaks, letters column, *Your Say*, *Vox Populi* and in depth interviews with both government and opposition leaders, enabled readers to post their comments on controversial issues. This gave a human face and voice to online journalism even though at times some of the anti-establishment criticisms tended to be harsh and even bordered on defamation. In this way, whether rightly or wrongly, alternative views online became legitimized to challenge the thoroughly-discredited mainstream media. But the significance of *Malaysiakini's* news reports appeared to be their augmentation by video clips of actual events depicting their immediacy and authenticity. Although it emerged at the time of *Reformasi*, the agenda of *Malaysiakini* was not for the reform movement *per se*, but rather to create an independent news organization, open up issues of press freedom and human rights as well as to enhance democracy. Such a move predictably led the opposition to support *Malaysiakini* with Anwar praising its independence and credibility in providing space to dissenting views ignored by the mainstream media.<sup>78</sup> But it also made the government regard *Malaysiakini* with hostility, consistently monitoring the online media and harassing it when readers' comments turned strongly critical. A police raid on the premises of *Malaysiakini* in Kuala Lumpur in 2003 where its nineteen computers were confiscated only strengthened the online newspaper's resolve to continue its independent line of presenting and publishing news and readers' feedback.<sup>79</sup> To date *Malaysiakini* has faced several lawsuits from UMNO leaders, including Prime Minister Najib, for defamation in his handling of

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<sup>78</sup> See Anwar's interview with Steele on 27 March 2007 in Steele (2009).

<sup>79</sup> The police raid took place on 20 January 2003 after UMNO youth lodged a police report over a letter published criticising the government's preferential treatment of Malays. *Malaysiakini* continued publishing with its back-up system until the computers were returned later. For details see "Malaysian police raid website office" *BBC News World Edition*, 20 January 2003. <http://www.news.bbc.co.uk/2/hi/asia-pacific/2676297.stm> (date accessed: 3 June 2014).

factional struggles in Terengganu UMNO.<sup>80</sup> Cyberspace thus came to constitute the arena to get all groups nationwide to unite and plan concerted action with two inter-related events in the late 1990s providing a broad-based cause in seeking social justice. They are the Asian Financial Crisis and the arraignment of then deputy prime minister, Anwar Ibrahim.

The financial meltdown and Anwar's dismissal provided the impetus for the concept of imagining dissent in the opposition's media strategy. The first incident where the value of Malaysian shares plunged, took place in mid-1997 followed by the second in September 1998 where Anwar was first sacked from his government and party positions, and then jailed after a farcical trial for corruption and sodomy. Both incidents exposed not only the government's negligence, lack of accountability and transparency in governance, but also human rights abuses.<sup>81</sup> Anwar became a symbol in the fight for social justice that led to the *Reformasi* movement in 1998, the starting point for imagining dissent.

In their calls to free Anwar, the opposition and NGOs cooperated to organize attacks on the government using the social media. As they were denied access to the government-controlled mainstream media which downplayed news on the Asian Financial meltdown and ignored reports on Anwar's arraignment,<sup>82</sup> the opposition and NGOs made use of ICT to develop and maintain links in cyberspace through email lists, discussion groups, websites, online media, online forums, blogs file sharing and text messages (SMS). This enabled them to gather information, disseminate reports, rally public opinion, rebut government claims and question

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<sup>80</sup> See "Najib, UMNO sue Mkini over readers' comments", *Malaysiakini*, 3 June 2014. [www.malaysiakini.com/news/264611](http://www.malaysiakini.com/news/264611). (date accessed: 5 June 2014).

<sup>81</sup> Wang (2001).

<sup>82</sup> The government not only censored CNN/CNBC reports on Anwar's arrest and trial, but also repeatedly jammed satellite feed by BBC and ABC. See Ramanathan, Lim and Kaur, K (2006).

mainstream news reporting. Cyber-networks developed by the opposition and NGOs were able to “weave a web of counter-hegemonic discourses that helped its organizers, allies and supporters to imagine themselves as a community of dissent<sup>83</sup>” and thus engaged the government in a protracted media war.

Also the social, especially the online media, carried news breaks that the mainstream media either refused to carry or delayed publishing. For instance, news that PAS had taken over the Terengganu state government in the 1999 general election was carried only in the early hours of the morning, long after people came to know of it by communicating through mobile phones, text messages and email chats.<sup>84</sup> On the contrary, both the state-owned RTM and the pro-government commercial station, TV3, were quick to carry news favourable to the government. Their partisan approach created a public backlash when many people turned to the internet for their news. The online version of PAS’ newspaper *Harakahdaily* that had earlier carried news on the Anwar dismissal ignored by the mainstream newspapers, also came to benefit from the media backlash. This was reflected in *Harakahdaily*’s circulation<sup>85</sup> rivalling those of *Utusan*, *The Star* and *NST*, which with RTM and TV3, continued to ignore the opposition electoral successes in 2008. These included ending the government’s two-thirds parliamentary majority and capture of the state governments of Penang, Selangor, Perak and Kedah, while retaining Kelantan. RTM and TV3 also chose to announce the results of the least important of three by-elections held on the same day in 2009, the Batang Ai (Sarawak) state contest in Sarawak., while ignoring the other two, the Bukit Gantang (Perak) parliamentary Bukit Selambau (Kedah) state by-

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<sup>83</sup> Khoo ( 2010), p.2.

<sup>84</sup> Personal monitoring of the results of the Tenth General Election in Penang on the night of 29 November 1999.

<sup>85</sup> Please refer to footnote 62 on p.150 for circulations of *Harakahdaily* and footnote 87 on p.160 for circulation of the mainstream newspapers.



elections. This was because the BN had won in Batang Ai but lost in both Bukit Gantang and Bukit Selambau.<sup>86</sup>

Unlike the mainstream papers and the radio/television networks that were costly to own and laden with bureaucratic procedures, the web portals were nimble and cheap to operate. Anyone could access the computer, either at home, in the office or the numerous cybercafés, and instantly connect with one another, enabling people throughout Malaysia from Perlis in the north to Sabah across the South China Sea to communicate with one another easily. More significantly the Internet came to link supporters of opposition parties separated not only by physical distances but also by ethnicity and religion. In cyberspace, a DAP member in Penang could easily reach out to his PAS counterpart in Kelantan or Terengganu by touching a button on the computer keyboard. Likewise a PKR leader in Kuala Lumpur could contact his DAP counterpart in Perak, Kedah or Johor and even in Sarawak and Sabah. Thus the internet not only helped PAS, DAP and PKR to forge closer ties within the PR coalition; it also brought them to cooperate with NGOs to become part of the wider civil society in combatting social injustice identified with the government.

Many people who communicated with one another via the Internet as well as mobile phones were able to judge for themselves which contestant in the media war – the mainstream media or Internet – was more accurate and thus reliable in providing news. Both had noticeable flaws, but on balance the flaws of the mainstream newspapers and the government controlled radio/television networks tended to be more glaring. That was how they led to the mainstream media losing its credibility as the traditional provider of domestic political news to the people, and with this its

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<sup>86</sup> Personal monitoring of the results of the Bukit Gantang (Perak), Bukit Selambau (Kedah) and Batang Ai (Sarawak) by-elections in Taiping, Perak, on the night of 7 April 2009.

monopoly of news dissemination. The reality of the BN losing the media war has not only been reflected in the plunging sales<sup>87</sup> of the mainstream newspapers, but also its under-estimation of the power of the internet which was admitted to by no less than then prime minister Badawi. “We certainly lost the Internet war, the cyber-war.... It was a serious misjudgement. We made the biggest mistake in thinking that it was not important,” he said.<sup>88</sup>

(iii) Opposition wants RTM’s Corporatisation democratised

The privatization of the broadcast media in 1984 when TV3 was established as a commercial channel, led the opposition to call for the government television station RTM to be corporatized. Its target was the second channel of RTM or TV2 which had been restructured to become multi-ethnic and multi-cultural, unlike RTM’s first channel or TV1 which continued to be mono-ethnic and mono-cultural in promoting Malay culture and Islam. Though the opposition focused on the commercial aspect in its call for TV2’s corporatisation, its political motive was also evident. It had been aware that when the private channel TV3 cornered some fifty-six per cent of the advertising revenue against forty-four per cent obtained by both TV1 and TV2 in 1986, the second government channel had fought back not only to acquire more popular foreign programmes but also produced more popular local programmes. The result was that within four years, TV2 had managed to reverse their positions such that in 1990, the government television channel came to acquire fifty-six per cent of

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<sup>87</sup> The circulation of the Sunday editions of two main Malay-language newspapers *Utusan* and *BH* declined from 1,147,126 in 2008 to 890,446 in 2012. Similarly English-language newspapers such as the *NST*, *The Star* and *The Edge* saw their combined circulation drop from 936,664 in 2008 to 813,994 in 2012. See James Gomez, “Malaysia’s social media election is already over” *The Malaysianinsider*, 26 March 2013. <http://www.themalaysianinsider.com/sideviews/article/malaysias-social-media-election-is-already-over-james-gomez/> (date accessed: 16 November 2013).

<sup>88</sup> See Badawi’s interview with the *NST*, 26 March 2008.

the advertising revenue compared to TV3's forty-four per cent.<sup>89</sup> In sounding out the profit motive, the opposition felt that corporatization/privatization of TV2 would encourage diversity, especially cultural diversity not only in entertainment, but also news presentation and in the process promote greater media democratization. In linking the profit motive to its political motive, the opposition felt that it need not have to depend on the very little airtime relative to BN that RTM was prepared to give it just to read its manifestoes over the airwaves during general elections.<sup>90</sup> In the same way that the DAP could reject the ten minutes air time which secretary-general Lim Guan Eng<sup>91</sup> held was not equitable to freedom of the press, the opposition could also buy air time in a corporatized channel like TV2. This would facilitate its right to rebut government attacks at prime time over the broadcast media in an organized and effective way.

The opposition, especially DAP, had also criticised RTM's moves to promote Malay culture in entertainment leading to Chinese cultural programmes being sidelined in the public sphere and predictably drew a lot of criticisms from non-Malay as well as some Malay viewers nationwide. In echoing their widespread unhappiness, DAP's Lim Kit Siang observes:

TV3/RTM are under pressure from certain Malay cultural/political groups against screening of Hong Kong and Taiwan films. They want TV3/RTM to telecast only Malay films and programs because they refuse to accept DAP and recognize Malaysia's multi-racial, multi-lingual and multi-cultural character. DAP wants to know whether slotting in more local programs

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<sup>89</sup> For details, Singh, Lal (1994) "The Changing Television Scene: Malaysian Perspective", *AMIC Seminar on Television Development in the Asia-Pacific Region*, Jakarta, 8-9 December, Asian Media Information Communication Centre, Singapore.

<sup>90</sup> For details, see Khattab (2006), pp. 355.

<sup>91</sup> See "DAP rejects offer of 10 minutes air time on RTM in general elections campaign to present pre-recorded manifestos" *The Malaysianinsider*, 24 March 2013. <http://www.themalaysianinsider.com/malaysia/article/dap-rejects-offer-of-10-minutes-airtime-on-rtm> (date accessed: 4 June 2014).

during prime time over TV3/RTM in June 1991 will mean reduction in TV time for Chinese language films and programs over RTM/TV3.<sup>92</sup>

Many people especially in the urban areas, could empathize with DAP's lament of RTM on that score. In the 1970s and even 1980s, they preferred to switch off their television sets, while viewers in Johor and Malacca who could access Singapore television, with their relatively more multi-cultural programmes in terms of education and entertainment, installed high television antennae to receive the transmissions.<sup>93</sup> And when the videocassette recorder emerged in the media scene in the 1980s, there was a huge demand for videocassette tapes featuring popular imported television programmes or movies either for rental or sale. This demand was mainly caused by RTM's continuing moves to feature local entertainment programmes in Malay such that very few popular imported foreign programmes came to be screened. In a Chinese-dominated multi-cultural city like Kuala Lumpur, it was not a surprise that the Chinese reacted by turning to imported television programmes in cassette tapes either on sale or for rental. The ratio of video cassette recorders to television sets came to be as high as 1:2, being reflected in some forty per cent of Kuala Lumpur's population in 1983 not watching television but instead videos for their entertainment. The loss of potential advertising revenue from a Chinese-dominated multi-cultural viewership in Kuala Lumpur led the government to embark on privatization of the broadcast media.<sup>94</sup> While the opposition generally approved of such a move, it nevertheless did not welcome a situation where it could see that the main

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<sup>92</sup> See Lim Kit Siang's parliamentary speech on 21 May 1991 "Call on Information Minister, Mohamed Rahmat, to explain whether the rescheduling of RTM and TV3 programmes next month would mean the reduction of television time for Chinese language films and programmes" / <http://bibliotheca.limkitsiang.com/1991/05/21/call-on-information-minister-datuk-mohamed-rahmat-to-explain-whether-the-rescheduling-of-rtm-and-tv3-programmes-next-month-would-mean-reduction-of-television-time-for-chinese-language-films-and-prog/> ( date accessed: 4 June 2014).

<sup>93</sup> These were the personal observations of the writer as well as feedback from his friends in the two peninsula states in the 1970s and 1980s.

<sup>94</sup> Khalid (1994).

beneficiaries of the broadcast media's corporatization would be the government through corporate figures closely associated with UMNO such as the Media Prima Group.<sup>95</sup> However whatever government's moves to corporatize RTM was not very successful to the extent that it did not want to privatize TV2. The government felt that such a move could lead to measures that could compromise its broadcast policy of emphasising Malay and Islam.<sup>96</sup>

*Mobilizing groups for common action against government – realizing dissent*

The second phase in the opposition's media strategy, i.e. realizing dissent after its first phase of imagining it, was more significant in that whatever strategies and plans decided earlier using the internet had to be implemented. Failure to do so meant that the earlier common objective of imagining dissent would not have been served. After they had managed to agree and forge common objectives against the government in cyberspace, the opposition and NGOs had to mobilize the masses on the ground for joint action, necessitating the formation of physical coalitions. This aspect of realizing dissent involved human interaction on a vast unprecedented scale and over a sustained period. Groups from all over the country had to be brought to assemble at various localities for concerted action against the government to be carried out. Human interaction enabled groups that had become acquainted in cyberspace to meet on the ground so as to get to know one another better. One benefit from such meetings was that many mutual misperceptions affecting different ethnic groups

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<sup>95</sup> The Media Prima Group is a Malaysian integrated investment group listed on the Kuala Lumpur Stock Exchange. The Group currently owns 100 per cent equity interests in private television networks TV3, 8TV, ntv7 and TV9 as well as ninety-eight per cent in The New Straits Times Press (Malaysia) Berhad (NSTP) which publishes newspapers NST, BH and *Harian Metro*. The Group also owns three radio stations, Fly FM, Hot FM and One FM. See Parti Keadilan Rakyat (2006) *Sham Democracy: A Report on Malaysian Elections*, Parti Keadilan Rakyat, Kuala Lumpur, pp.17 & 18.

<sup>96</sup> Ismail Mustapa (1998) "Public Service Broadcasting in the Asia-Pacific Region-What Lies Ahead." *Paper presented to Rundfunkökonomie, Universität Köln*, August.

created by the BN's divide and rule ethnic/religious politics could be dispelled or at least mitigated. In the event whatever negative stereotypes mutually developed over the decades could be explained and corrected, very much facilitated by focusing on common issues which made all groups unhappy and identify those who were responsible for such issues so as to work against them. Thus physical coalition building allowed PAS, PKR and DAP members the opportunity not only to come together to work first as BA in 1998, but also in the PR a decade later.

After allowing for imagining dissent by the opposition/NGOs, the Asian Financial Crisis and Anwar's incarceration went on to bring about realizing dissent in the opposition's media strategy. Though it may be argued that Mahathir's incarceration of Anwar triggered off widespread Malay protest, this was only translated into action on the ground as reflected in *Reformasi* when groups met after being informed through the Internet, including the online version of *Harakahdaily*. United under a common cause to free Anwar, the *Reformasi* street demonstrations turned into a mass movement against social injustice where all affected groups for whatever reasons joined in. Realizing dissent in this manner translated into a massive Malay protest vote against Mahathir and UMNO in the 1999 General Election. The government however managed to neutralize this strong Malay voter swing with a significant counter-Chinese voter swing to the detriment of DAP. It fuelled ethnic fears of Indonesia-inspired *Reformasi* and more significantly, Islamic state associated with the Malay/Islamic components of the opposition. *Reformasi's* partial success in 1999 nevertheless came to be replicated on a wider scale in the run-up to 2008 General Election for the opposition/NGOs in terms of realizing dissent. The social media, particularly the Internet, once again enabled disenchanting groups to physically meet on the ground after they had planned and organized strategies in cyberspace. Unlike

1999, conditions on the ground a decade later, favoured realizing dissent for the opposition and NGOs even more. They led to the success of BERSIH and HINDRAF, which were two mass movements<sup>97</sup> in the streets of Kuala Lumpur, happening within fifteen days of each other in November 2007. Their formation as physical coalitions on the ground enabled opposition and civil society to be mobilized for street demonstrations in realizing dissent. This often led to police crackdowns on many who were arrested and charged with unlawful assembly, but in the event the different oppressed groups became even more united to strengthen the process of realizing dissent. Many protesters helped one another as Malaysians seeking common justice who were assaulted by the police and hit by tear gas as in the BERSIH movement. It was a big blow to the BN's ethnic politics that traditionally divided communities, especially Malays and Chinese, to pit one group against the other by exploiting their ethnic differences.

*Institutionalization of dissent – still ongoing protracted transition*

The results of the 2008 General Election indicated that while the first two phases of the opposition's media strategy – imagining and realizing dissent – were fairly successful, regime change is still some distance away. It requires institutionalizing the new media networks and these would consistently challenge the government so that they eventually become part of the country's socio-political-economic landscape. To the extent that the mainstream newspapers lost their traditional monopoly of news dissemination, many people might already have come to regard the online media as part of the wider social media scene. But until regime change takes place –

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<sup>97</sup> For details of the BERSIH and HINDRAF protest marches, see Chapter Two.

institutionalization of dissent - continues to remain the “missing link”<sup>98</sup> essential for regime change.

There is, however, a growing realization in the opposition and also NGOs of the Internet’s limits as an avenue for communication that can only facilitate, not bring about regime change as would be required of it in the institutionalization process.<sup>99</sup> The Internet would have to exist in society for a sufficiently long period to gain public acceptance in the same way that newspapers, radio and television did earlier as part of the fourth estate. Although the rate of Internet penetration<sup>100</sup> in Malaysia was very high in the 1999-2004 period with many people in the rural areas utilizing it, the online media could not prevent the BN from scoring its biggest victory in the 2004 General Election winning some ninety per cent of the 219 parliamentary seats.<sup>101</sup> Also at that time despite numerous moves by the opposition, especially PKR, to lobby overseas for Anwar’s release from prison through the online media, he remained in prison.

It was once again proven in the 2008 General Election that socio-political-economic conditions rather than the Internet were responsible for changes in voting behaviour among the people. The opposition scored its then unprecedented electoral achievement mainly because Badawi had not carried out many of his promises. Also the opposition parties had managed to take advantage of the then groundswell of

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<sup>98</sup> Khoo (2010).

<sup>99</sup> Interview with Mansor Othman (3 December 2012, Penang).

<sup>100</sup> Internet penetration in Malaysia increased steadily from twenty-seven per cent in 2001 to forty-two per cent in 2004 and 56.5 per cent 2007. There were about fifteen million internet users as of March 2008. For details see Gong, Rachel (2011) “Internet Politics and state media control: Candidate weblogs in Malaysia” *Sociological Perspectives*, Vol.54, No.3, Fall pp.307-328. By contrast there were fewer than half a million internet users in a population of twenty million in September 1998 when Anwar was sacked. See Abbot, (2001), p.104.

<sup>101</sup> Gomez, Edmund Terence (2004) *The 2004 Malaysian General Election: Economic Development, Electoral Trends and the Decline of the Opposition*, Paper presented at the ISEAS workshop on “The Political Economy of Malaysia: Current Trends and Future Challenges”, 8-9 September, Singapore.



protest against growing authoritarianism in the BN, especially UMNO, and to reorganize themselves under Anwar. An indication that dissent had yet to be fully institutionalized was the outcome of the 2013 General Election.<sup>102</sup> Although the BN was struck by a disastrous convergence of socio-political conditions enabling the opposition to usher in a two-coalition system, the 2008 General Election was not exactly a “tsunami” as mistakenly depicted<sup>103</sup> as BN still held on to power; and neither was it the “perfect storm” as both Sabah and Sarawak had been bypassed.<sup>104</sup> Even in the 2013 General Election, opposition attempts to improve on their performance in 2008 were only marginally successful. The opposition had re-planned its overall strategy for Johor as well as Sarawak and Sabah which had bypassed it five years earlier, but could only make marginal inroads in the Chinese and non-Muslim indigenous areas, while the Malay-Muslim constituencies remained virtually unscathed. Thus all three states continued to be held by BN that had its federal mandate extended for another five years.

Also BN had counter-attacked not only the opposition, but also NGOs, through engaging the online media in addition to the mainstream media. After it got over the initial shock of its unprecedented reverses in the 2008 General Election, BN realized that its dismissal of the online media, especially the Internet as an avenue where children and young adults played computer games, was something to be seriously reconsidered. Younger members of BN component parties began to emulate the

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<sup>102</sup> Ooi Kee Beng (2013) “Malaysia’s BN Stays in Power, But Deep Changes Have Nevertheless Occurred”, *ISEAS PERSPECTIVE*, #38, Institute of Southeast Asian Studies, Singapore, 20 June, pp.1-7.

<sup>103</sup> Khoo (2010).

<sup>104</sup> Interview with PKR secretary-general Saifuddin Nasution (19 December 2012, Petaling Jaya.) He conceded that it was very difficult for the opposition to win in Malay/Melanau areas which strongly support the *Pesaka Bumiputera Bersatu* (PBB) which leads the Sarawak BN. Even though there are plans for Anwar to try to win over the Malays/Melanaus in the long run, for the present, the PR would have to focus on Dayak and Chinese areas to increase its political support.

opposition in cultivating the social media. They not only set up blogs, websites and access Facebook, YouTube, Twitter and Whatsapp, but also met from time to time to discuss how to utilize the social media more effectively as a tool in contestation against the opposition. They were soon followed not only by their parent political parties in setting up popular websites, but also top government leaders including Prime Minister Najib Razak, then Prime Minister Mahathir and former MCA President Chua Soi Lek, setting up personal blogs to interact with the public in cyberspace. On the basis that the government had more resources, logistics and manpower than the opposition, its potential for winning the media war through the Internet was greater. The government could afford hiring “cybertroopers”<sup>105</sup> who for a fee, would surf popular websites like *Malaysiakini*, *The Malaysian Insider*, *FreeMalaysiaToday* and *Malaysia-Chronicle* and post comments either to defend BN’s position or attack the opposition and their supporters on current issues. The government also intensified its utilization of the traditional print and broadcast mainstream media with their usual attacks on the opposition. The latter continued to utilize the internet by necessity rather than choice with its leaders like Anwar, Kit Siang, Dzulkipli Ahmad and others setting up personal blogs in addition to having online versions of opposition organs like *Harakahdaily*, *Suara Keadilan* and *The Rocket*. However it began to entertain growing doubts about the efficacy of the Internet, leading it to fall back on traditional methods of campaigning like massive rallies, house-to-house visits and also demand for more coverage in the mainstream media.

### **3.3 Conclusion**

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<sup>105</sup> Interview with Teresa Kok (17 December 2012, Kuala Lumpur).

The opposition/government contestation using the mass media appeared most intense in the five-year window (2008-2013) between the Twelfth and Thirteenth General Elections. The PR, through the social media, was able to project itself as a viable alternative to the BN in both the federal and state governments with its carefully crafted programmes to appeal to all ethnic groups. It was able to counter the negative coverage of the mainstream media that at the same time praised the achievements of the government. However the opposition's failures to oust the incumbent federal government at this juncture are perhaps linked to the limited penetration of the Internet.

In so far as the opposition was concerned, the biggest achievement of the Internet was its ability to undermine the credibility of the mainstream media, in particular *Utusan* that came to serve more as UMNO's mouthpiece in contestation than as a newspaper. *Malaysiakini* and other popular online newspapers like *FreeMalaysiaToday*, *The Malaysianinsider* and *Malaysia Chronicle* often carried the same news as the mainstream media, but in a different format and with a different angle that appeared relatively more balanced. Online sites were also able to carry news and stories that were completely overlooked or ignored by the mainstream media such as the government's submarine purchases of 2002 and the murder of a Mongolian model in 2006 which implicated Prime Minister Najib Razak. These were published in the online newspapers, in the format of inter-active blogs replete with readers' comments, many of them uncensored.

If popular online newspaper reports reflected the opposition's continuing pressure for regime change through political reforms, the government was in no mood to yield to them. On the contrary UMNO was even more adamant in defending the *status quo* with its affirmation of communal politics. Prime Minister Najib contended that

whatever PR successes on 5 May 2013 were merely a perception that could be changed with the right government counter moves,<sup>106</sup> part of which involved the government utilizing the Internet. With its clear advantage over the opposition in terms of resources, logistics and manpower, the government's potential for winning the media war through the online media was greater. Yet UMNO was not about to tone down, let alone give up *Utusan*'s role as its mouthpiece in vehemently attacking the opposition even if its accusations in many cases bordered on libel and slander, prompting opposition leaders maligned to initiate legal action.<sup>107</sup> UMNO felt that the damages *Utusan* would have to pay successful opposition litigants like Guan Eng, Anwar and others was but a small price so long as it succeeded in convincing the rural Malays, its supporters, that its attacks on the opposition were to defend Malay rights and Islam. It also did not matter much to UMNO whether the opposition was successful in exposing *Utusan*'s lack of credibility at all in many of its accusations to the non-Malays and urban Malays.

In sum, the collective media strategy of PKR, DAP and PAS which regrouped first as the BA in 1998 and then repackaged it as the PR ten years later, sought a combination of modern (internet) and traditional (mass rallies/*ceramahs*, house-to-house visits and access to mainstream media) approaches to bring about regime change in contestation in the 1999-2013 period. Even though the opposition had succeeded in using the online media to undermine the mainstream media's credibility, it continued to regard the mainstream media as still influential, especially to the traditional Malay

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<sup>106</sup> See "Najib: BN won but lost perception war" in *Free Malaysia Today*, 16 June 2013. <https://www.freemalaysiatoday.com/category/nation/2013/06/16/najib-bn-won-but-lost-perception-war/> (date accessed: 18 June 2013).

<sup>107</sup> Besides DAP leaders Karpal Singh and Lim Guan Eng, PKR leaders Anwar Ibrahim and Azmin Ali have also sued *Utusan* for defamation. See Azmin Ali's press release on 3 May 2012 demanding M\$100 million in damages from *Utusan* over publishing false sex photos of him and Anwar's letter to the Managing Editor of *Utusan* on 17 January 2012 demanding M\$50 million for its report quoting him as saying homosexuality should be legalized. Both (mimeo).

supporters of UMNO in the rural heartland. Even *Malaysiakini* had acknowledged the traditional strength of the print media and applied for a permit under the PPPA to start its printed version.<sup>108</sup> But Anwar's plea<sup>109</sup> for opposition access to the mainstream print and electronic media some two months before the 2013 general election was, as expected, ignored and the opposition had to continue utilizing the internet, *ceramahs*/rallies and house-to-house visits in striving for a level playing field in contestation.

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<sup>108</sup> The Home Affairs Ministry rejected *Malaysiakini*'s application filed on 14 April 2010 on 19 October the same year. *Malaysiakini* took the government to court and won on 1 October 2012. The government failed to appeal when the deadline for appeal lapsed, but to date *Malaysiakini* has yet to start its printed version. See "No appeal, Mkini print permit verdict is final" *Malaysiakini*, 3 December 2013. <http://www.malaysiakini.com/news/248284>. (date accessed: 4 June 2014).

<sup>109</sup> Closing address by Anwar Ibrahim, Leader of the Opposition, Parliament of Malaysia, at the International Conference on Malaysia, 13<sup>th</sup> General Elections, 4-5 March, 2013, Lake Club, Kuala Lumpur. (mimeo).

# Chapter Four

## Needs-based PR Economic Policies to counter

### Malay-centric NEP

#### Introduction

When several opposition parties regrouped as a coalition in 1998 to contest the Tenth General Election the following year, Malaysia's NEP had already expired for almost a decade, but continued in other forms such as the National Development Policy [NDP (1990-2000)] and National Vision Policy [NPV (2001-2010)].<sup>1</sup> The NEP as an ethnic instrument depicted how the communal paradox<sup>2</sup> came to serve UMNO's political/economic interests in post-1969 Malaysian politics. Government moves to redress Malay economic weaknesses through NEP from 1971 predictably led to a Malay ethnocratic<sup>3</sup> state over the next two decades. Due to growing controversy over whether the Malays had achieved their thirty per cent equity ownership target, NEP was finally reinstated in 2005 and incorporated into the Ninth Malaysia Plan [9MP (2006-2010)]. The opposition's attacks on the NEP in the 2008 General Election campaign focused on exposing how its reinstatement accentuated the rising incidence of corruption, especially in high circles. Opposition measures aimed at helping the

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<sup>1</sup> For details of the NDP and NVP, see Malaysia, Government (2004) "Malaysia: 30 Years of Poverty Reduction, Growth and Racial Harmony", *Economic Planning Unit, Prime Minister's Department*, pp. 1-56, Paper presented at a conference on Scaling up Poverty Reduction, a Global Learning Process, Shanghai, 25-27 May.

<sup>2</sup> See Lim Teck Ghee, Gomes A, Azly Rahman [eds (2009)], *Multiethnic Malaysia: Past, Present and Future*, Strategic Information & Research Development Centre, Petaling Jaya, p.457.

<sup>3</sup> Brown, David (1994) *The State and Ethnic Politics in Southeast Asia*, Routledge, London and New York, pp. 36-38.

poor and needy of all groups attempted to inject some elements of class to remove or at least mitigate ethnic discrimination under the NEP. They were derived from PKR's New Economic Agenda (NEA)<sup>4</sup> and DAP's Malaysian Economic & National Unity Strategy (MENUS)<sup>5</sup>. Both nascent economic policies came to be incorporated in the *Pakatan Rakyat* (PR) blueprint at the official launch of the opposition coalition in its second convention in Penang on 19 December 2010. On balance, PR economic policies tend to incline more towards NEA than MENUS even though both were equally articulated in the 2008 General Election campaign. This chapter discusses the PR economic policies and their implementation in the states under their control from 1998 to 2014, to challenge the government's reinstatement of the NEP.

#### **4.1 NEP as ethnic instrument in social engineering**

The NEP emerged as a raft of policies borne out of the 13 May 1969 crisis to correct what the government asserted were economic imbalances between Malays and Chinese that had created problems for national unity. It was promulgated to address Malay economic weaknesses as reflected in their then negligible participation in the corporate sector, lack of representation in the moneymaking sectors of the economy and professions after parliament reconvened in February 1971. Many sections in UMNO had blamed British colonial policy's encouragement of large-scale Chinese and Indian migration to develop the capitalist market-oriented sectors of Malaya's economy and infrastructure, for the Malay economic plight. This happened during the

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<sup>4</sup> For details of NEA, see "A Malaysian Economic Agenda", *Centre for Public Policy Studies* (undated) [http://cpps.org.my/resource\\_centre/malaysianeconomicagenda.pdf](http://cpps.org.my/resource_centre/malaysianeconomicagenda.pdf) (date accessed: 23 January 2014). See also Keynote address of Fuzieh Salleh at Women's Wing of National Congress of PKR, 1-3 September 2006, Penang, Malaysia.

<sup>5</sup> For details of MENUS, see "Malaysian First: Unity Driven Equity, Growth & Innovation", *Proposed 2008 Malaysian Budget*, DAP Budget 2008 Complete (Cover) 070905b.pdf.

late nineteenth and early twentieth centuries, marginalizing the Malays to subsistence sectors like rice planting and fishing. As Roslan<sup>6</sup> observes:

Indeed under the British colonial rule, the feeling of neglect and discrimination developed within the Malay ....years of discrimination had resulted in the loss of self-confidence and a deep feeling of inferiority amongst the Malay. The British occupation and the massive influx of Chinese and Indian immigrants to Malaya was therefore viewed as the major cause of their economic backwardness.

UMNO radicals also blamed the inter-ethnic Alliance government for continuing with this colonial policy in the 1957-1969 period. They held that its promotion of development via a *laissez faire* capitalist economy without societal restructuring, enabled others to advance while the Malays remained stagnated. They warned that unless the Malays improved their living standards, national integration would continue to be an elusive goal. A white paper<sup>7</sup> on the Kuala Lumpur ethnic disturbances held that so long as the Malays continued to be economically deprived, they would feel politically insecure. All it needed was some provocative incident to cause rioting as happened on 13 May 1969. Thus the NEP became official government policy in 1971. Torii<sup>8</sup> argues that in their determination to close or at least narrow these imbalances, the NEP's promulgators were driven by powerful ethnic sentiments and patterns of ethnic political mobilization. This highlighted Malay economic disadvantage to show how far the Malays as an ethnic group lagged behind the Chinese and foreigners in the economy from 1957 to 1969. The relatively poorer Malay economic situation would be used to justify government social

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<sup>6</sup> For details see Roslan, A.H (2005) "Nationalism and Development: An Economic Perspective of Malay Nationalism in Malaysia", *Songklanakarin Journal of Social Sciences and Humanities*, Vol.11, No. 3, July-September, p.346.

<sup>7</sup> See National Operations Council (1969) *May 13 Tragedy: A Report*, Government of Malaysia, Kuala Lumpur.

<sup>8</sup> Torii, Takashi (1997) "The New Economic Policy and the United Malays National Organization – With Special Reference to the Restructuring of Malaysian Society" *The Developing Economies*, XXXV-3, September, pp.209-239.



engineering measures in the NEP as recommended in two *bumiputera* economic congresses in 1965 and 1968 respectively. Government intervention was needed to help Malays in this economic restructuring within the context of promoting free enterprise policies to attract foreign investments.<sup>9</sup> In particular, individuals like Mahathir were concerned that in their dealings with the Malays, the Chinese-dominated private sector benefited immensely from social and also economic discrimination, legacies of British colonialism. Faaland, Parkinson and Saniman<sup>10</sup> note their many forms against Malays by the non-Malay controlled commercial and industrial sectors. In business, the British and Chinese banks had ignored the Malays on grounds that they lacked suitable experience. In wholesale, retail and export business, the Chinese guilds, clans and associations excluded the Malays because they were not familiar with the Chinese language and culture. On a smaller scale, but nevertheless also making the Malays feel slighted, Indian businesses preferred sourcing workers from India when they were short staffed. The only employment readily available to Malays in the non-Malay dominated urban areas was as chauffeurs, watchmen and security guards. The Malay ultra-nationalists thus wanted such social and economic discrimination against their community to end as soon as possible through NEP's societal restructuring measures.

Government statistics provided a convenient starting point for societal restructuring of share ownership of all ethnic groups. In 1970, data showed the Malay portion to be 1.9 per cent compared to the non-Malay (Chinese and Indians) at 37.4 per cent and

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<sup>9</sup> See Heng Pek Koon (1997) "The New Economic Policy and the Chinese Community in Peninsular Malaysia", *The Developing Economies*, XXXV-3, September, pp.262-92.

<sup>10</sup> See Faaland, J Parkinson, J R and Saniman, R (1990) *Growth and Ethnic Inequality: Malaysia's New Economic Policy*, Kuala Lumpur, Dewan Bahasa & Pustaka, p. 7.

foreigners at 60.7 per cent.<sup>11</sup> Also inter-ethnic imbalances relating to employment and occupations in the 1970s disclosed that the Malays were mainly in the subsistence primary sectors while the non-Malays dominated both the market-oriented secondary and tertiary sectors of the economy. The Malays constituted 67.6 per cent of primary sector activities such as agriculture, farming and fishing compared to 32.4 per cent for non-Malays. In the secondary sector comprising of mining, manufacturing, construction, utilities and transport, the Malay share of activities was 30.8 per cent against 69.2 per cent for the non-Malays. In the tertiary sector that included wholesale, retail trade, banking and other financial services, the Malay portion was 37.9 per cent compared to the non-Malay portion of 62.1 per cent. In terms of household mean income based on the purchasing power of the Malayan dollar in 1959, the average Malay family lived on \$170 per month compared to \$390 for the Chinese family and \$300 for the Indian family. On the basis that in 1970, 49.3 per cent of all households in Malaysia were living below the poverty line, the incidence of poverty was highest among the Malays at 65.9 per cent compared to the Chinese at 27.5 per cent and the Indians at 40.2 per cent.<sup>12</sup>

The government argued that for the Malays to benefit fully from the NEP, measures to redress their economic backwardness were more urgent than creating conducive conditions to attract economic growth. Though these two objectives complemented each other as reflected in the NEP's twin-pronged preamble, the government in fact chose to reverse their order of priority in the NEP's implementation. Thus moves to restructure society such that Malays would move to occupations yielding relatively

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<sup>11</sup> Malaysia, Government (1973) Mid Term Review (MTR) Second Malaysia Plan (2 MP), pp.86-7, Table 4-9.

<sup>12</sup> Roslan (2005), pp.341-362. See also Lim Mah Hui (1985), "Affirmative action, ethnicity and integration: The case of Malaysia" in *Ethnic and Racial Studies*. Vol.8, No 2, pp. 250- 276.

higher incomes, were accelerated while poverty elimination measures irrespective of ethnicity became incidental to it. When NEP was launched in 1971, foreigners and non-Malays dominated tin mining, banking, manufacturing, wholesale trade and estate agriculture. These sectors came to comprise the priority areas for the government's restructuring efforts to achieve the NEP thirty per cent Malay ownership equity goal.

Over the next twenty years the NEP's restructuring process targeted the Malay share ownership to increase to 30.1 per cent and the non-Malay increase to 40.1 per cent with the foreign corresponding decrease to be 29.8 per cent.<sup>13</sup> Given their low starting base of 1.9 per cent, the whole restructuring process, commencing in 1971, would require substantial Malay participation in all sectors by 1990, especially mining and banking which were linked to the global capitalist economy. Restructuring would ensure that the Malays become less identifiable with traditional occupations in subsistence agriculture such as *padi* (rice) planting, farmers, fishermen, petty traders, etc.

As Jesudason<sup>14</sup> notes, the NEP as initially conceived, did not plan to forcibly make existing firms divest their equity for the sake of Malay accumulation, but that Malay capital would expand only through growth and voluntary divestment. The annual growth rate during the NEP's twenty-year duration (1970 to 1990) was projected at eight per cent, much higher than the 4.1 per cent annual growth rate in the pre-1969 period.<sup>15</sup> The government offered all kinds of incentives to attract foreign direct investments (FDIs) like tax-free privileges for ten years for the electronics industry

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<sup>13</sup> Malaysia (1973), pp.86-7.

<sup>14</sup> Jesudason, James V (1989) *Ethnicity and the Economy: The State, Chinese Business and Multinationals in Malaysia*, Oxford University Press, Singapore, New York, p.72.

<sup>15</sup> Roslan (2005), p.346.

and the Free Trade Zone (FTZ) Act that was enacted in 1971. FTZs conveniently served as operation centres where foreign firms could import raw materials and semi-finished products from abroad, then process and assemble them before exporting the whole product. With the labour intensive manufacturing sector strengthened, many young rural Malays found work in line with NEP employment restructuring goals.<sup>16</sup>

The restructuring process from an enlarged economic cake in the NEP period (1970-1990) for all groups envisaged that in monetary terms, the Malay share ownership would increase from M\$103 million to M\$14,076 million, the non-Malay share growing from M\$1,979 million to M\$18,767 million and foreigner shareholding from M\$3,207 million to M\$13,949 million.<sup>17</sup> As such, all categories, even foreigners, would benefit in absolute terms from restructuring, but with the Malays benefitting more than the others, both absolutely and relatively, owing to their low starting base in 1970. It was in the context of restructuring that poverty eradication among all ethnic groups would be carried out as more employment opportunities would be created and prevailing income levels raised from more foreign investments in Malaysia's economy. In a follow up to the 2MP, the Third Malaysia Plan (3MP)<sup>18</sup> painted this reassuring scenario:

The NEP incorporates the two-pronged objective of eradicating poverty, irrespective of race and restructuring Malaysian society to reduce and eventually eliminate the identification of race with economic functions ... the government will spare no efforts to promote national unity and develop a just and progressive Malaysian society in a rapidly expanding economy so that no one will experience any sense of deprivation of his rights, privileges, income, job and opportunity...to achieve our overall objective of national unity, Malaysia needs more than merely a high rate of economic growth. While devoting our efforts to the task of achieving rapid economic development, we need to ensure at the same time that there is social justice,

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<sup>16</sup> Torii (1997), pp.209-239.

<sup>17</sup> Malaysia (1973), pp.86-7.

<sup>18</sup> Malaysia, Government. *Third Malaysia Plan* [3 MP (1976-1980)], pp. 179, 72-74.

equitable sharing of income growth and increasing opportunities for employment...The Plan must succeed as it is vital to our survival as a happy and united nation.

The NEP did not emerge overnight as a reaction to the Kuala Lumpur riots but rather a translation into action of Malay economic grievances prior to 13 May 1969 against Tunku Abdul Rahman and the UMNO/MCA ethnic bargain.<sup>19</sup> The Tunku had in fact strongly endorsed this gentleman's agreement where UMNO would control politics while the MCA had a free play in the *laissez faire* economy dominated by foreign metropolitan capital. The country's first prime minister regarded it as a studious division of interests in an ethnically polarized Malayan society in the 1950s and 1960s where the best possible strategy for political stability was the mutual accommodation of Malay and Chinese interests through UMNO and MCA.<sup>20</sup> Political dominance was necessary for UMNO as Tunku Abdul Rahman believed that the top Malay priority then was for Malaya to be a Malay country replete with the symbols of nation building and Malay as the national language to underline its Malay character. As for the Chinese in Malaysia, he preferred them to behave like diligent overseas Chinese, devoting all their physical and mental energies to making money through business and leaving the indigenous peoples of their adoptive lands to take care of politics. With UMNO represented by the Malay aristocracy and administrative elite, and MCA represented by Chinese business and corporate elites, both parties could work towards improving the acknowledged weak economic position of the Malays,

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<sup>19</sup> Maznah Mohamad (2009) "Politics of the NEP and Ethnic Relations in Malaysia" in Lim Teck Ghee, Alberto Gomes and Azly Rahman [(eds) 2009] *Multiethnic Malaysia: Past, Present and Future*, Petaling Jaya, Strategic, Information and Research Development Centre, pp113-140.

<sup>20</sup> In his account on events leading to the 13 May 1969 ethnic riots in Kuala Lumpur, Tunku Abdul Rahman acknowledged the vast differences between the Malays and Chinese, comparing these to the North and South Poles. He conceded that these could never meet, but all could mingle freely on the Equator. See Tunku Abdul Rahman (1969), *May 13: Before and After*, Utusan Melayu, Kuala Lumpur.

while enabling more and more Chinese to become citizens under relatively liberal conditions.<sup>21</sup>

Ardent Malay nationalists however viewed the UMNO/MCA bargain somewhat differently – and negatively. To them, it contradicted Malay nationalist aspirations of the 1930s to create a Malay ethno-nation<sup>22</sup> that would require both political and economic power to be under Malay control. British colonialism had taken these away, but at the time of independence, the Malays regained only their political power through UMNO. Under the Alliance power sharing agreement, economic power was still in the hands of MCA that held two related key portfolios – Finance and Trade & Industry. UMNO hardliners lamented that MCA made use of its control of economic power to frustrate demands by sections of UMNO for greater monetary allocations to Malays. In particular they resented the MCA's influence in Tunku Abdul Rahman's sacking of Agriculture Minister Aziz Ishak who had wanted to establish government-backed cooperative mills in the rice-marketing sector to replace Chinese owned private mills.<sup>23</sup> They viewed Aziz's dismissal as the Tunku condoning the actions of Chinese businessmen to stifle Malay participation in the rice-milling industry in particular and the country's economy in general.

In any case the NEP effectively ended the Alliance *quid pro quo* and MCA's influence in decision-making around economic matters through its loss of the Commerce & Industry and Finance portfolios. The former had already been lost when

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<sup>21</sup> For details of the UMNO/MCA *quid pro quo* arrangements, see Vasil, R K (1971) *Politics in a Plural Society: A Study of Non-Communal Parties in West Malaysia*, Oxford University Press, Kuala Lumpur and Case, William (July 1996) "Can the 'Halfway House' Stand? Semidemocracy and Elite Theory in Three Southeast Asian Countries", *Comparative Politics*, Vol.28, No.4, pp.437-464.

<sup>22</sup> For details, see Suryadinata, Leo (1997) *Chinese and Nation-Building in Southeast Asia*, Asian Studies Monograph Series No.3, Singapore Society of Asian Studies, Singapore.

<sup>23</sup> For details, see Gomez, Edmund Terence (ed) [2007] *Politics in Malaysia: The Malay Dimension*, Routledge, London, New York p. 32

incumbent Lim Swee Aun was defeated in the 1969 General Election and his replacement came from UMNO at the formation of the new cabinet. MCA retained the Finance portfolio until 1974 when incumbent and party president Tan Siew Sin resigned due to ill health. Even though Tan had lost much of his influence after he decided to withdraw MCA from the cabinet following its dismal performance in the 1969 General Election, he managed to delay and block some aspects of the NEP harmful to Chinese business interests such as the Industrial Coordination Act (ICA).<sup>24</sup> This legislation required companies with a capital of M\$250,000 to ensure that Malays comprise at least thirty per cent of their staff members before they could be issued with licences. The Chinese later dropped it due to widespread resentment as it greatly affected small and medium industries (SMEs) dominated by them.

*Education, Language and Culture as factors of NEP restructuring*

The close links between education and language in enhancing culture as a variable of national integration helped NEP restructure Malay corporate ownership to thirty per cent by 1990. Training Malays for higher income jobs envisaged Malay as a medium of instruction in schools, colleges and universities to function within a cultural framework underlining national unity in the country. Prior to NEP, the majority of the Malays were educated in rural schools where the medium of instruction was Malay. Rural Malay-medium schools commanded relatively less commercial and educational value than English-medium schools in the urban areas with their better facilities, teachers, and mainly Chinese student enrolment. From 1959-1970, of the students enrolled in Malaysia's then sole university, the University of Malaya, Malays not only comprised twenty-six per cent of undergraduates, but more significantly, sixty

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<sup>24</sup> Heng (1997), pp.262-92.

per cent of these undergraduates were from the arts faculty with many majoring in Malay/Islamic studies. By comparison, sixty per cent of the university's enrolment was Chinese making up eighty to ninety per cent of undergraduates for science, engineering and medicine.<sup>25</sup> Thus Malay nationalists argued that the collective role of education, language and culture failed to serve Malay economic interests under the Alliance *quid pro quo* of the 1950s. The Malays had not benefited from the then Malaysian education system geared towards producing skilled manpower to serve the needs of the global economic system in which Malaysia was increasingly linked. English as the medium of instruction in universities, colleges and schools had given the urban Chinese a clear advantage over the largely rural-based Malays. Any cultural perspective underpinning education and language, then though Malaysian, tended to be perceived by the Malays as more beneficial to the Chinese. Many Malay nationalists wanted this changed.

The imposition of emergency rule after the Kuala Lumpur riots gave the government the opportunity it needed to use education, language and culture as variables in NEP re-structuring. The non-Malays who would be adversely affected could not challenge the restructuring process through their parties like DAP as parliamentary democracy had been suspended. Thus the government unilaterally changed the medium of instruction in schools from English to Malay in the urban-dominated mainstream education, relaxed entry requirements for Malays to study at local universities and increased Malay enrolment in local universities to the point that it became a majority. All three measures were implemented concurrently from 1970 and their effects were felt within the next two decades.

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<sup>25</sup> Lee Hock Guan (2005) "Affirmative Action in Malaysia", *Southeast Asian Affairs*, p. 214.



In July 1969, the then Education Minister Rahman Yaakub announced in the media that as from 1 Jan 1970, English-medium education would cease to exist in the Malaysian education system from the first year of school.<sup>26</sup> Chinese and Tamil vernacular schools however were not affected in the government's decision to let mother-tongue education continue. With the medium of instruction in Standard One education in Malay and English only being taught as a subject, the conversion process would be completed within thirteen years. By 1976, all secondary education would be in Malay and by 1983, Malay would be the medium of instruction in the first year at university in all subjects except for English taught as a language. As Rahman explained<sup>27</sup>, the conversion of English-medium schools was meant to make younger generations of all ethnic groups in schools use Malay as their first language with the same fluency and frequency as their older generation counterparts had used English. He emphasized that the move was envisaged to eventually bring about national integration on the basis of Malaysians speaking a common national language.

In relaxing entry requirements for Malays with secondary education to study at local tertiary institutions, the government introduced foundation courses as an alternative entry route. The traditional university entrance qualification, mainly used by Chinese and Indians, was the Higher School Certificate (HSC) public examination conducted by Cambridge University following two years' study after completion of five years of secondary education. The HSC had a Malay equivalent called *Sijil Tinggi*

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<sup>26</sup> ST, 12 July 1969.

<sup>27</sup> Shortly after his announcement of the conversion of English-medium schools in July 1969, Rahman officiated at the opening of a Malay secondary school in Bota Kanan, Perak, that was named after him. He spoke to the staff of the school about the government's need to foster national unity in the schools among school children of all ethnic groups through a common language like Malay. The writer, a teacher at the school then, was present.

*Persekolahan Malaysia* (STPM). As Viswanathan<sup>28</sup> observes, the foundation courses involved only one year of matriculation studies mainly in science, technology and business. These were conducted by some sixteen residential schools built by the Ministry of Education from 1970 which enrolled over 17,000 mostly Malay students. And *Majlis Amanah Rakyat* (MARA) or the Council of Trust for indigenous peoples, also set up eleven residential junior science colleges to provide additional secondary science education facilities for Malay students. By 1987, there were 390 colleges with a total enrolment of 14,848 students, virtually all Malay.

The government took measures to resolve the problem of Malay under-representation in tertiary enrolment through setting up more universities over the next three decades from 1970. As Malaysia then had only one university, the University of Malaya, the government established another sixteen universities with a total student enrolment of nearly 300,000. While some were new universities like the *Universiti Sains Malaysia* (USM) or Science University of Malaysia in Penang and *Universiti Kebangsaan Malaysia* (UKM) or National University of Malaysia in Selangor, many were colleges set up by MARA which were upgraded to become universities.<sup>29</sup> A central University Processing Unit<sup>30</sup> was established to replace the old procedure where students could apply directly to the University of Malaya for admission. In the new procedure, all applications for admission to university were handled by the central processing unit which decided on the admissibility of students. More significantly, the English

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<sup>28</sup> Viswanathan Selvaratnam [1988] "Ethnicity, inequality and higher education in Malaysia" in *Comparative Education Review*, Vol.32, No. 2, May, pp.173-196 cited in Lim Teck Ghee (1995) *Social and economic integration of different ethnic groups in Southeast Asia, with special reference to Malaysia: A review of the literature and empirical material*, International Institute for Labour Studies, Geneva. pp.1-28.

<sup>29</sup> MARA college which was set up in 1967 to provide training in business studies for Malays was upgraded to a university in 1999. Going through a rapid expansion, its student enrolment of 6,900 in 1975 increased to about 9,000 in 1980 and 45,000 in 1996. See Lee Hock Guan, "Language, Education and Ethnic Relations" in Lim, et al. (eds) [2009], p. 220.

<sup>30</sup> Viswanathan [1988], pp. 173-196.

proficiency criteria which had excluded many Malays from admission to the University of Malaya in the pre-1969 period, was withdrawn. Thus government bureaucrats could use the ethnic criteria to control the number of applicants and ensure that as many Malay applicants as possible gained admission into local universities despite having lower qualifications. They in fact used it extensively to resolve the problem of Malay under-representation in science, engineering and medicine and other disciplines. All local public universities were mandated to reserve fifty-five per cent of their places for Malay students from 1971.<sup>31</sup>

Lim<sup>32</sup> notes that the government's move to increase Malay tertiary enrolment had already taken place even before the 13 May 1969 ethnic riots. The low twenty-one per cent Malay local university enrolment in 1963-70 period increased to forty per cent in 1970, shortly after the riots. This figure of 3,237 students increased to 8,153 (fifty-seven per cent) in 1975 and 13,857 (sixty-seven per cent) by 1980. In line with the NEP's restructuring to create a viable Malay industrial and commercial community which required training them in science, technology and business, the Malay tertiary enrolment in science increased from twelve per cent of the total in 1970 to twenty-nine per cent by 1975. But the impact of the Malay increase in tertiary enrolment would be more discernible only when compared to the corresponding decrease in non-Malay tertiary enrolment for the same period. In 1970, non-Malays formed sixty per cent of the total enrolment in local universities, but by 1980, their percentage had dropped to twenty-seven per cent. So pervasive and thorough were the government's moves in restructuring tertiary education places that they factored in Malaysian student enrolment in overseas tertiary institutions. More non-Malay

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<sup>31</sup> Lee (2005), p.214.

<sup>32</sup> Lim Mah Hui (1985) "Affirmative action, ethnicity and integration: The case of Malaysia" in *Ethnic and Racial Studies*, Vol.8, No. 2, pp. 250- 276, cited in Lim (1995), pp. 1-28.

students had enrolled in overseas universities because government admission criteria into local universities had worked against them. Aware that fewer Malay students *vis-à-vis* non-Malay students were enrolled in overseas universities and colleges, the government allocated more scholarships to Malays to study abroad. Some ninety-five per cent of overseas scholarship holders in the 1980-84 periods were Malays.<sup>33</sup> The government wanted to ensure that the total enrolment of students in both local and overseas tertiary institutions approximately reflected the ethnic composition of the country in the 55:45 per cent Malay/non-Malay ratio. To this effect, total enrolment in local universities expanded 950 per cent from 3503 in 1966/67 to 37,838 in 1985. Malay enrolment thus rose 2196 per cent compared to 452 per cent for the Chinese and 419 per cent for the Indians.<sup>34</sup>

When ardent Malay nationalists in UMNO wanted a national culture in embracing the collective Malay struggle to achieve economic, linguistic and educational progress in NEP restructuring, they held that it must be Malay culture with the Malay language and Islam playing a prominent role. Chinese and Indian cultural elements were excluded in a government organized convention in Kuala Lumpur in 1971 gathering input for what would become the National Culture Policy (NCP). Lim and Gomes<sup>35</sup> note that of the fifty-two working papers that were delivered at the congress, only four were by non-Malays.

#### *Government interventionist role in Malay NEP equity restructuring*

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<sup>33</sup> Brown, Graham (.2005) *Making Ethnic Citizens: The Politics and Practice of Education in Malaysia*, Working Paper No 23, Centre for Research on Inequality, Human Security and Ethnicity, Queen Elizabeth House, University of Oxford, CRISE, October, pp.1-19.

<sup>34</sup> Kartigesu, R (1986)...”Distribution of opportunities in tertiary education in Malaysia: A review of the Fifth Malaysia Plan” in *Pendidik dan Pendidikan*, Vol.8, pp. 34-47, cited in Lim (1995), pp.1-28.

<sup>35</sup> See Lim Teck Ghee and Alberto Gomes “Culture and Development in Malaysia” in Lim, et al. (eds) [2009], pp.233-234.

The government envisaged that given their weak socio-economic position at the NEP's commencement, the Malays by themselves as an ethnic group could not achieve the thirty per cent equity share within twenty years. It therefore came to play an active interventionist role on their behalf in restructuring, firstly by expanding the public sector with the creation of more jobs for Malays, and secondly with the formation of government-linked companies (GLCs) which would gain control of enterprises dealing with high revenue generating activities.

The overwhelmingly Malay-dominated civil service underwent a thorough revamp in order to implement the NEP's objectives through high massive government funds for public enterprises. Ismail and Rani<sup>36</sup> contend that from thirty-two per cent before the NEP commenced in 1971, government allocation for public enterprises increased to forty-eight, fifty and 56.6 per cent in the 2MP (1971-75), 3MP (1976-80) and 4MP (1981-85) respectively. As such, jobs in the civil service expanded fourfold in the 1970 to 1983 period, employing many Malay university students on government scholarships after they graduated. The civil service's role became further enhanced in creating more jobs tasked with implementing NEP designed programmes.<sup>37</sup> For instance, personnel in the National *Padi* and Rice Authority expanded from a mere twenty-nine to 4974 within the 1970-1983 period to oversee moves in commercializing the Malay-dominated subsistence level rice industry which eventually ended Chinese dominance in rice milling.<sup>38</sup> Within the same time period, the Federal Land Consolidation and Rehabilitation Authority (FELCRA) increased its

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<sup>36</sup> Mohd Salleh Ismail, Osman Rani, H (1991), *The growth of the public sector in Malaysia*, ISIS, Malaysia cited in Lim (1995).

<sup>37</sup> Ahmad Fauzi Abdul Hamid (1999) "Development in the Post-Colonial State: Class, Capitalism and the Islamist Political Alternative in Malaysia", *Kanjian Malaysia*, Vol. XVII No.2, pp. 21- 56.

<sup>38</sup> For details, see Fatimah Mohammad Arshad (1982) "An Evaluation of the Malaysian Padi and Rice Market Structure, Conduct and Performance", *Pertanika*, 5 (2), pp. 164-177.

personnel from 136 to 2900. Tai<sup>39</sup> observes that between 1970 and 1980, a total of 260,000 additional Malay workers were employed in the public sector and the Malay share of new recruits there increased from sixty-eight per cent between 1970 and 1978 to ninety-three per cent by 1979-80. The civil service also undertook three major salary revisions, making it one of the highest paying employers. To coordinate the extensive public enterprise sector, the government established a Ministry of Public Enterprise in 1974. Thus a huge growth of the bureaucracy became legitimized under the NEP to provide the Malays, who traditionally comprised the bulk of the civil service, with more advancement opportunities.<sup>40</sup>

Along with the civil service's expansion was the formation of GLCs with specific roles in restructuring such as the *Pemodalan Nasional Berhad* (PNB) or National Equities Corporation, *Petronas* or the National Oil Corporation, *Bank Bumiputera* and *Khazanah*, the investment arm of the Finance Ministry. Their aim was not only to ensure NEP's preferential recruitment policies were implemented in the public sector, but more significantly, acquire publicly-listed companies with government funds and hold them in trust<sup>41</sup> until the Malays could manage the shares themselves. Non-Malay and foreign dominated sectors like tin mining, banking, manufacturing, wholesale trade and estate agriculture<sup>42</sup> comprised priority areas for government restructuring efforts under the NEP to raise Malay equity ownership. Specifically targeted by the GLCs on behalf of Malays were the tin-mining and commercial banking sectors. Malays had traditionally been pioneers in the tin-mining industry, but came to lose

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<sup>39</sup> Tai Yoke Yin (1982) "Inter-ethnic restructuring in Malaysia, 1970-80: The employment perspective" in *Southeast Asian Journal of Social Science*, Vol. 10. No. 2, pp. 32-48, cited in Lim (1995), pp.1-28.

<sup>40</sup> Fauzi,(1999), pp. 21- 56.

<sup>41</sup> Malaysia, (1973) MTR 2MP, p.14

<sup>42</sup> Lim (1995), p.7.

their dominant status to Chinese and European miners as the industry developed during the colonial era. Hassan<sup>43</sup> observes that in 1964, Malay shares in the European-dominated tin dredging sector were only three per cent and even lower in gravel pump mining dominated by the Chinese. Under the NEP, Malay participation was revived with agencies formed to mine Malay reserve land. This led to the increase of Malay-owned and operated tin mines in Perak from twenty-two in 1973 to thirty-nine in 1974 while those owned by Malays but operated by the Chinese dropped from twenty to nine in the same period. However, the drop in world tin prices in the 1980s and 1990s led to most mines being closed.<sup>44</sup> The Malay role in commercial banking had been virtually non-existent in the 1960s except for *Bank Bumiputera* which was established in 1965. According to Liow,<sup>45</sup> government measures to promote greater participation in NEP restructuring included legislation which prevented new as well as existing foreign banks in Malaysia from opening up new branches. By 1983, of twenty-two locally incorporated banks, twenty had been restructured to transfer at least thirty per cent of their shares to Malays who also owned seventy-five per cent of the shares of commercial banks, 68.4 per cent of merchant bank shares and 49.9 per cent of shares in finance companies. Correspondingly for the same banking categories, non-Malay shares were 16.6 per cent, 8.5 per cent and 47.2 per cent respectively while for foreigners they were 8.4 per cent, 23.1 per cent and 12.9 per cent respectively.

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<sup>43</sup> Hassan Naziri Khalid's (1992) "Bumiputera interests and recent trends in the tin mining industry in Peninsular Malaysia" in *Kajian Malaysia*, Vol X No. 1, June, pp. 20-36, cited in Lim (1995), p.7

<sup>44</sup> Lim (1995), pp.7- 8

<sup>45</sup> Liow Woon Kin (1986) "Malaysia's new economic policy and the restructuring of commercial banks, 1971-1983" in *Kajian Malaysia*, IV, I, June, cited in Lim (1995), pp.7-8

It was through the trusteeship<sup>46</sup> arrangement of the GLCs that a separate Malay middle class would be created as the government did not want working through the existing predominantly-Chinese middle class, which was left very much on its own without any help from the government. Even as the NEP allowed all groups to keep their existing wealth in the restructuring process, capable Malays were groomed through the GLCs to form the core of the growing Malay middle class. They would later proceed to become Malay millionaires and even billionaires on being given government companies dealing with key industries to manage in the NEP's privatization moves. This was after the NEP officially expired in 1990 and continued in other forms such as the NDP and NVP. The GLCs also formed strategic partnerships with non-Malays as well as foreigners to take over giant European conglomerates like Sime Darby and Guthries. The government's pragmatism was to prove useful as a whole towards the tail end of the NEP in the Fifth Malaysia Plan (1985-1990) when the recession set in. Privatization measures allowed the government not only to reduce public spending but also utilize foreign and local Chinese funds.

Despite government moves to project the NEP as a social engineering instrument fair to all under the prevailing circumstances, its bottom line was still perceived by both Malays and Chinese as taking wealth from the Chinese and giving it to the Malays. For its part the government did not openly dispute this but continued to explain that the NEP was not exclusively for the Malays. It argued that others, even foreigners, continued to benefit from its redistribution measures over the years, even after its

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<sup>46</sup> For details of the trusteeship arrangement, see Lim (1985), pp. 250- 276 cited in Lim (1995), pp.1-28.



expiry in 1990.<sup>47</sup> The NEP in fact underlined UMNO's move to build an ethno Malay nation<sup>48</sup> through vastly expanding the economic cake without confiscating existing non-Malay ownership of the country's corporate sector. It would also allow Chinese culture, language and schools to be maintained. Compared to the national unity process in Indonesia with the expropriation of Dutch properties and the assimilation of the local Chinese, the NEP was considered mild by the government.

#### **4.2 PR Economic Policies as alternative to NEP**

The main objectives of PR economic policies to foster economic growth and redistribute its benefits equitably through NEA and MENUS were in fact the detailed economic objectives of both PKR and DAP in their respective manifestos in the 2008 General Election. Although PAS did not have a similar manifesto, the Islamic party nevertheless endorsed the measures of both NEA and MENUS to address the unequal wealth distribution in the country at PR's official launch in late December 2010 in Penang. PR economic policies exposed what its leaders held was widespread corruption harming rather than benefitting the Malays in the distribution of NEP largesse over the 1971-2014 period. They accused the government of diverting attention from corruption by emphasizing the NEP's ethnic discrimination in favour of Malay "have-nots" against the Chinese "haves". The PR pointed out that while such discrimination might have reduced poverty levels across the board to suggest that Malays as a community benefited much, nevertheless a closer examination revealed something very much different. In fact a selected group of Malays (and also non-Malays) closely connected to the top UMNO leadership benefited much more from the vast opportunities in development created by high rates of NEP economic

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<sup>47</sup> Roslan (2005), pp.342-362.

<sup>48</sup> For details of ethno nation, see Suryadinata (1997).

growth. Whatever trickle-down effects<sup>49</sup> redistributed to poor Malays, Chinese, Indians and non-Muslim natives of Sarawak and Sabah became only incidental. The PR argued that even as all communities struggled to cope with three recessions from 1985 to 2010<sup>50</sup>, they saw the NEP largesse which could mitigate inflation and other economic difficulties, sustaining the comfortable life-styles of UMNO/BN members, their family members and close friends. Income inequalities reflected in the Gini coefficient<sup>51</sup> for all ethnic groups in Malaysia between 2009 and 2012. In 2009, it was 0.440, 0.425 and 0.424 for the Malays, Chinese and Indians respectively. This hardly changed in 2012 with the corresponding figures for the three communities being 0.421, 0.422 and 0.443.<sup>52</sup> The opposition contended that all ethnic groups had been deprived under the NEP in different ways. While the Chinese and Indians felt discrimination along ethnic lines, Malays had been marginalized on the basis of socio-economic-political affiliation. The non-Muslim indigenous peoples of Sarawak and Sabah found that they could not have the same NEP privileges as their Muslim counterparts unless they converted to Islam. The PR thus came to demonstrate that the NEP as an ethnic instrument did not really benefit the needy Malays, but on the contrary alienated the non-Malays even more.

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<sup>49</sup> See “Anwar’s long shot gamble” in *Asia Sentinel*, 21 September 2007.

<sup>50</sup> For details of the three recessions in 1985-6, 1997-8 and 2008-9, see Doraisami, A (2012) “Economic Crisis and Policy Response in Malaysia: The Role of the New Economic Policy”, *Asian Pacific Economic Literature*, 26 (2), pp. 41-53.

<sup>51</sup> The Gini coefficient is a measure of the inequality of a distribution, a value of 0 expressing total equality and a value of 1 maximal inequality. It is applied in the study of inequalities in economics, health science, ecology, chemistry and engineering. It is commonly used to measure inequality of income or wealth. Worldwide Gini coefficients income range from approximately 0.23 (Sweden) to 0.70 (Namibia) although not every country has been assessed. [http://www.princeton.edu/~achaney/tmve/wiki100k/docs/Gini\\_coefficient.html](http://www.princeton.edu/~achaney/tmve/wiki100k/docs/Gini_coefficient.html) (date accessed: 4 August 2014).

<sup>52</sup> Malaysia, Government of (2012), *Household Income and Basic Amenities Survey Report*. P.4 [http://www.statistics.gov.my/portal/index.php?option=com\\_content&view=article&id=1640&Itemid=111&lang=en](http://www.statistics.gov.my/portal/index.php?option=com_content&view=article&id=1640&Itemid=111&lang=en) (date accessed: 21 January 2014).

The NEP's implementation over four decades from the 1970s not only came to harden prevailing Malay-Chinese tensions, but also created tensions within the Malay community as well as indigenous communities in Sarawak and Sabah. The opposition did not deny that the NEP had many positive features such as reducing the overall incidence of poverty in the country, but felt that it had nevertheless outlived its usefulness. The NEP should just have been allowed to lapse after its expiry in 1990 instead of being retained in other forms and finally revived in the 9MP. The opposition held that the NEP's continuation through further restructuring by focusing on the yet to be attained thirty per cent Malay equity, was to enhance privatization through the control of essential commodities like sugar, rice and fuel by select UMNO cronies like Syed Mokhtar Al-Bukhary.<sup>53</sup> It was concerned that objections to such moves continued to be adroitly manipulated by UMNO as a direct Chinese challenge to Malay special privileges and political supremacy which must be countered at all costs.

It was to ensure an equitable distribution of Malaysia's wealth and educational opportunities for all ethnic groups so as to achieve national unity that PR economic policies emerged as the opposition's official affirmative action plan at the end of 2010. This was nearly three years after the opposition's unprecedentedly good performance in the 2008 General Election with about two more years to go before the 2013 General Election. The opposition held that it had a track record, especially in the states of Penang and Selangor, to show the people that it could come up with a comprehensive socio-economic agenda capable of replacing the NEP. More significantly, the PR felt that the wide measures of support it received from all ethnic

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<sup>53</sup> Wong Chen, *For Diplomats Pakatan Economic Policy*, (1) – Microsoft Power Point Slide presentation (undated). Wong Chen is chairman of PKR's Investment and Trade Bureau and MP for Kelana Jaya (Selangor).

groups in the 2008 General Election was an indication that the voters rejected the NEP. The opposition's exposure of numerous instances of inefficiency and corruption at both federal and state levels relating to the NEP appeared to have been vindicated. Thus it became timely for PR economic policies to be incorporated into the opposition's Common Policy Framework known as *Buku Jingga*<sup>54</sup> which detailed what the opposition would do within the first one hundred days of taking over the federal government. It aimed to transform Malaysia into a developed nation by the year 2020, something which, it held, the NEP had been incapable of doing.

### **4.3 PR Economic Policies' growth/ redistribution objectives**

PR economic policies constituted the opposition's alternative economic agenda to the NEP whose twin-pronged objectives of poverty eradication and societal restructuring, it held, were not achieved at the end of its duration (1970 -1990). The opposition argued that while the NEP reduced the incidence of poverty and unemployment and raised living standards, at the same time it also encouraged nepotism, cronyism and corruption within UMNO/BN. Malaysia thus continued to be trapped within the middle-income labour intensive developing nation category, unable to move to the ranks of technology-driven high-income developed nations by the year 2020.<sup>55</sup> In comparing Malaysia with South Korea, Taiwan and Singapore which had succeeded as "Asian tiger economies",<sup>56</sup> the opposition pointed out that Malaysia should have done better than them due to its abundant natural resources which they lacked. But

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<sup>54</sup> For details, see <http://rafiziramli.com/wp-content/uploads/2011/09/Buku-Jingga-English-Abridged.pdf> (date accessed: 23 January 2014).

<sup>55</sup> Hooi Hooi Lean & Smyth, Russell (2014) "Malaysia's Past Successes and Uncertain Future: Graduating from the Middle or Caught in the Middle?", *RSIS Working Paper*, No. 266, S Rajaratnam School of International Studies, Singapore, 14 January, pp. 1-40.

<sup>56</sup> See Anwar Ibrahim's remarks to that effect in "A Malaysian Economic Agenda", *Centre for Public Policy Studies* (undated) [http://cpps.org.my/resource\\_centre/malaysianeconomicagenda.pdf](http://cpps.org.my/resource_centre/malaysianeconomicagenda.pdf) (date accessed: 23 January 2014). See also media statement of Chen Man Hin, DAP Life Advisor, 10 November 2007. (mimeo).

because of poor governance and widespread corruption under the NEP, Malaysia had stagnated and even regressed over the decades while they progressed. In assessing this scenario, the PR explained that it never disputed the NEP's original objectives but rather their implementation which had largely benefited the rich and those well-connected with UMNO.<sup>57</sup> The PR insisted its economic policies in fact came to share NEP's poverty eradication and societal restructuring aims and objectives at its inception in 1971. In implementing them somewhat differently in the PR-controlled states of Penang and Selangor in the 2008-2013 period, the opposition demonstrated that UMNO had in fact deviated from NEP's original aims and objectives. This led to inefficiency and corruption which PR economic policies attempted to resolve, mainly by reversing NEP's order of priorities to place eradicating poverty through economic growth ahead of societal restructuring. Though the PR came to accept that ethnic quotas were still inevitable in any form of societal restructuring, it nevertheless argued that such quotas would have to be a consequence of redistribution through other non-ethnic approaches. This would expose NEP's emphasis on ethnic quotas in societal restructuring which constricted economic growth instead of facilitating it. For instance any impending large flow of FDIs into Malaysia would be discouraged by government regulations insisting on all kinds of quotas for Malays. Excluding ethnicity from PR economic policies meant the opposition removing many obstacles to economic growth not only through FDIs but also domestic investments. This would make clear no societal restructuring took place if economic growth failed. On the contrary, a higher rate of economic growth would generate more resources for redistribution. Overemphasis on societal restructuring had subjected the NEP to procure at all costs the necessary largesse in fulfilling the stipulated thirty per cent

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<sup>57</sup> See "Rafizi: Manifesto may lead to phasing out of NEP for a better model", *Malaysiakini*, 27 February 2013. <http://www.malaysiakini.com/news/222475> (date accessed: 23 January 2014).

Malay ownership equity, even if it meant failing to deal with real world problems like economic recession.<sup>58</sup>

### *Economic Growth through FDIs, SMEs*

PR economic policies retained the NEP's export-led industrialization drive which had transformed Malaysia from a largely agriculture-based economy prior to 1970 to one based on manufacturing some four decades later. As noted by Lean and Smyth,<sup>59</sup> the share of agriculture in Malaysia's economy fell from thirty per cent in 1970 to eight per cent in 2012 while industry's share more than doubled from twenty-seven per cent to fifty-five per cent in the same period. The shift in exports from rubber and tin saw manufacturing exports increased from 6.6 per cent in 1970 to 70.2 per cent in 2009 while agricultural exports fell from 63.2 per cent to 13.4 per cent for the same period. This was within the overall framework of strong economic growth over five decades from 1957 when the Gross Domestic Product (GDP) increased thirty times from US\$6.6 billion in 1960 to US\$198 billion in 2012.

While PR was certain the dominance of manufacturing would advance Malaysia's economic drive, it nevertheless felt that for better overall economic performance, the base of manufactured exports should be switched from electronics to palm oil, timber and rubber.<sup>60</sup> It held that these constituted the bulk of Malaysia's natural resources to give a strong, sustainable and competitive edge over countries manufacturing soap, furniture or gloves for export to a worldwide market. But unlike Malaysia, many of these manufacturing and exporting countries lacked a palm oil, timber or rubber base. The cost of importing palm oil, timber and rubber had to be factored in leading to

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<sup>58</sup> Lean & Smyth (2014), pp. 1 - 40.

<sup>59</sup> Lean & Smyth (2014), pp. 1 - 40.

<sup>60</sup> Wong Chen, *For Diplomats Pakatan Economic Policy*,(1) – Microsoft Power Point Slide presentation (undated).

their manufactured exports being relatively more expensive and therefore less competitive compared to Malaysia's. The PR however felt that in view of its continued significance, electronics would still be retained as Malaysia's second major manufactured exports. It also envisaged that PR economic policies would continue to depend on oil as a major source of revenue, but took into account its depleting nature with the country's oil and gas reserves projected to last for another twenty years at most. As Malaysia was expected to become a net oil importer by 2010, it was proposed that at least fifty per cent of all revenues generated from oil and gas should be set aside for investing in human capital, research and development. This would be beyond PR economic policies' designated expenditure on education and training.<sup>61</sup>

While continuing to attract FDIs through multi-national companies (MNCs) to the country, PR economic policies would also promote domestic investments through small and medium enterprises (SMEs). In 2006, these enterprises that employed between five and 150 workers, mainly in general business, manufacturing and agriculture, comprised of 99.2 per cent of the business establishment in Malaysia and contributed 47.3 per cent to its GDP.<sup>62</sup> The opposition increasingly focused on the SMEs due to strong competition posed by countries in the Asia-Pacific region to Malaysia for FDIs from the developed nations. Some other Asian countries had overtaken Malaysia as the preferred investment destination for FDIs in terms of better facilities, more attractive conditions and fewer restrictive rules such as ethnic quotas. According to the Economist Corporate Network, the business advisory service of The Economist Group, Malaysia came in sixth position after China, Indonesia, India,

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<sup>61</sup> DAP Budget 2008 Complete (Cover) 070905b.pdf

<sup>62</sup> Muhammad Khalique, Abu Hassan Md Isa, et al. (2011) "Challenges faced by small and medium enterprises (SMES) in Malaysia: An Intellectual Capital Perspective" in *International Journal of Current Research*, Vol.3, Issue 6, June, pp. 398-401.

Myanmar (Burma) and Thailand.<sup>63</sup> The opposition felt that the SMEs could offset this growing disadvantage with domestic investments. But while Malaysian SMEs appeared to be important in the government's greater privatisation moves, they encountered a major drawback. An overwhelming majority of the SMEs were Chinese Malaysian, adversely affected by NEP's ethnic discrimination measures. Not only had they been deprived of government grants and other kinds of assistance readily available to *bumiputeras*, they continued to be impeded by all kinds of new discriminatory legislation. Not surprisingly, the SMEs were reluctant to expand beyond a certain size as this would require them to comply with NEP quotas for Malays.<sup>64</sup> While some survived and even prospered through making the best of a disadvantaged situation, many took their capital and skills out of the country. There was a net outflow of Chinese entrepreneurial enterprise which was reflected in the Malaysian diaspora, previously mentioned, to other countries.<sup>65</sup> Penang Chief Minister and DAP secretary-general Lim Guan Eng expressed his concern over this in his dialogue on 3 June 2010 with Malaysians working in Singapore. He called on the overwhelmingly Chinese audience from Penang to return to serve the country, but some participants remarked that unless there was an end to ethnic discrimination, very few would return, preferring to remain in Singapore which had recognized their expertise.<sup>66</sup>

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<sup>63</sup> For details see "Malaysia falls behind Indonesia, Myanmar & Thailand as top investment destination" in *The Malaysianinsider*, 18 January 2014. [http://www.malaysia-chronicle.com/index.php?option=com\\_k2&view=item&id=215442:msia-in-6th-place-falls-behind-indonesia-myanmar-thailand-as-top-asian-investment-destination&Itemid=2#ixzz2qjFoggaL](http://www.malaysia-chronicle.com/index.php?option=com_k2&view=item&id=215442:msia-in-6th-place-falls-behind-indonesia-myanmar-thailand-as-top-asian-investment-destination&Itemid=2#ixzz2qjFoggaL) (date accessed: 18 January 2014).

<sup>64</sup> Lean & Smyth (2014), pp. 1- 40

<sup>65</sup> For details see "Brain drain in a globally connected Malaysia", in *The Malaysianinsider*, 9 October 2013. <http://www.themalaysianinsider.com/features/article/brain-drain-in-a-globally-connected-malaysia> (date accessed: 26 January 2014).

<sup>66</sup> Lim Guan Eng's dialogue session with Malaysians working in Singapore at the Tanglin Club in Singapore. The writer was present.



The opposition felt that traditionally in the pre-NEP period, the domestic sector led by Chinese Malaysians had done fairly well, mainly due to unrestricted participation in the then *laissez faire* economy. But because their position was very much associated with the UMNO/MCA ethnic bargain, it was seriously affected when this bargain fell apart under the NEP from 1971. Second prime minister, Tun Razak addressed Chinese unhappiness by allowing some suggestions from then Chinese bureaucrats in the Economic Planning Unit (EPU) like Thong Yaw Hong to mitigate the pro-Malay bias of the NEP in its early stages.<sup>67</sup> They were successful to the extent of getting phrases like “irrespective of race” inserted into the NEP’s restructuring preamble, and increasing the non-Malay equity share to forty per cent at the expiry of the NEP in 1990. Moves by former Finance Minister Tan Siew Sin to delay certain aspects of the NEP and the withdrawal of the controversial ICA were as far as the government was prepared to go in addressing Chinese concerns. The government continued to argue that despite the NEP quotas favouring *bumiputeras*, Chinese and also Indian shares of the economic cake, were still expanding in absolute terms relative to re-structuring. Mahathir in fact pointed out that many types of non-Malays who did not complain about the NEP’s pro-Malay bias but simply availed themselves of its non-Malay quotas, had become millionaires and even billionaires, and this was proof that the NEP benefitted all ethnic groups.<sup>68</sup>

*Wealth Redistribution – Means test in place of ethnic quotas*

To complement its proposals in generating economic growth through PR economic policies, the opposition came up with a means test to redistribute wealth in place of

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<sup>67</sup> Heng (1997), pp.262-92.

<sup>68</sup> “Has UMNO helped Malays?” *Kinibiz* (Business section of *Malaysiakini*) 14 March 2013. <http://www.kinibiz.com/story/opinions/8964/has-umno-helped-malays.html> (date accessed: 23 January 2014).

the NEP ethnic quota. It would use the mean monthly household income of M\$1847 for a family of five members in 2012 as the starting point for its restructuring approach.<sup>69</sup> According to government statistics, the bottom forty per cent of Malaysian households survived on this income for their daily living expenses on food, utilities, transport and other essentials in 2012. By comparison, the middle forty per cent got by with a monthly household income of M\$4573 while the top twenty per cent earned M\$12,159 monthly.<sup>70</sup> As early as 2007, the opposition had in fact highlighted what it felt was the government's failure in the NEP's restructuring and poverty elimination objectives at the time of its inception in 1971. The PR came up with statistics showing the lop-sided distribution of national wealth across three social layers or classes in Malaysian society.<sup>71</sup> The top layer comprised of UMNO/BN politicians and people close to them such as their families, businessmen and corporate figures, captains of industry, professionals and top civil servants. While the middle layer was made up of middle level executives, teachers, clerks and other salaried employees in both the public and private sectors, the bottom layer included labourers, farmers, fishermen, plantation workers and other unemployed people. Through highlighting the income stratification of Malaysian society, the opposition aimed to show that while the twenty per cent top layer benefited immensely from the NEP's equity restructuring, this was mainly at the expense of the forty per cent middle and forty per cent bottom layers respectively.

The opposition pointed out that as at 2002, the top layer owned or controlled 51.3 per cent of the nation's wealth, leaving the remaining 48.7 per cent to be unevenly

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<sup>69</sup> See *Institut Rakyat* (IR) media statement 20 Sept 2013. *Institut Rakyat* or People's Institute based in Petaling Jaya, Selangor, is a think tank associated with the PR.

<sup>70</sup> See Malaysia (2012), p.4

<sup>71</sup> See slide presentation by then secretary-general Khalid Ibrahim at PKR convention in Kuala Lumpur on 4 August 2007. Writer was present.

divided between the middle and bottom layers, with 35.2 per cent accruing to the former and the remaining 13.5 per cent the latter.<sup>72</sup> There were indications that even with some movements of liquidity from one layer to another, the skewed wealth distribution pattern had remained basically unchanged over the past decade. Thus at GDP prices amounting to a staggering M\$580.3 billion, by the third quarter of 2013, the top twenty per cent owned M\$297.7 billion. This compared to M\$204.3 billion and M\$78.3 billion accruing to the middle forty per cent and bottom forty per cent respectively of Malaysian society.<sup>73</sup> With the middle and bottom strata making up some eighty per cent of Malaysian society but receiving slightly less than half of its wealth, the opposition held that wealth distribution along class lines had been far from equitable. This reality was hidden by government statistics showing that overall, the incidence of poverty among all groups in the country declined from 49.3 per cent in 1970 to 17.1 per cent in 1990, 7.5 per cent in 2000, 3.8 per cent in 2009 and finally 1.7 per cent in 2012.<sup>74</sup> As the opposition contended, the statistics failed to disclose that despite the low incidence of poverty in any group, many citizens continued to remain within the government's poverty line index (PLI). This was indicated by monthly household incomes of M\$830, M\$920 and M\$1090 in Peninsular Malaysia, Sarawak and Sabah respectively<sup>75</sup> which the opposition claimed had much of their purchasing power decreased due to escalating inflation. The opposition suggested more "realistic" figures in monthly household incomes of M\$1500, M\$1650 and M\$1800 for the peninsula, Sarawak and Sabah respectively in upward revisions of the PLI. It held that all households in the bottom forty per cent layer with mean monthly

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<sup>72</sup> Khalid Ibrahim 4 Aug 2007 presentation at PKR convention in Kuala Lumpur.

<sup>73</sup> Malaysia (2012), p.4. The calculations of the amounts owned by the three social layers are my own.

<sup>74</sup> See Malaysia (2012), p.4.

<sup>75</sup> See Secretariat Pakatan Rakyat (2013) *Pakatan Harapan Rakyat 2014 Budget*, <http://www.pakatanrakyat.my> (date accessed: 23 January 2014).

incomes of \$1847 were considered poor and most deserving of affirmative action. Conversely the group least deserving of the same affirmative action were those in the top twenty per cent layer earning M\$12,159 monthly.<sup>76</sup> The opposition held that these people, who were closely associated with the top UMNO/BN leadership, ended up getting the most benefits from the distribution of NEP largesse and other investment opportunities. In suggesting a M\$2 billion fund to help households whose monthly incomes were below the government PLI as well small companies, PKR economic strategist Wong Chen however cautioned that the PR's redistribution moves must not be over protective relative to what the NEP did, leading to social problems, laziness and low productivity. It should instead help transform the targeted ten million poor households into "middle class productive tax paying citizens, starting from education to ensure social mobility and direct aid to the hard-core poor."<sup>77</sup> The opposition believed that with a higher income, the people's propensity to pay more income tax would be greater to generate a wider income base. This would in turn enable them to pay more taxes.

Of greater significance to the opposition, particularly the PKR, was its move to show that its means-tested restructuring approach worked just as well if not even better for the Malays than UMNO's redistribution of national wealth through ethnic quotas. Of the ten million households whose monthly incomes were below M\$1847, targeted for wealth redistribution, it was envisaged that seventy-three per cent of them would be Malay/*bumiputera*, compared to nineteen per cent Indian and eight per cent Chinese.<sup>78</sup> This would mean that the overwhelming majority of those who benefited

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<sup>76</sup> Pakatan Rakyat (2013).

<sup>77</sup> Wong Chen, *For Diplomats Pakatan Economic Policy*, (1) – Microsoft Power Point Slide presentation (undated).

<sup>78</sup> Wong Chen (undated).

from the opposition's non-communal approach to wealth redistribution would be Malays, but at the same time the Chinese and Indians would also benefit. The opposition held that while the Malays would benefit in any kind of wealth restructuring arrangement as they comprised the country's majority community, the non-Malays would not feel alienated even though they would receive proportionally less. PKR deputy president Dr Syed Husin Ali in 2007 noted:

This is because around seventy per cent of those in these groups are Malays/*bumiputera*. Since we are not excluding the welfare and interests of non-Malay/*bumiputera*, then we can reduce ethnic dissatisfaction. Economic democracy and social justice must cut across ethnic lines. The philosophy of and approach of NEA are not racial, unlike NEP.<sup>79</sup>

The PKR was also concerned that many Malays disposed of their shares in the stock market when their prices rose to derive immediate profits rather than to manage them prudently for long term appreciation in their value. PKR secretary-general Saifuddin Nasution pointed out that was how some M\$52 billion of the M\$54 billion worth of all Malay shares in the country's bourses over the past twenty-one (1990-2011) years, came to change hands leaving only M\$2 billion in Malay share ownership.<sup>80</sup> This appeared to be partly the reason why UMNO wanted the NEP to continue after it officially expired in 1990 for as long as the Malays had not attained their stipulated thirty per cent equity ownership. It led to UMNO rejecting the findings of the Centre for Policy Studies (CPPS) in the Asian Strategic Leadership Institute (ASLI) that the Malays had in fact reached and even surpassed their thirty per cent NEP target by 2005.<sup>81</sup> PKR leader Nik Nazmi saw the dispute as different methodologies used by

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<sup>79</sup> See speech by party deputy president Dr Syed Husin Ali at the joint congress of the women and youth wings at PKR's National Congress at the Chung Hua High School, Seremban, Negri Sembilan on 25 May 2007 (mimeo),

<sup>80</sup> See Saifuddin's media statement "Transparency in distribution of special *bumiputra* shares" 22 February 2011. (mimeo).

<sup>81</sup> See Terence Gomez, "Racializing research: The Asli report debacle" in *Malaysiakini*, 12 October 2006. <http://www.malaysiakini.com/news/58078> (date accessed: 28 December 2013).

both the EPU of the government and CPPS. He held that while the CPPS methodology was debatable, UMNO was nevertheless guilty of creating a siege mentality among the Malays each time controversy over their share equity under the NEP arose.<sup>82</sup>

The government however did not appear to be perturbed by the opposition's charges of the growing income disparity between rich and poor Malays. It paid scant attention to whether an intra-Malay community income gap existed. There was in fact no official commitment under the NEP to reducing income inequality except between ethnic groups, particularly between *bumiputeras* and others.<sup>83</sup> This point came to be highlighted by Mahathir:

The NEP, it must be reiterated, was not concerned with making all the bumiputeras earn equally, or share equally, the wealth distributed amongst them. ...The intention of the NEP was to create in the bumiputera community the same division of labour and rewards as was found in the non-bumiputera communities, particularly the Chinese... The equitableness was not to be between individuals, but between communities.<sup>84</sup>

Poverty was thus conceived by the government in absolute rather than relative terms. It was more concerned with the Malays as a group surpassing the poverty line. Once this was achieved with high economic growth rates, the government was not so much bothered about whether specific groups within the Malay community continued to be poor or rich. And with the NEP's privatization leading to the creation of Chinese and

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<sup>82</sup> See Nik Nazmi Nik Ahmad (2010) *Moving Forward: Malays for the 21<sup>st</sup> Century*, Marshall Cavendish, Shah Alam, p.58.

<sup>83</sup> See Jomo, K S (2004) *The New Economic Policy and Inter-ethnic Relations in Malaysia*, Identities, Conflict and Cohesion Programme Paper Number 7, United Nations Research Institute for Social Development, September, p.6.

<sup>84</sup> Mahathir Mohammad (1998) *The Way Forward*, Weidenfeld & Nicolson, London, pp.33-34.

Indian billionaires like Vincent Tan and Ananda Krishnan, Mahathir saw nothing wrong in creating Malay billionaires like Syed Mokhtar Al-Bhukary.<sup>85</sup>

*Education as a factor in economic growth and redistribution*

The opposition like the government felt that a viable labour force with skilled manpower, was essential to the success of economic growth in the long term. For this purpose, workers had to be trained in technical and managerial skills at the universities, colleges, polytechnics and other professional bodies. Of even greater significance was to identify the sources of the potential manpower and come up with means and ways of nurturing them. Thus education as a factor in economic growth had to be addressed at both school and university levels. In schools, the opposition saw the need for school children not only to master the 3R skills of reading, writing and arithmetic, but also to be proficient in mother-tongue education. This would go a long way towards developing the multi-cultural nature of Malaysian society. The cultural roots of all ethnic groups would be nurtured and strengthened to complement the fostering of a Malaysian nationality in schools where Malay would be the compulsory national language.<sup>86</sup> Technical subjects like Mathematics and Science would be taught in the mother tongue of students in vernacular schools and in Malay in national schools. The rationale was that children would be in a better position to master such subjects if they were taught in the mother tongue rather than in a foreign language like English. This had been amply demonstrated in several countries like Japan and Korea. However, the opposition explained that such a move would not

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<sup>85</sup> For details, see “NEP: The vision of Mahathir” in *Malaysians must know the truth*, 25 February, 2012. <http://malaysiansmustknowthetruth.blogspot.com.au/2012/02/vision-of-dr-mahathir.html> (date accessed: 4 August 2014).

<sup>86</sup> For details, see Pakatan Rakyat (2013) *The People’s Manifesto, The People’s Pact, The People’s Hope*, <http://www.keadilanrakyat.org/wp-content/uploads/2013/04/ENG-Manifesto-BOOK>. (date accessed: 4 August 2014).

mean downgrading the importance of English as a language in IT, R & D as well as higher education.

In relation to the allocation of places at local universities for qualified entrants, the opposition proposed that sixty per cent be based on merit with the remaining forty per cent based on a means test.<sup>87</sup> It argued that meritocracy would go a long way in mitigating the frustration of many non-Malay entrants who were denied entry by the government on the basis of ethnicity. This would mean that many of them need not go overseas for their tertiary education which would save a lot in foreign exchange leaving the country. As for the means test basis of entry for the remaining forty per cent, the opposition held that there were many Malay and Sarawak/Sabah native students from the remote rural areas who still needed affirmative action of some kind. These people would not make it to university if they were to compete with others more economically and socially privileged, especially from urban areas. The opposition argued that on the whole, its approach towards the allocation of places in local universities for new entrants based on both merit and affirmative action, would satisfy all ethnic groups. An envisaged bell curve distribution of the allocated places would mirror the ethnic composition of the country's population with sixty-six per cent Malay/*bumiputera*, twenty-six per cent Chinese and the remaining eight per cent Indian.<sup>88</sup>

#### **4.4 PR Economic Policies' implementation state level**

The implementation of PR economic policies at the state level after the Twelfth General Election came to strengthen the opposition's position in exposing government inefficiency and corruption due to the NEP. Not only were the numerous

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<sup>87</sup> Wong Chen (undated).

<sup>88</sup> Wong Chen (undated).



instances of malpractices before 8 March 2008 fully exposed to the people, but their defects were made even more glaring compared to what could be offered by PR economic policies. The opposition's offer was through its pre-Twelfth General Election pledges delivered in states under its control like Selangor, Penang, Kelantan, Kedah and Perak (between March 2008 and February 2009). As will be shown below, the first two rather than the last three were chosen as PR showcase states.

Prior to the opposition denying the government its traditional two-thirds parliamentary majority and more significantly, wresting control of five state governments – Selangor, Penang, Kedah, Perak and Kelantan - it appeared untested as a coalition in administration and governance. This was relative to the government, first as the Alliance from 1957 to 1969 and then BN from 1973 to the present. Without access to government, the opposition lacked the opportunity to prove that it could match or even surpass the government in administration and governance. The opposition then had no mandate to implement policies, programmes and agendas it proposed to replace those in the government it wanted removed. PKR was barely a decade old after the Twelfth General Election and had no experience in running any government even though some of its top leaders had held government positions when they were in UMNO/BN. DAP's electoral success in 2008, notwithstanding earlier failures since its establishment in 1966, led it to be perceived more as a politically-savvy party with no corresponding strength in administration and governance. Only PAS had experience in ruling state governments in Kelantan (1959 to 1977, 1990 to the present) and Terengganu (briefly in 1959, and 1999 to 2004). PAS also participated in the federal government when it was in the BN from 1973 to 1977. Thus from 8 March 2008, unlike PAS in Kelantan, PKR and DAP had to start from scratch in governing Selangor and Penang, which they led respectively.

Control of state governments enabled the opposition to implement as many of its policies, programmes and agendas as possible and also show by their success that it was capable of governing. State successes could also be replicated on an even bigger scale and magnitude with more resources at the federal level in the event of regime change. The opposition was also keen to demonstrate that a PR federal government had much more to offer than the incumbent BN federal government. Any successful implementation of PR economic policies at state level hinged greatly on the proposed competency, accountability and transparency of state policies and measures to develop Selangor and Penang as PR showcase states. As the two were the most developed and industrialized states in the country, administrative efficiency and financial prudence were necessary in making them leading examples of competent, accountable and transparent PR state governments. Should this be successfully carried out, the previous UMNO/BN administrations in the two respective states would be exposed as being inefficient and corrupt. Whatever sufficient compelling grounds to also showcase Kelantan, Kedah and Perak as successful PR states, came to be offset by difficulties in implementing PR economic policies in these states, relative to Selangor and Penang. Kelantan under the control of PAS with hardly any PKR or DAP participation in government, was more interested in focusing on Islam rather than the economy in view of its ninety-five per cent Muslim-majority population, mainly conservative. As such Kelantan is not regarded as a PR state showcasing the PR's economic achievements even though it does not neglect economic development completely. Kedah had a PAS-led state government with only nominal PKR participation in government. But Kedah's seventy-five per cent Muslim-majority population also led PAS to prioritise Islam in development even though what PAS did in relation to economic issues was relatively much more in Kedah than in Kelantan.

In the case of Perak (as will be shown later in this chapter), when PR ruled the state from March 2009 to February 2009, its economic policies benefited many poor Chinese and Indians without alienating the Malays, but they did not have a sufficiently long gestation period to gain full acceptance from all ethnic groups. The PR state government of Perak helmed by DAP and PAS, lost its thin majority and fell when three PR state assemblypersons defected to the BN in early 2009.

The implementation of PR economic policies in Penang and Selangor focused on three areas whose inter-relation optimized the use of its powers and resources at state level. They were awarding state government projects on the basis of open tender, subsidizing public water usage and allocating state land to build schools/places of religious worship for non-Muslims.

#### *Open Tender in Penang*

Since they assumed power on 8 March 2008, PR state governments in Selangor and Penang had taken steps to address numerous irregularities arising from the manner in which UMNO/BN federal and state governments awarded government contracts and licences. Many if not most of these were given to companies controlled by people close to top government leaders without any tender. The open tender debate thus made the BN vulnerable to PR charges that as the companies concerned were not selected based on merit, their completed projects and public services were likely to be of poor quality despite high costs. They appeared to be the main cause of leakages and wastage of government resources, leading to inefficiency and corruption to become the subject of numerous public complaints. Among government projects awarded without open tender cited by the opposition were the privatization of a sixty-five acre piece of government land in Jalan Duta, Kuala Lumpur, in November 2009

to the Naza group, 3,300 acre Malaysia Rubber Board land in Sungei Buloh, Selangor, and the redevelopment of the 400 acre Sungei Besi Airport.<sup>89</sup> In giving details of how the open tender system worked in the award of state projects and tenders in Penang, Zairil Khir Johari, the Penang Chief Minister's then special assistant, held that all procurement needs would be advertised and published and all bids received scrutinized publicly. The successful bidder was required to furnish all details on how they would complete the project tender which would be published and objections from any quarter would be considered. The project would only proceed after all objections had been addressed.<sup>90</sup>

Over the next three years, the open tender system in Penang was accused of nepotism by supporters of the Gerakan-led former Penang BN state government on grounds that the Chief Minister had appointed members of the Tender Board or Quotations Committee.<sup>91</sup> Even more serious were accusations by Penang UMNO that the open tender system penalized Malays on ethnic grounds as all NEP quotas would not be entertained.<sup>92</sup> The DAP-led Penang PR state government countered by pointing out that in open tenders since March 2008, Malay contractors had won sixteen out of twenty-three tender awards or seventy per cent from the Penang Development Corporation (PDC) and forty-four out of sixty-six or sixty-seven per cent of contracts issued by the *Perbadanan Bekalan Air Pulau Pinang* (PBAPP) or Penang Water

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<sup>89</sup> See "Penang open tender spree shows up Putrajaya" in *The Malaysian Insider*, 3 August 2010. <http://www.themalaysianinsider.com/malaysia/article/penang-open-tender-sprees-shows-up-putrajaya/> (date accessed: 26 January 2014).

<sup>90</sup> *Penang Monthly*, 6 October 2011. Zairil Khir Johari is a DAP supreme council member and MP of Bukit Bendera (Penang).

<sup>91</sup> See for instance criticisms by Khoo Kay Peng <http://khookaypeng.blogspot.com.au/2012/08/is-lim-guan-eng-running-penang-berhad.html> (date accessed: 26 January 2014).

<sup>92</sup> See *The Malaysian Insider*, 3 August 2010.

Corporation.<sup>93</sup> On the whole, the open tender system after being in operation for three years, appeared to be successfully managed in Penang, leading the PR state government to extend it to the award of bigger state government projects with much higher monetary value. They included the multi-million *ringgit* 100- acre *Bayan Mutiara* township project, the restoration of Fort Cornwallis and Crag Hotel, management of the Penang International Sports Arena (PISA) and the Penang Hill facelift as well as the Pulau Jerejak tourist development project.<sup>94</sup> Penang's success in the open tender system was emulated by the PR Selangor government with both the Subang Jaya Municipal Council (SJMC) and the Petaling Jaya City Council offering the waste management industries worth M\$50 to M\$60 million to companies which had the relevant expertise. There were some 7000 bids from 1120 companies where 170 companies were shortlisted.<sup>95</sup>

#### *Water and land matters in Selangor*

Among the opposition's top priorities when it took over Selangor on 8 March 2008 was to implement its pre-general election pledge of keeping water tariffs in the state affordable to all residents, especially the low income groups. This would entail subsidizing the water bills of all 5.4 million residents in the state with a rebate amounting to M\$11.40 per household or the equivalent of twenty cubic metres of water per month.<sup>96</sup> The move reflected the opposition's reaction to the lop-sided agreements between the government and concessionaires in the privatisation of well-

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<sup>93</sup> See "PR Penang greatest legacy – prove right policies can make Malays and Malaysians compete and succeed against the best – by Lim Guan Eng" in *Lim Kit Siang for Malaysia*, 31 January 2010. <http://blog.limkitsiang.com/2010/01/31/pakatan-rakyat-penang-greatest-legacy-to-malaysia-and-greatest-threat-to-bn%E2%80%99s-stranglehold-on-power-is-to-prove-that-the-right-policies-can-make-malays-and-malaysians-compete-and-succeed-again/> (date accessed: 4 August 2014).

<sup>94</sup> See *The Malaysian Insider*, 3 August 2010.

<sup>95</sup> For details, see "Ensure transparency for open tender system, say MPs" in *Selangor Times*, 11 February 2011. <http://www.scribd.com/doc/48613255/Selangor-Times-11-Feb-2011> (date accessed: 26 January 2014).

<sup>96</sup> Interview with Xavier Jayakumar (20 December 2012, Shah Alam).

performing public enterprises. They were done in such a way as to favour the concessionaires, alleged cronies of top UMNO leaders, who could expect to contribute significantly to the party's campaigns in general elections. The opposition's move to control the concessionaires led to a direct clash between the Selangor and federal governments over the management of water resources in the state. After several moves and counter moves including the amount of compensation to be paid and international arbitration, the dispute appeared to have been resolved when the concessionaires were allowed to determine prevailing water tariff rates but with the state government's prior approval.<sup>97</sup>

Land was a matter where the opposition could gain mileage over the government in contestation in the states under its control after the Twelfth General Election. It involved land allocation for the construction of schools and places of religious worship for non-Muslims which the former UMNO/BN administration had neglected. This was mainly because MCA and Gerakan were unable to procure land from the UMNO-led BN Selangor state government for the construction of vernacular schools, temples and churches in the state. But the problem of land scarcity relative to the demands for its many uses was not only felt in a small state like Penang, but also a much bigger state like Selangor.<sup>98</sup> When the opposition took over Selangor, among its top priorities was setting up a non-Muslim council for land allocation to non-Muslim places of worship such as temples and churches. It was headed by three exco members – Xavier Jayakumar (PKR), Teresa Kok and Ronnie Liu (both DAP) – and comprised of representatives of the main non-Muslim religious bodies, district

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<sup>97</sup> See "Water Privatisation ends, Selangorians have the opportunity to receive shares", *Selangor Kini*, 13 January 2014. <http://en.selangorku.com/11349/water-privatisation-ends-selangorians-have-the-opportunity-to-receive-shares/> (date accessed: 26 January 2014).

<sup>98</sup> Interview with Xavier Jayakumar (20 December 2012, Shah Alam).

offices, *Jabatan Agama Islam Selangor* (JAIS) or the Selangor Islamic Affairs Department, the Public Works Department (PWD) and Land Office.<sup>99</sup> The opposition noted that under the previous BN administration, many applications for land to build temples and churches had been ignored due to the rapid pace of Islamisation in the state, forcing many churches to operate from shop house premises. Many Hindu temples had also been illegally constructed on state land especially near rubber estates during the colonial era, and their demolition created problems for the state government in relocating them. The council was nevertheless, up to March 2011, able to approve 128 ha of land from ninety applications. This comprised of 114 ha for Chinese temples, 7.67 ha for Hindu temples, 4.74 ha for churches and 0.74 ha for *gurdawara* (Sikh places of worship).<sup>100</sup> Although this allocation was still small relative to the demand for land, it was more than what the BN previous state governments had provided for non-Muslims in more than fifty years.<sup>101</sup>

### *Opportunities and Challenges*

The opposition succeeded in gaining much political mileage from the implementation of PR economic policies' objectives in the states under its control from 2008 to 2014. Penang became the best financially managed state in Malaysia consecutively from 2008 to 2010, attracting M\$12.2 billion worth of total capital investments or twenty-five per cent of the total for Malaysia through the open tender system. Public debt in Penang decreased by ninety-five per cent from M\$630 million in 2008 to M\$30

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<sup>99</sup> See "The state of non-Muslims in Penang and Selangor", *Penang Monthly*, 12 January 2012. <http://penangmonthly.com/the-state-of-non-muslims-in-penang-and-selangor/> (date accessed: 26 January 2014).

<sup>100</sup> *Penang Monthly*, 12 January 2012.

<sup>101</sup> See "Ronnie Liu: Taking it in stride" in *The Rocket*, 3 August 2011. <http://www.therocket.com.my/en/ronnie-liu-taking-it-in-stride/> (date accessed: 26 January 2014).

million as at the end of 2011.<sup>102</sup> In Selangor, the government's cash reserve doubled from M\$400 million in 2008 to M\$832 million in April 2011 as support for the PR increased in Malaysia's most industrialized state in which the federal capital of Putrajaya was located.<sup>103</sup> The opposition appeared to have successfully practised financial prudence and good governance in Penang and Selangor such that not only was it returned to power in both states, but with increased majorities in the 2013 General Election. While the increase in the number of state assemblymen in Penang was an additional member, in Selangor eight new members were elected. Even in Perak where it was in power for eleven months after the 2008 General Election, the PR demonstrated it could be fair to both Malays and Chinese in implementing PR economic policies at state level. The PR in Perak managed to secure 47,000 lots of freehold land titles for 134 Chinese New Villages totalling some 1,250 acres where each lot was 1,125 square feet. Balanced against the 102,000 lots to 314 Malay villages totalling some 7,500 acres where each lot averaged 3,200 square feet, the then Perak PR state government demonstrated that it could be fair to both Chinese and Malays.<sup>104</sup> However in Kedah, PAS which led the PR coalition state government, replicated many UMNO discriminatory policies against non-Malays. These included the demolition of Kedah's only abattoir,<sup>105</sup> located in Kampung Berjaya Alor Star, which PAS claimed had been illegally constructed to cause pollution problems. This was however disputed by many Chinese regarding it as the culmination of many PAS

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<sup>102</sup> For details, see "You too can be like Penang, Guan Eng tells Malaysia" in *The Malaysianinsider*, 1 April 2012. <http://www.themalaysianinsider.com/malaysia/article/you-too-can-be-like-penang-guan-eng-tells-malaysia/> (date accessed: 16 May 2014).

<sup>103</sup> See *The Rocket*, 3 August 2011. (date accessed: 26 January 2014).

<sup>104</sup> For details see Sakmongkol AK47, "Will DAP dominate PR?", *The Malaysianinsider*, 7 September 2012. <http://www.themalaysianinsider.com/print/sideviews/will-dap-dominate-pr-sakmongkol> (date accessed: 23 November 2012).

<sup>105</sup> For details, see "Pakatan Rakyat's second crisis of confidence" in Lim Kit Siang for Malaysia, 3 July 2009. <http://blog.limkitsiang.com/2009/07/03/pakatan-rakyat%E2%80%99s-second-%E2%80%9Ccrisis-of-confidence%E2%80%9D/> (date accessed :16 August 2014).



discriminatory measures such as unfair quota allocations to Malays even of private housing projects which needed state approval. The DAP sole Kedah state assemblyman, Lee Guan Aik, raised their complaints with Kedah PAS, leading to strained ties between the two parties in Kedah. Loss of Chinese support for PAS was partly responsible for the party's defeat in Kedah by UMNO/BN in the Thirteenth General Election on 5 May 2013.

However the successful implementation of PR economic policies in Selangor, Penang and for a brief period (March 2008 to February 2009) in Perak, led the federal government to put tremendous pressure on the opposition in the three PR-controlled states. It intensified its harassment/intimidation not only with the vast resources of patronage at its disposal, but also readily available use of state institutions and statutory bodies. BN did not bother to deny PR accusations that it was corrupt and inefficient. Instead it made every possible effort to show the people that the opposition, or at least the PKR, was equally corrupt.

Perak became the first target of the BN offensive. Two PKR assemblymen in Perak, Jamaluddin Radzi and Osman Jailu, fell into a BN trap when officials of the Malaysian Anti-Corruption Commission (MACC)<sup>106</sup> caught them red-handed for receiving bribes in a Perak hotel in mid-2008. They were later charged, being told in no uncertain terms that unless they defected to the BN, they would be found guilty of corruption. Their cross-over to the BN together with a DAP assemblyperson, Hee Yit Foong, enabled then deputy prime minister Najib with the assent of the Perak royalty to stage a coup in February 2009. It brought down the Perak PR government which

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<sup>106</sup> The MACC is the upgraded version of the ACA during Badawi's tenure as prime minister.

lost its three-seat majority from the Twelfth General Election.<sup>107</sup> And with its fall, the PR's policy of giving freehold land titles to Chinese new villages in Perak was revoked by the incoming BN state government. A top PAS leader lamented that had the PR not been ousted and allowed to serve its full five-year term in Perak, it would have demonstrated that the PAS-DAP leadership was doing very well. Not only would it consolidate the PR's support in Perak, but also its strengthening of the PAS-DAP cooperation would extend to the national level.<sup>108</sup> But unfortunately for the PR, the opportunity to downplay ethnicity in a situation where both Malays and non-Malays receiving largesse distributed with the Malays benefiting more, was not allowed to happen in Perak which could turn out to be another successful model PR state like Penang and Selangor.

In another case of corruption, this time in Penang, the PKR assemblyman for Penanti, Fairus Khairuddin, who was also deputy chief minister, was implicated by UMNO over allegedly corrupt sand deals to serve his family interests. Rather than allow the incident to drag on and be further manipulated by UMNO, Anwar prevailed upon Fairus to resign.<sup>109</sup> Fairus' resignation and subsequent defection to UMNO did not destabilize the Penang PR government given its huge seventy-five per cent majority in the state assembly. Moreover the PKR retained his seat in the ensuing by-election through Mansor Othman, who subsequently replaced him as Penang deputy chief minister. But together with the two Perak PKR assemblymen charged with

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<sup>107</sup> For details of the arrest of the two PKR Perak assemblymen and the defection of their DAP counterpart, see "How the Perak state government fell", *The Star*, 5 February 2009. In the 2008 general election, PR had won thirty-one seats compared to the UMNO/BN's twenty-eight in the fifty-nine seat Perak assembly. With the defection of the three PR lawmakers, the positions of the parties were reversed and BN took over the state government.

<sup>108</sup> See Khalid Samad "Long March towards two-coalition system in Malaysia", seminar at ISEAS, Singapore on 28 July 2009. The writer attended the seminar.

<sup>109</sup> For details, see "Mohammad Fairus quits Penanti seat" in *The Nutgraph*, 16 April 2009. <http://www.thenutgraph.com/mohammad-fairus-quits-penanti-seat/> (date accessed: 27 January 2014).

corruption, the Fairus incident prompted the MACC, on instructions from the federal government, to implicate all thirty-six Selangor PR assemblymen with corruption to have them charged in court later. This was over alleged abuse of state funds for constituents in their care through intense interrogation of their aides.<sup>110</sup> The motive to destabilize the PR Selangor government and eventually bring it down through defections and other means like in Perak thus became clear. The MACC summoned Teoh Beng Hock, a special assistant to DAP Selangor exco member Ean Yong Hian Wah, for interrogation as a witness with the aim to implicate and charge his boss. Teoh mysteriously fell to his death from the Selangor premises of the MACC on the fourteenth floor of an office tower block in Shah Alam on the morning of 16 July 2009 where he had been subjected to intense questioning the previous evening. The MACC's explanations suggesting Teoh committed suicide led many people to accuse it of complicity in a case of suspected foul play.<sup>111</sup> They drew as much scepticism as a government inquiry which recorded an open verdict while the Selangor PR government conducted its own independent investigations.<sup>112</sup> A Royal Commission of Inquiry (RCI) in response to growing public outcry against the coroner's open verdict, eventually established that Teoh committed suicide but blamed this on the MACC's mode of interrogation. However with no government disciplinary action taken against MACC officials involved, the opposition held that the corruption probe on its Selangor assemblymen was politically motivated. The PR appeared vindicated

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<sup>110</sup> Personal communication from Xavier Jayakumar on 17 July 2009.

<sup>111</sup> Personal communication from Jeff Ooi, DAP MP for Jelutong and chief of staff of the Penang Chief Minister's Office on 22 July 2009.

<sup>112</sup> Tricia Yeoh, a research officer tasked by Selangor MB Khalid Ibrahim to conduct the investigations eventually came up with a video which implicated the government in Teoh's death. For details see "Rights of the Dead" produced by Pusat Komus for FreedomFilmFest 2012, download in Youtube on 23 January 2013. <https://www.youtube.com/watch?v=rivZaB727Ho> (date accessed: 16 May 2014).

when the MACC quietly discontinued its probe as Teoh's family sought a review of the RCI's findings.<sup>113</sup>

The opposition also encountered a lot of problems from a hostile civil service in the states they took over from 2008 as many bureaucrats continued to regard UMNO/BN as their political masters, not the PR.<sup>114</sup> As there had not been any change of government at the federal level since 1957, the overwhelmingly Malay-dominated civil service had grown accustomed to UMNO/BN as its political masters. This made implementation of PR state government policies and agendas extremely difficult as the top state civil servants obeyed only directives from the Chief Secretary to the federal government. One of the reasons the PR state government of Perak fell in February 2009 was due to non-cooperation from the state civil servants. They not only defied the PR Perak state government in the ten months it was in power from March 2008 to February 2009, but instead implemented directives against PR from the federal government via the Chief Secretary. With Malaysia having the highest ratio of civil service to population composition at 4.68 per cent, higher than Japan, Thailand, Philippines and Korea at 3.2 per cent, 2.06 per cent, 1.81 per cent and 1.85 per cent respectively<sup>115</sup>, the bureaucracy continued to be another strong pillar of support for UMNO/BN. This was despite the PR state governments of Penang and Selangor being able to convince sections of the civil service who were professionally

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<sup>113</sup> Personal communication from Jeff Ooi, 22 July 2009.

<sup>114</sup> See ISEAS seminar "Challenges facing Selangor PR" on 18 May 2009 in Singapore by then Selangor *Menteri Besar* Khalid Ibrahim. The writer was present at the seminar.

<sup>115</sup> For details, see "Malaysian First: Unity Driven Equity, Growth & Innovation", *Proposed 2008 Malaysian Budget*, DAP Budget 2008 Complete (Cover) 070905b.pdf

inclined to cooperate with them in serving the people. In Penang, the state government even gave cash awards to civil servants with integrity.<sup>116</sup>

#### 4.5 Conclusion

It was only after twenty-eight years (1970 to 1998) that the opposition first grouped together as a coalition to map out a joint strategy against the NEP with NEA and MENUS becoming known as PR economic policies. Despite the opposition's success in showing the Malays that they would still be the biggest beneficiaries of non-ethnic approaches in wealth redistribution, it failed to stop UMNO/BN from continuing to ethnicize the NEP to destabilize the PR. This time-tested approach has worked successfully with manipulating any issue to pit Malays against Chinese in "them vs. us" zero-sum situations. The PR still has a long way to go before it can successfully counter an ethnic policy like the NEP through its economic policies. Nevertheless it was quite satisfied that the implementation of its economic policies in Penang and Selangor in the 2008-2013 period had been well-accepted by the voters of the two states who gave it an even bigger mandate in the 2013 General Election. The BN was at least forced to make some cosmetic changes with Prime Minister Najib presenting the New Economic Model (NEM)<sup>117</sup> in a futile attempt to do away with ethnicity in NEP redistribution. However the NEM could not be implemented successfully as certain sections of UMNO committed to preserving the *status quo* of NEP ethnic discrimination and quotas, strongly objected. Simultaneously cosmetic attempts in combatting corruption cleared many culprits despite royal commissions of inquiry.

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<sup>116</sup> Penang Chief Minister Lim Guan Eng disclosed this at a talk in Singapore organized by the Singapore chapter of the Old Free Association (OFA) of Penang on 15 June 2009.

<sup>117</sup> For details, see Malaysia, Government of (2009) *New Economic Model for Malaysia*, National Economic Advisory Council, Government Printers, Kuala Lumpur.

The opposition concluded that the successful implementation of the PR economic policies at state level could only be replicated at federal level with regime change.

## Chapter Five

### Contesting Malay Ethnocentrism in Constituency Delineations

#### Introduction

Ethnicity and religion have long played a key role in defining the identity<sup>1</sup> of the Malays in Malaysia with Malayness traditionally preceding Islam in their “struggle for *Bangsa* (ethnicity), *Agama* (religion) and *Negara* (country)” since the peninsula’s independence. However the impact of the Middle Eastern Islamic revival in the 1970s-80s came to reverse the relative importance of ethnicity and religion, seeing Islam emerge as a stronger marker of Malay identity from the 1990s.<sup>2</sup> Islam thus reinforced the ethnocentric emphasis of *Ketuanan Melayu*, the core philosophy of UMNO. Both ethnicity and religion underlined UMNO’s move to optimize the voting potential of the Malays from the late 1990s in contestation with the PR. The opposition coalition’s three parties exposed electoral malpractices arising from allegations of government collaboration with the Elections Commission (EC) whose task was to conduct free and fair general elections in constituency delineation exercises from 1974 to 2003. From 2010, the PR espoused an inclusive slogan

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<sup>1</sup> For the rationale behind this see Shamsul, A B (2001) “A History of an Identity, an Identity of a History: The Idea and Practice of ‘Malayness’ in Malaysia Reconsidered”, *Journal of Southeast Asian Studies*, 32 (3), October, pp. 355-66.

<sup>2</sup> A survey was conducted on 1000 randomly chosen Malaysian Muslims in Peninsular Malaysia from 15 to 18 December 2005 by the Asia-Europe Institute of the University of Malaya. Its objective according to the project’s coordinator Dr Patricia A Martinez, was to get Muslims themselves instead of those who spoke on their behalf, to define their identity, issues and concerns. The survey indicated that 73% of the respondents chose Islam as the main marker of Malay identity. The survey was administered by Merdeka Centre, a renowned social survey centre based in Bangi, Selangor. For details, see Dina Zaman, “The New Generation of Muslims”, *Opinion*, The Malay Mail online, 15 August 2013. <http://www.themalaymailonline.com/opinion/dina-zaman/article/the-new-generation-of-muslims>. (date accessed: 24 January 2014).

*Ketuanan Rakyat* or sovereignty of all ethnic groups based on a common Malaysian nationality to phase out or at least downplay ethnicity and religion in affirming its multi-ethnic approach to challenge *Ketuanan Melayu*.

### **5.1 *Ketuanan Melayu***

*Ketuanan Melayu* was a slogan coined by ardent Malay nationalists to subordinate other ethnic groups in Malaysia's plural society to Malay rule. Depending on the circumstances in which it is viewed, *Ketuanan Melayu* can range from Malay hegemony, supremacy and domination on the one hand to Malay dominance on the other. While Malay hegemony/supremacy/domination virtually excluded non-Malay/Muslim participation in government, Malay dominance included it, but only nominally. Though *Ketuanan Melayu* had been implied by UMNO from 1957 till the 1970s, it came to be articulated publicly from the 1980s. The slogan was initially a Malay reaction to perceptions of a threat to their status as *bumiputeras* in the strident opposition campaign in the 1969 general election demanding political equality for non-Malays. After the Kuala Lumpur riots, *Ketuanan Melayu* came to stand for the retaliatory measures taken when the government examined retrospectively the liberal conditions in which Chinese and Indians came to acquire citizenship in the 1950s.<sup>3</sup> The authorities deleted about 400,000 names, many of who were eligible to vote when the electoral rolls were revised in the early 1970s.<sup>4</sup> Apparently more non-Malay than Malay names were removed, but whether the government had sanctioned the move or overzealous middle-level bureaucrats acted on their own initiative, was never explained as the contents of a report by an investigating committee were never

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<sup>3</sup> See Ting, Helen (2009) "The Politics of National Identity in West Malaysia: Continued Mutation to Critical Transition?", *Southeast Asian Studies*, Vol.47, No. 1, June, pp.31-51.

<sup>4</sup> Crouch, Harold (1996) *Government and Society in Malaysia*, Allen & Unwin, Australia, p.58.



disclosed.<sup>5</sup> Consequently the proportion of Chinese voters was reduced from 36.3 per cent to 34.5 per cent, correspondingly increasing the Malay voter base from 55.7 per cent to 57.9 per cent between the 1969 and 1974 general elections. It was a reminder to the Chinese that the Malays were the *tuan* or masters of the country.

### *Definition and origins*

In a strange sort of way, MCA played a significant role in raising the public profile of *Ketuanan Melayu*. Shamsul<sup>6</sup> observes that MCA had in fact accepted a subordinate political position to UMNO in the ethnic bargain of the 1950s by endorsing *Ketuanan Melayu* in exchange for participation in the then *laissez faire* economy of the country. With politics then focusing on language, culture and education in nation building, endorsement of *Ketuanan Melayu* severely constrained MCA from pushing for Chinese as an official language, Chinese culture as part of an emerging Malayan culture and Chinese education to be on par with Malay/English education. The party came under intense attack from non-Malay opposition parties like LPM, PPP, UDP, Gerakan and DAP for giving in to UMNO on Chinese rights over language, culture and education. On the Malay side of the ethnic divide, *Ketuanan Melayu* was also severely criticized by PAS and Malay radicals in UMNO as conceding too much to the non-Malays both in the government and opposition.

However the challenge to *Ketuanan Melayu* was disrupted by the Kuala Lumpur disturbances and the imposition of emergency rule over the next eighteen months. When parliament reconvened in 1971, the position of *Ketuanan Melayu* had in fact become considerably strengthened and entrenched in language, education, the economy and culture. Its impact was felt in the 1971 Constitutional Amendments

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<sup>5</sup> Crouch (1996).

<sup>6</sup> Shamsul (2001).

banning public debate on “sensitive issues” like the sovereignty of the Malay rulers, Malay as the national language, the special position of the Malays and Islam as the official religion. While DAP, PPP and Gerakan were constrained by the Sedition Act<sup>7</sup> in questioning the above “sensitive issues”, their emplacement beyond public debate also precluded PAS from defending Malay rights. In the event PPP, Gerakan and PAS joined the government in an extended BN coalition government from the early 1970s. This left only DAP to continue opposing the government’s reiteration that *Ketuanan Melayu* should not be questioned under whatever circumstances if a repeat of the Kuala Lumpur riots was to be avoided. Having secured this advantage, the government, through MCA and Gerakan, persuaded the Chinese to view *Ketuanan Melayu* positively in that it had enabled many Chinese and Indians to become citizens with voting rights and own property/money which were not nationalized. To that extent UMNO leaders held that *Ketuanan Melayu* did not harm the Chinese and Indians in Malaysia who were much better off than their counterparts in countries like Indonesia and Burma.<sup>8</sup>

#### *Malays as owners of Malaysia*

At the core of *Ketuanan Melayu* is the belief that Malaya belonged to the Malays, had always been a Malay polity and remained largely so despite a large influx of Chinese and Indians during the era of British colonialism. UMNO has always argued that the Malays, through their sultans, relinquished their power in separate treaties from 1874

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<sup>7</sup> The Sedition Act which criminalized speech inciting hatred or causing feelings of hostility whether involving the government and/or between different communities was part of the constitutional amendments when parliament reconvened in February 1971. It was in fact an amended version of a similar enactment in 1948 by the British. For details, see Malaysia, Commissioner of Law Revision (2006) *Laws of Malaysia (Reprint) Act 15, Sedition Act 1948*, Government Printers, Malaysia. <http://www.agc.gov.my/Akta/Vol.%201/Act%2015.pdf> (date accessed: 25 April 2014).

<sup>8</sup> For a rationale of *Ketuanan Melayu*, see Mahathir Mohamad (1970) *The Malay Dilemma*, Federal Publications, Petaling Jaya and Abdullah Ahmad, “Issues in Malaysian Politics”, speech delivered at the Institute of International Affairs, Singapore, 30 August 1986 reproduced in Das, K (1986) *Malay Dominance: The Abdullah Rubric*, Das K Ink, Petaling Jaya.

to the British colonialists who returned it to them when Malaya became independent.<sup>9</sup> The symbols of nationhood such as the flag, the national anthem, national language and Islam as the official religion have always been exclusively Malay, befitting the country's status as *Tanah Melayu* or Land of the Malays.<sup>10</sup> In emphasizing the concept of *tuan* or master, *Ketuanan Melayu* also emphasised that the Malays, together with the natives of Sarawak/Sabah, were indigenous to distinguish them from the local-born Chinese and Indians. *Ketuanan Melayu* came to disqualify the latter from equal political treatment with Malays despite being Malaysian citizens. They continued to be regarded as descendants of people whose cultures originated from countries outside Southeast Asia in the government's nation-building measures based on the ethno-nation concept.<sup>11</sup> As such, residents with cultures indigenous to Southeast Asia like the Indonesians, even if they were non-citizens, were better qualified for equal treatment with the Malays than Malaysian citizens of Chinese or Indian origin. The cultural/religious ethos of *Nusantara* in facilitating the construction of the Malay identity and Malayness thus provided the framework for *Ketuanan Melayu's* operation.<sup>12</sup> The Malay identity and Malayness were based on the criteria of the relationship between the sultan and his subjects in the Malacca/Riau region as well as a commercial diaspora from Java and Borneo to Celebes and the Moluccas. All spoke a common Malay language and were regarded as having a common "Malay" culture. Defining Malayness as Islamic excluded the overwhelming majority of Burmese, Thais, Cambodians, Vietnamese, Filipinos and other Southeast

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<sup>9</sup> See Wan Hashim Wan Teh, "Politics of Compromise and the need to strengthen the position of the Malays and other *Bumiputra* as the backbone community in the country" Occasional Paper, *University Kebangsaan Malaysia*, 31 March 1988 (mimeo)..

<sup>10</sup> Wan Hashim (1988).

<sup>11</sup> See Suryadinata, Leo (1997) *Chinese and Nation-Building in Southeast Asia*, Asian Studies Monograph Series No.3, Singapore Society of Asian Studies, Singapore.

<sup>12</sup> Shamsul (2001), pp.355-366.

Asian non-Muslim indigenous peoples. However Islam's assimilative approach through conversions served as an avenue for non-Muslims anywhere to become Malays. The avenue to assimilation was Article 160 of the Malaysian Constitution<sup>13</sup> underlining the colloquial term *masuk Melayu* or becoming Malay to mean conversion to Islam. So salient was Islam in defining Malay identity that not even the conformity of Chinese groups like the *Peranakan*<sup>14</sup> in Malacca and Penang to aspects of Malay culture like food, dress and language, could qualify them for equal treatment. As long as they remained non-Muslims, even partly assimilated Chinese like the *Peranakan* were treated as second-class citizens.

The continuity of government over the past four decades from 1970 made UMNO unprecedentedly stronger than other parties such that *Ketuanan Melayu* came to acquire interpretations and translations ranging from Malay hegemony and Malay primacy to Malay sovereignty as well as Islamic dominance.<sup>15</sup> But such strength, especially when Mahathir was prime minister, also gave UMNO a flexibility to downplay whatever hegemonic tendencies it came to acquire. UMNO thus allowed Chinese, Indians, Dayaks and Kadazans sufficient space to participate in government without challenging the party's leadership. To that extent, UMNO considered the hard-line concept of Malay hegemony or supremacy as an exclusively Malay government that would not go down well in showcasing a multi-ethnic democracy to attract foreign investments to Malaysia. Under such circumstances, *Ketuanan Melayu* came to be associated with Malay dominance which its leaders attempted to

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<sup>13</sup> This article defines a Malay as a person who professes Islam, habitually speaks the Malay language and conforms to Malay customs. See Constitution of Malaysia, PDF Complete Special Edition.

<sup>14</sup> For details of the *Peranakan*, see Tan Chee Beng (1988) *The Baba of Melaka: Culture and Identity in a Chinese Peranakan Community in Malaysia*, Pelanduk Publications, Selangor (Malaysia).

<sup>15</sup> Ting (2009), pp.31-51.

distinguish from Malay domination.<sup>16</sup> While domination would lead to hegemonic tendencies in suppressing non-Malays to give UMNO an extremist image, dominance would allow their nominal participation in government to preserve Malay sovereignty and thus make UMNO appear as moderate. In the distribution of government positions, UMNO reserved half for itself while the other half was given to all the other BN components. UMNO's indisputable leadership was underscored by the key ministerial positions it held such as Defence, Finance, Education, Home Affairs and Trade/Industry. In addition only UMNO could nominate candidates for the positions of prime minister and deputy prime minister.

UMNO's efforts to project *Ketuanan Melayu* as a concept where the non-Malays would be fairly treated have not been entirely successful, mainly due to the weaker bargaining position of the non-Malay parties in the BN. They could not prevent the further erosion of the interests of the ethnic groups they represent in the BN by UMNO radicals. The line separating "Malay dominance" from "Malay domination" was often thin such that what was intended as "Malay dominance" with sufficient leeway for non-Malay political participation in government could on many occasions turn out to be "Malay supremacy", and even Malay hegemony with MCA, Gerakan and MIC sidelined. In the pre-1969 era MCA had some leverage in bargaining with UMNO to make the Alliance coalition government a partial consociational<sup>17</sup> model. But this changed from the 1970s with the new era of NEP politics when *Ketuanan Melayu* came to be equated with Malay supremacy or hegemony.

## **5.2 Constituency Delineation: Apportionment and Districting**

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<sup>16</sup> Das (1986).

<sup>17</sup> For details of consociational democracy, see Lijphart, Arend (1977) *Democracy in Plural Societies: A Comparative Exploration*, Yale University Press, New Haven.

An important aspect of *Ketuanan Melayu* is reflected in the numbers game in Malaysia's electoral democracy where UMNO/BN control over the federal and various state governments has been sustained, even advanced since the country's independence. UMNO/BN came to acquire a strategic advantage over how citizens exercised their voting rights in elections through constituency delineation<sup>18</sup> with its two aspects which can affect electoral outcomes. They are the apportionment or allocating the total number of voters to the total number of constituencies and districting or determining the electoral boundaries of constituencies.

#### *Mal-apportionment and Gerrymandering*

UMNO/BN benefited from apportionment and districting where both became common forms of electoral abuse. Mal-apportionment occurs when constituency delineations produce electorates of unequal size designed to give advantage to particular parties. Gerrymandering describes the practice of delimiting constituency boundaries such that it favours particular parties or coalitions. Mal-apportionment and gerrymandering compromise the one-man-one-vote principle in electoral democracy by diluting some votes while strengthening others. Both electoral abuses have occurred in Malaysia through giving greater weightage to rural constituencies over urban ones, the first-past-the-post system of deciding outcomes of electoral contests and other functions performed by the EC.<sup>19</sup> Malaysia went through constituency delineations in 1974, 1984, 1994 and 2003, conforming to the requirements of Article

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<sup>18</sup> Lim Hong Hai, (2002) "Electoral Politics in Malaysia: 'Managing Elections in a Plural Society'" in *Electoral Politics in Southeast & East Asia*, Library, pp.101-148.

<sup>19</sup> Lim (2002), p. 103. See also "Uncommon Sense with Wong Chin Huat: Constituency redelineation and citizen vigilance", *The Nutgraph*, 27 January 2014. [http://www.thenutgraph.com/uncommon-sense-with-wong-chin-huat-constituency-redelineation-and-citizen-/](http://www.thenutgraph.com/uncommon-sense-with-wong-chin-huat-constituency-redelineation-and-citizen/) (date accessed: 9 February 2014).

113(2)(i) of the Federal constitution.<sup>20</sup> This provided for re-delineation of electoral boundaries once every eight years to take into account demographic changes and movements of voters. The number of parliamentary constituencies increased from 144 in 1969 to 154 in 1974, 176 in 1984, 192 in 1994 and eventually 219, then 222, in 2003 to commensurate with the increase in the number of votes polled by all parties from 2.1 million to 13.9 million over the same period.<sup>21</sup> The increase in the number of constituencies and voters in Malaysia to accommodate demographic changes and movements of voters in the four delineation exercises had, to a great extent, been influenced by mal-apportionment and gerrymandering. At each delineation exercise, the addition or subtraction of constituencies necessitated not only redrawing their existing boundaries, but also transferring some of their voters to other constituencies while bringing in voters from other constituencies.<sup>22</sup> Mal-apportionment and gerrymandering not only reduced the strength of the Chinese vote, but also regulated the Malay vote in such a way as to disadvantage both the Malay and Chinese-based opposition parties. The effects of mal-apportionment and gerrymandering not only appeared to accommodate a growing Malay population that became an absolute majority from 1970s through a higher fertility rate and influx of immigrants from Indonesia and the southern Philippines;<sup>23</sup> they were also accentuated by the corresponding decline in the Chinese population consequent on a lower fertility rate and emigration to escape the NEP's ethnic discrimination. UMNO was thus able to argue that the Malays had the numbers in parliament to rule the country on their own, based on their 58.9 per cent composition of the total electorate and 75.2

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<sup>20</sup> See Constitution of Malaysia, PDF Complete Special Edition.

<sup>21</sup> Statistics compiled from Elections Commission website <http://www.spr.gov.my> (date accessed: 9 February 2014).

<sup>22</sup> *The Nutgraph*, 27 January 2014.

<sup>23</sup> Sadiq, Kamal (2005) "When States Prefer Non-Citizens Over Citizens: Conflict Over Illegal Immigration into Malaysia", *International Studies Quarterly*, Vol. 49, pp.101-122.

per cent composition of parliamentary seats in the peninsula<sup>24</sup>, the main arena of contestation. But it made a point of saying that it chose to share power with the Chinese and Indians through the BN.

### *Greater Rural Weightage*

Traditionally in Malaysia there has been a greater weightage allotted to rural constituencies *vis-à-vis* urban ones owing to their spatially larger physical areas, not to mention their relative lack of facilities.<sup>25</sup> The significance of greater rural weightage in Malaysia was its coincidence with the neat Malay/Chinese divide prior to 1970. The first constituency delimitation for the 1955 federal legislative elections had a 2:1 rural/urban weighting. But with the Malays then constituting some 84.2 per cent of the total voters in fifty-two constituencies of which only two were urban and Chinese-dominated, greater rural weightage was not generally considered favouring the rural-based Malays at the expense of the urban-based Chinese. This was reflected in the Alliance allocation of thirty-five, fifteen and two constituencies to be contested by UMNO, MCA and MIC respectively.

The greater rural weightage factor came under scrutiny in 1960 by the Reid Commission which recommended that the gap between rural and urban constituencies be closed in the long term for fairer representation in the federal parliament.<sup>26</sup> The Reid Commission had noted that in Malaya's general election in 1959, the first after independence, a lot of changes had taken place in the electoral scene since 1955. The Malays had then comprised 84.2 per cent of electorate, far above their roughly fifty

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<sup>24</sup> Lee Hock Guan (2013) "Steadily Amplified Rural Votes Decide Malaysian Elections", *ISEAS PERSPECTIVE*, 6 June, Singapore, pp. 1-11.

<sup>25</sup> For the rationale behind this see Lim (2002), pp.101-148 and Crouch (1996), p.58.

<sup>26</sup> Lim (2002), pp.101-148.



per cent composition of the peninsula's population then, and the Chinese proportion of the electorate was negligible.<sup>27</sup> But after independence the latter increased steadily as the older generation of Chinese non-citizens gradually died and their Malaya-born generation of citizens came of age and became eligible to vote. Crouch<sup>28</sup> observes that by the time of the 1959 general election, the Chinese proportion of the electorate was only 2.5 per cent less than its composition of slightly more than a third of Malaya's population.<sup>29</sup> This steep increase in the Chinese voting population and a moderate decline in the proportion of Malay voters by 1959 gave the Reid Commission compelling reasons to reduce the fifty per cent rural advantage to some fifteen per cent. It recommended this proposal to the Alliance government which approved it in parliament in 1960.<sup>30</sup> But the government decided to restore the 2:1 weightage of 1955 in 1962 after the non-Malay opposition won local council elections in the previous year. Due to the Alliance's two-thirds majority in the then federal parliament, UMNO succeeded in annulling the Reid Commission's 1960 recommendation that the disparity between rural and urban weightage not exceed fifteen per cent. The new constituency delineations based on the 1962 2:1 rural weightage were not completed by the time of the 1964 general election which still adhered to the fifteen per cent discrepancy in the 1959 elections. But when the 2:1 rural weightage discrepancy became operative in the 1969 general election, the government did not benefit from it due to strong gains made by both non-Malay and Malay opposition parties through political outbidding. Thus in the next constituency delimitation exercise in 1974 it was decided to abolish the 2:1 rural weightage

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<sup>27</sup> Ratnam, KJ (1965) *Communalism and the Political Process in Malaya*, University of Malaya Press, Singapore, p.187.

<sup>28</sup> Crouch (1996), p.57.

<sup>29</sup> There were 1,884,534 Chinese or 38.4 per cent of the Federation of Malaya's population of 4,883,006 on 31 August 1957 when it became independent. Ratnam (1965), p.46.

<sup>30</sup> Lim (2002), pp.101-148.

altogether such that there would be no limits on discrepancies between the sizes of rural and urban constituencies. The government had the required two-thirds parliamentary majority to do so by amending the federal constitution.

It should be noted that mal-apportionment and gerrymandering by the EC was not a straight forward case of applying the greater rural weightage factor across the board in creating more Malay-dominated constituencies at the expense of Chinese-dominated or mixed ones. Had that been the case, new seats at both parliamentary and state levels would have been created in the overwhelmingly Malay-dominated east coast states like Kelantan and Terengganu. The delimitation exercises in 1974, 1984 and 1994 had applied the greater rural weightage principle selectively in creating more mixed constituencies to enhance the strength of the BN, and in the process offset whatever electoral advantages gained by the opposition earlier. Thus in both 1994 and 2003, the delimitation exercises in fact ignored these east coast states with their ninety-five per cent Malay-majority populations mainly because electoral support for PAS there had traditionally been strong.<sup>31</sup> The delimitation exercises instead focused on areas where Malay support for UMNO was very strong like in Johor. In 2003, Johor received six new state seats compared to Selangor's five based on UMNO/BN winning 75.2 per cent of the popular vote in Johor as against 54.8 per cent in Selangor for the 1999 general election. This was despite the fact that Selangor had a population of 4.19 million and an annual growth rate of 6.1 per cent compared to Johor's 2.74 million and annual growth rate of 2.6 per cent since the 1991 population census.<sup>32</sup> In parts of predominantly-Malay north Kedah and Pahang where

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<sup>31</sup> See "Malaysia: Malapportioned Districts and Over-representation of Rural Communities" in *Ace, The Electoral Knowledge Network*, 2<sup>nd</sup> Edition 2012. [http://aceproject.org/ace-en/topics/bd/bdy/bdy\\_my](http://aceproject.org/ace-en/topics/bd/bdy/bdy_my) (date accessed: 24 April 2014).

<sup>32</sup> For details see *Ace, The Electoral Knowledge Network*, 2<sup>nd</sup> Edition 2012.

Malay support for UMNO had not been consistent, the government had to rely on Chinese and Indian electoral support to win.

*Urbanization of Malays transforms Chinese-majority to “mixed” electorates*

Although the urbanization of rural Malays was mainly a government move to find jobs yielding higher incomes in industry for them created by the NEP's launch in the Second Malaysia Plan 1971-75, there was nevertheless also a hidden political motive behind it. The ongoing Malay influx into the urban areas in the middle and long term had the effect of transforming hitherto Chinese-dominated urban electorates into mixed seats where no ethnic group formed a majority. An UMNO state assemblyman, Ishak Ismail, disclosed that his party was very active in getting the rural Malays to move to urban areas to become registered voters there.<sup>33</sup> Ishak, from Negri Sembilan, also contended that at the same time, boundary delineation exercises could scatter clusters of mainly Chinese supporters in areas where the opposition had won marginally, to BN-held seats to neutralize the effectiveness of their votes. Seremban, the state capital of Negri Sembilan, was a good example of how an urban parliamentary seat with its Chinese-majority of sixty per cent was reconfigured in such a way that the Chinese were outnumbered by the combined Malay, Indian and other communities minorities at forty-three, ten and two per cent respectively.<sup>34</sup> Thus the transformation of Chinese-majority parliamentary seats like Seremban which was won by the DAP from 1969 to 1986 and Klang (Selangor) into mixed ones enabled MCA candidates to win in elections where the pooling together of Malay, Chinese

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<sup>33</sup> Phone interview from Singapore with Ishak Ismail, UMNO state assemblyman for Lenggeng (Negri Sembilan) on 31 May 2007.

<sup>34</sup> There were 73,689 voters in Seremban for the 1995 General Election. See NST, 25 April 1995.

and Indian votes by ethnic components of BN exceeded the mainly Chinese vote obtained by DAP.<sup>35</sup>

The same pattern of using rural weightage to strengthen the Malay vote was implemented in Selangor in the 1970s to accentuate UMNO's move legislating for Kuala Lumpur to be made a federal territory.<sup>36</sup> Placing a Chinese-majority capital city like Kuala Lumpur under the direct control of the Malay-led federal government meant its removal from Selangor, effectively transforming the latter into a Malay-majority state. Selangor with the inclusion of Kuala Lumpur was a Chinese-majority state where both government and opposition secured an equal number of seats in the results of the 1969 general election. This had produced a deadlock in forming the state government before the riots and declaration of emergency. With Selangor becoming a Malay-majority state after the removal of Kuala Lumpur in 1971, the EC in its 1974 delimitation exercise, redrew its electoral boundaries to create more Malay-majority and "mixed" constituencies as more Malays moved to the urban areas.

Urbanization of the Malays in Selangor was also replicated in Penang, Malaysia's only Chinese-majority and most urbanized state which also voted for the opposition in the 1969 general election.<sup>37</sup> Large numbers of rural Malays from other states had migrated to Penang in search of more lucrative employment under the NEP and had

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<sup>35</sup> Phone interview with Ishak on 31 May 2007. Ishak, a former head of the UMNO division in Seremban, claimed that the MCA had been able to defeat the DAP in Seremban in four consecutive general elections from 1990 to 2004 mainly through Malay votes canvassed by UMNO. With a voter turn out of 73.8 per cent on polling day in the 1995 General Election, the MCA candidate polled 33,452 votes to defeat his DAP rival who polled only 15,217 votes. See NST, 25 April 1995.

<sup>36</sup> Means, Gordon (1991) *Malaysian Politics: The Second Generation*, Oxford University Press, Oxford, New York, p.32.

<sup>37</sup> For details of government's urbanization measures in post-1969 Malaysian politics, Hirschman, Charles (Nov.1976) "Recent Urbanization Trends in Malaysia" *Demography*, Vol.13, Issue 4, pp. 445-461 and Ho Chin Siong (2008) "Urban Governance and Rapid Urbanization Issues in Malaysia" *Jurnal Alam Bina*, Vol. 13, No.4, pp. 1-24. JAB2008Jilid13No4ARO1.pdf – Urbanization, Ho C S, pdf, Adobe Reader.

settled down mainly in Province Wellesley on the mainland. As more and more Malays moved to Province Wellesley over the next two decades (1970-1990), the government created “new towns” with Malay cultural and Islamic features such as Seberang Jaya for them. Their numbers were sufficiently large that in the 1984 constituency delineation exercise in Penang, the EC provided for more constituencies in Province Wellesley over Penang Island even though the latter, with the capital city of Georgetown, had more voters than the former.<sup>38</sup> Other west coast states which had Chinese-majorities or substantial Chinese minorities like Perak, Negri Sembilan, Malacca and Johor, also had their constituency boundaries redrawn consequent on Malay migration to their urban areas. In the process the political strength of the rural-based Malays came to be further augmented even as increasing urbanization of the Malays diluted the strength of the Chinese vote there. When the first census of Malaya was taken in 1947, the Malays were overwhelmingly a rural-based community with very few of them living in the urban areas. This trend had not changed up to 1970 when the next census was taken shortly before the NEP commenced in 1971.<sup>39</sup> However after some four decades with massive economic development, Malaysia has come to acquire more traits of an urban nation with the Malays comprising some seventy per cent of the total urban population.<sup>40</sup> Still this

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<sup>38</sup> In giving its views on the constituency delineation in Penang then, Gerakan, the Chinese component leading the BN coalition government in Penang, then noted that Penang island had 252,088 or 54.3 per cent of the voters while Seberang Perai (Province Wellesley) had 211,943 or 45.7 per cent, and yet there were five parliamentary seats for the island compared to six for Seberang Perai. Translated into state seats, Gerakan held that the island was given fifteen to Seberang Perai’s eighteen. Gerakan protested that for a more equitable representation, the ratio of both parliamentary and state seats in between the Penang island and Seberang Perai should be reversed. See *Gerakan Rakyat Malaysia*, “The constituency re-delineation in Penang” 21 June 1984. (mimeo).

<sup>39</sup> Saw Swee Hock (2007) *The Population of Peninsular Malaysia*, Institute of Southeast Asian Studies.

<sup>40</sup> For details see Liew Chin Tong “International Community take note – regime change looms in Malaysia” in *New Mandala*, 30 August 2012. <http://asiapacific.anu.edu.au/newmandala/2012/08/30/international-community-take-note-regime-change-looms-in-malaysia/> (date accessed: 8 May 2014).

growing trend has not negated the advantage of greater rural weightage through mal-apportionment and gerrymandering to the benefit of UMNO/BN.

### *Immigration of Indonesians, foreign Muslims*

The migration of people from Indonesia and the Philippines to Malaysia had been an ongoing process, predating the arrival of Europeans to Southeast Asia with the Portuguese conquest of Malacca in 1511.<sup>41</sup> Thus the movement of Banjarese/Acehnese to Perak, Minangkabaus to Negri Sembilan, Javanese and Bugis to Selangor and Suluks to Sabah, had been part of the larger migratory patterns within the Malay archipelago in Southeast Asia. Ongoing Indonesian immigration did not become politicized until after the 1969 ethnic riots. Nevertheless some UMNO leaders had earlier wanted the Malays to align themselves with Indonesia in early 1965 at the height of UMNO/PAP contestation which strained Malay-Chinese ties to breaking point. The tension was only defused when Singapore separated on 9 August that year. But teaming up with Indonesia on the basis that both the Malays and Indonesians are culturally and socially similar, speaking the same Malay language and professing the same religion Islam (at least ninety per cent of Indonesians are Muslims), had always been tempting for UMNO to offset potential Chinese domination based on numerical superiority. This option could have become an unprecedented reality when Jakarta supported the move of the National Operations Council<sup>42</sup> (NOC) to restore law and order after the Kuala Lumpur disturbances.<sup>43</sup> It

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<sup>41</sup> For details see Azizah Kassim (1987) "The Unwelcome Guests: Indonesian Immigrants and Malaysian Public Responses," in *Southeast Asian Studies*, Vol. 25, No. 2, (1987), pp.265-278.

<sup>42</sup> The NOC was set up in the aftermath of the 13 May 1969 Kuala Lumpur ethnic riots to restore law and order. It was headed by then deputy prime minister Tun Abdul Razak and its nine-members comprised of seven Malays, one Chinese and one Indian. It was dissolved in February 1971 with the restoration of parliamentary rule.

<sup>43</sup> Kua Kia Soong (2007) *May 13: Declassified Documents on the Malaysian Riots of 1969*, Suaram Komunikasi, Petaling Jaya, pp.90. Kua noted that among the British High Commission documents,

was however not taken up even as the government allowed Indonesians into Malaysia from the mid-1970s to work in the agricultural and construction sectors following the migration of many Malays to the urban areas to take up industry-related jobs there in line with the NEP. Nevertheless it had political ramifications in Malaysia's plural society even though the main reason for Indonesian immigration, both legal and illegal, tends to be economic. DAP alleged that some Indonesian immigrants were given identity cards which enabled them to vote in the general elections.<sup>44</sup> The general feeling among DAP leaders was mainly because the Indonesians, unlike the Chinese and Indians, could easily assimilate into the Malay/Muslim way of life and be considered Malays. It would further increase the Malay population *vis-à-vis* the other communities, and enhance their political strength to the advantage of UMNO. However the suggestion to issue Indonesians and other foreign Muslims in Malaysia with identity cards on a massive scale, which would enable them to vote for UMNO/BN in the elections nationwide, in fact originated from Sabah<sup>45</sup> in the 1990s. Its success to the extent that UMNO/BN won in the Sabah state elections from 1995, came to replicated by government political strategists in the peninsula in the 2004 General Election, but was somewhat contained by the opposition mobilizing many of their supporters to vote in the 2008 and 2013 general elections respectively.

A government move to surreptitiously issue identity cards to foreigners on a massive scale underlined UMNO's objective to secure political control of Sabah on an ethno-religious basis through electoral democracy. In superimposing UMNO's ethnic

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there were ethno-centric views by the Counsellor of the Indonesian Embassy to the New Zealand High Commissioner, revelling in the imposition of "Malay domination" and the fact that the Chinese would be held firmly down. He hoped the new "Malay Malaysia" would draw closer to Indonesia.

<sup>44</sup> For details, see Azizah (1987), p. 273.

<sup>45</sup> For details, see Sadiq, Kamal (2005) "When States Prefer Non-Citizens Over Citizens: Conflict Over Illegal Immigration into Malaysia", *International Studies Quarterly*, Vol. 49, pp.101-122 and Kitingan, Jeffrey (2006) *Justice for Sabah*, Shelma Publications, Kota Kinabalu, Sabah.

politics on Sabah, the federal government had to make some modifications as the demographic profile of Sabah was different from the peninsula. While ethnic divisions in Malaya fall more or less neatly into Malay, Chinese and Indian, indigenous groups in Sabah were more integrated by tribal loyalties, but still divided along religious lines, mainly Christian and Muslim. Thus in contestation, UMNO came to support the local Muslim groups such as the Bajaus and Suluks against the predominantly Christian indigenous groups like the Kadazans, Dusuns and Muruts as well as the Chinese. But as the numbers game in electoral democracy in Sabah in the 1960s, 1970s and even 1980s did not favour the local Muslim minorities, the federal government relied on encouraging large scale immigration of foreign Muslims from southern Philippines and Kalimantan (Indonesian Borneo) to increase the Muslim population. Over the next three decades, hundreds of thousands of Filipino and Indonesian Muslims<sup>46</sup> settled in Sabah and, together with local Muslims, soon outnumbered the indigenous non-Muslims and Chinese. In 1970, Sabah's multi-ethnic population of 651,304 comprised thirty-seven per cent indigenous non-Muslims, twenty-three per cent Chinese on the one hand and twenty-eight per cent indigenous Muslims, seven per cent Indonesians, two per cent southern Filipinos and one per cent Brunei Malays on the other.<sup>47</sup> By 2010, Sabah's population had increased by some 479 per cent to 3,117,405. What was more significant was the relative decrease in the proportion of non-Muslim groups and Chinese to twenty-one and nine respectively while the proportion of Muslims had increased to sixty-five per cent.<sup>48</sup>

### *Malay Political Power and Population Composition*

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<sup>46</sup> Sadiq, Kamal (2005)

<sup>47</sup> See "Illegal Immigrants – Sabah's Time Bomb" in *The Rocket*, December 2012.

<sup>48</sup> *The Rocket*, December 2012.



Although mal-apportionment and gerrymandering are strategies legitimately used by incumbent governments to secure an advantage over their opponents in electoral democracies, they tended to underline ethnic politics in Malaysia. They had the effect of giving the Malays an electoral strength not commensurable with their composition of the country's population in the peninsula, the main arena of contestation in post-1969 Malaysian politics. In the first constituency delimitation in 1964, there were fifty-nine Malay-majority parliamentary seats out of 104 or fifty-seven per cent which was slightly higher than their actual composition of the peninsula's population of nearly fifty per cent. But over the next three constituency delimitation exercises in 1978, 1986 and 1995, the Malay share of political power reflected in seats held was sixty-nine per cent (79/114), seventy per cent (92/132) and seventy per cent (101/144) respectively. This overall trend from 1978 to 1995 successfully raised the Malay voting strength to at least seventy per cent, glaringly out of proportion to their composition of the country's population.<sup>49</sup> It was successfully maintained at this level in the constituency delimitation exercise in 2003 and is likely to remain unchanged in the next delineation. It benefitted UMNO immensely in states like Perak, Negri Sembilan, Selangor and Johor whose Malay populations were between fifty-five per cent and seventy per cent, but in these "mixed" states, UMNO faced stiff competition from PKR. In states like Kedah and Pahang where the Malays comprised between sixty to seventy-five per cent of the population, UMNO still had the edge, but PKR and PAS continued to pose strong challenges. Where the Malay majority was above ninety per cent in states like Terengganu and Kelantan, PAS had the edge over UMNO, especially when their contestation focused on Islam. But in a Chinese-majority state like Penang, where Malays comprised about a third of the population,

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<sup>49</sup> Lee (2013), pp. 1-11.

mal-apportionment and gerrymandering had their limits in extending Malay predominance to some thirty-eight per cent of the state's 40 electorates.<sup>50</sup> In Sarawak and Sabah, due to their different demographic profiles from the peninsula, it was a case of Muslim rather than Malay predominance. While future constituency delimitation exercises may mitigate the effects of mal-apportionment and gerrymandering to offset the current advantages UMNO/BN enjoys should the opposition take over the federal government, overall, whatever changes effected would not be substantial in general. This is because factors like traditional geographical boundaries demarcating rural and urban areas as well as the ongoing migration of people of all ethnic groups from one locality to another nationwide, can impose constraints on mal-apportionment and gerrymandering. Nevertheless as the Malay-majority, including Indonesians who have become citizens, continues to increase owing to their higher birth rate relative to the Chinese and Indians, their share of political power would continue to correspondingly increase when more and more of them register as voters.

### **5.3 Islamic Revival reinforces *Ketuanan Melayu***

Islam played a central role in the lives of the Malays even before it assumed the status of official religion when Malaya became independent in 1957. With its strong ties to Malay ethnicity such that constitutionally<sup>51</sup> a Malay is a Muslim, Islam gave Malay nationalism<sup>52</sup> in the 1930s an unprecedented saliency in Malay politics involving UMNO and PAS decades later. With hardly any difference between Islam and Malay ethnicity as important markers of Malay identity in Malaysia, Malays tend to perceive

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<sup>50</sup> Lim (2002), p.132.

<sup>51</sup> See Article 160 of the Constitution of Malaysia. [pdf].

<sup>52</sup> Roff, William R. (1967) *The Origins of Malay Nationalism*, Yale University Press, New Haven and London.

them as one and the same even though not all Muslims in Malaysia are ethnic Malays. Mutalib<sup>53</sup> contends that a dialectical relationship existed between Malay ethnicity and Islam which led to the inter-twining of religion with ethnicity where both primordial sentiments became potent forces in Malay politics. However from 1957 to 1979, Islam had not yet assumed a higher profile relative to Malay ethnicity in politics. The numerous mosques the government built nationwide, organization of pilgrimages for Muslims to Mecca as well as holding televised Koran reading competitions had only reflected Islam's status as Malaysia's official religion. UMNO then felt that such measures were sufficient to counter PAS' appeal to Islam as a political tool in contestation. However the impact of the Middle Eastern Islamic revival on Malaysia from the 1980s made the government re-evaluate its earlier approach in promoting Islam to give it a stronger basis for institutionalization. Beginning with the injection of Islamic values in administration, the government highlighted Islamic rituals in all official functions, introduced a dress code for Muslim civil servants and increased the Islamic content in government radio/television broadcasts. It also established an Institute for Understanding Islam (IKIM), Islamic banking, Islamic insurance and an International Islamic University (IIU).

#### *Political Ramifications of Syariah's parity with Civil Law*

In June 1988, UMNO/BN with its two-thirds parliamentary majority, amended Article 121 (1A) of the federal constitution to give *syariah* or Islamic law, hitherto concerned with matters of family inheritance for Muslims, parity with civil law

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<sup>53</sup> Mutalib, Hussin (1990) *Islam and Ethnicity in Malay Politics*, South-East Asian Social Science Monographs, Oxford University Press, Singapore, p.2.

derived from the British legal system.<sup>54</sup> This constitutional amendment created serious problems for Muslim/non-Muslim disputes in Malaysia's dual-system judiciary where some Muslim judges in the civil courts were reluctant to adjudicate even though it was clear they had jurisdiction over both Muslims and non-Muslims. They feared that decisions that happened to disadvantage the Muslim party in disputed cases where the jurisdiction areas of both civil law and *syariah* overlapped, would be severely criticized by conservative Muslims.<sup>55</sup> Their abdication of responsibility meant that affected non-Muslims were denied justice by the *syariah* courts which ruled in favour of Muslims. Examples of such cases concerned Islamic officials seizing the corpses of deceased non-Muslims during funeral wakes on dubious claims that they had secretly converted to Islam<sup>56</sup> and unilateral conversion of non-Muslim minors to Islam by one of their parents who had converted earlier.<sup>57</sup> Further Malays and non-Muslim converts who wanted to leave their religion found themselves facing charges of apostasy when they sought the *syariah* courts' permission to do so. A widely-publicized case involved a Malay, Azalina Jailani, who succeeded in changing her name to Lina Joy, but not having the word "Islam" deleted in her identity card. Her legal battle to convert to Christianity on marriage grounds

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<sup>54</sup> See "Shariah (*syariah*) Court is on par with civil court, say Muslim lawyers group", *The Malaysianinsider*, 9 April 2014. <http://www.themalaysianinsider.com/malaysia/article/shariah-court-is-on-par-with-civil-court-say-muslim-lawyers-group> (date accessed: 24 April 2014).

<sup>55</sup> See Choong Pui Yee (2014) "Islamisation in Malaysia: Shariah (*syariah*), Custody and Justice", *RSIS Commentaries*, 074/2014, 21 April. Singapore.

<sup>56</sup> Islamic officials seized the bodies of Catholic Anthony Rayappan in Selangor in November 2006, and Buddhist Gan Eng Gor in Negri Sembilan in January 2008. For details see, "Body snatching practice divides Malaysian society" *Thaindian News*, 24 June 2009. <http://www.hinducurrents.com/articles/share/23169/> ( date accessed: 8 May 2014).

<sup>57</sup> In 2009, an Indian kindergarten teacher Indira Gandhi ,lost custody of her three children to her Muslim convert husband Pathmanathan, who had converted them from Hinduism to Islam without her consent. She brought the case to court and the judge ordered her husband to return the children to her. He however still kept the youngest child in his custody. For details see "Ipoh court overturns conversion of Indira Gandhi's 3 children to Islam by husband without her consent", *Malaysia Chronicle*, 25 July 2013. [http://www.malaysia-chronicle.com/index.php?option=com\\_k2&view=item&id=134752:ipoh-court-overturns-conversion-of-indiras-3-children-to-islam-by-husband-without-her-consent&Itemid=2#axzz315tO2m1b](http://www.malaysia-chronicle.com/index.php?option=com_k2&view=item&id=134752:ipoh-court-overturns-conversion-of-indiras-3-children-to-islam-by-husband-without-her-consent&Itemid=2#axzz315tO2m1b) ( date accessed: 8 May 2014).

which began in 1997 ended in failure after nearly ten years. The chief justice Ahmad Fairuz Sheikh Halim reiterated that the civil court had no jurisdiction over her case since she was born a Muslim and must revert to the *syariah* court which refused her permission to leave Islam.<sup>58</sup>

As the political platform of PAS had always been Islam, the party came to assume an edge over UMNO in contestation where Islam had become the focus. To offset PAS' advantage, UMNO had to appear more Islamic than PAS to the Malays by using the religion to accentuate ethnic divisions. In making Islam synonymous with *Ketuanan Melayu*. UMNO wanted to reinforce Malay ethnicity with Islam to, accentuate the Muslim/non-Muslim divide. This would strain ties between PAS and DAP/PKR over their different views on Islam so that UMNO would have less difficulty in weaning PAS away from the PR through Malay/Muslim unity talks, and thus split the opposition. At the same time UMNO also sought to counter Anwar's political challenge through the opposition in using Islamic moral values as a yardstick to destroy his strong Muslim credentials through their allegations of sodomy.

#### **5.4 *Ketuanan Rakyat***

Although *Ketuanan Rakyat* or "people's sovereignty" was mentioned by PKR president Wan Azizah considerably earlier,<sup>59</sup> it came to receive much more attention at the Second National Convention<sup>60</sup> of the PR coalition on 19 November 2010 in Kepala Batas, Penang, where its three components – PKR, DAP and PAS – jointly

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<sup>58</sup> Please see "Malaysia's Lina Joy loses Islam conversion case" in *Reuters*, 30 May 2007 <http://www.reuters.com/article/2007/05/30/us-malaysia-religion-ruling-idUSSP20856820070530> (date accessed: 8 May 2014) and "Once a Muslim, now Christian and caught in the courts" *The New York Times*, 24 August 2006 <http://www.reuters.com/article/2007/05/30/us-malaysia-religion-ruling-idUSSP20856820070530> (date accessed: 8 May 2014).

<sup>59</sup> See "Shahrir defends UMNO's '*Ketuanan Melayu*'" in *Tok Mommy*, 30 April 2008 [http://mariasamad.blogspot.com.au/2008\\_04\\_01\\_archive.html](http://mariasamad.blogspot.com.au/2008_04_01_archive.html) (date accessed: 30 October 2014).

<sup>60</sup> For details of the convention see "2<sup>nd</sup> Pakatan Rakyat National Convention" in *The Rocket*, 5 January 2011. <http://www.therocket.com.my/en/2nd-pakatan-rakyat-national-convention/> (date accessed: 25 April 2014).

drew up a Common Policy Framework (CPF) for political reforms in the country. It was broadly similar to the *Kedaulatan Rakyat* ideology which became a core part of Indonesian nationalist thinking since the 1940s.<sup>61</sup> Details of how such reforms in *Ketuanan Rakyat* would be implemented within the first hundred days of PR forming the federal government were documented in the PR's blueprint *Buku Jingga*. The more significant reforms envisaged revoking all emergency declarations/ordinances, ensuring free and fair elections, guaranteeing the rights of a free media and upholding the 20-point Sabah and 18-point Sarawak agreements prior to the formation of Malaysia on 16 September 1963.<sup>62</sup> These reforms would underline *Ketuanan Rakyat* as an all inclusive slogan in the PR's subsequent campaigns for regime change after the opposition brought about a two-coalition system in the Twelfth General Election in 2008, a feat affirmed in the 2013 General Election. The PR had attributed UMNO/BN's setbacks in both general elections to widespread corruption, cronyism and nepotism caused by their elites allegedly siphoning off resources meant for improving the livelihood of Malaysians, especially those in the remote rural areas. To underline the reasons behind the government's setback in the 2008 General Election in his closing address to the PR's summit for *Mentris Besar* (MB) or Chief Ministers in Shah Alam on 29 November 2010, Anwar called on the four PR- controlled states of Selangor, Penang, Kedah and Kelantan to be competent, accountable and transparent in governance. This would go a long way as an all-inclusive approach to

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<sup>61</sup> For details of Indonesia's *Kedaulatan Rakyat*, see "Kedaulatan Rakyat Sistem Pemerintahan Indonesia" in *asefts63.wordpress.com Membangun Karakter Bangsa* <http://asefts63.wordpress.com/materi-pelajaran/pkn-kls-8/kedaulatan-rakyat-dalam-sistem-pemerintahan-indonesia/> (date accessed: 31 July 2014).

<sup>62</sup> See Nurul Izzah's speech "On the path towards democratising Malaysia" in *New Mandala*, 26 March 2011. <http://asiapacific.anu.edu.au/newmandala/2011/03/26/nurul-izzah-on-the-path-towards-democratising-malaysia/> (date accessed: 24 April 2014).

serve all ethnic groups in the PR states and constituted political reform through *Ketuanan Rakyat*.<sup>63</sup>

### *Neutralizing Ethnic Emphasis of Ketuanan Melayu*

In order to show that *Ketuanan Rakyat* upheld equality among PKR, DAP and PAS in the opposition coalition, PR leaders attacked the term *Ketuanan Melayu* as reflective of the growing hegemony in UMNO over the non-Malay BN components. They suggested that it had in fact gone beyond Malay dominance and connoted a hegemonic relationship between the Malays and non-Malays. Anwar said:

So if we look at the meaning of *tuan* in *Ketuanan Melayu*, *tuan* means a person in power, a person who owns, a person in top priority, so if *Melayu* is *tuan*, then what about positions of other races, the Ibans (Dayaks), Chinese, Indians?<sup>64</sup>

Anwar and Lim Kit Siang pointed out that *Ketuanan Melayu*'s emplacement of the Malays as *tuans* or masters of the land must mean that the Chinese, Indians and Sarawak/Sabah natives fall into the category of slaves.<sup>65</sup> The PR also criticised Prime Minister Najib's inclusive "1Malaysia" slogan as being subservient to his deputy Muhyiddin's exclusive "Malay first" exhortation which was in fact *Ketuanan Melayu* expressed in another way. Muhyiddin had earlier asserted

I am a Malay first, but I want to say that being a Malay does not mean that you are not a Malaysian. How can I say that I am Malaysian first and a

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<sup>63</sup> <http://www.themalaysianinsider.com/malaysia/article/promote-ketuanan-rakyat-anwar-tells-pakatan-leaders> (date accessed: 23 April 2014).

<sup>64</sup> See "Ketuanan Melayu refers to master-slave relationship: Anwar" in The Sun, 2 December 2010, <http://www.thesundaily.my/node/135634> (date accessed: 31 July 2014).

<sup>65</sup> For details see Anwar's explanation of *Ketuanan Melayu*, see his press conference in the lobby of parliament, Kuala Lumpur, on 1 December 2010 <https://www.youtube.com/watch?v=SxjOoVIisXc> and <https://www.youtube.com/watch?v=YI8OGNoJLD8>. (date accessed: 24 April 2014). For details of Kit Siang's attack on *Ketuanan Melayu*, see his debate on the 2009 Malaysian budget in parliament on 1 December 2008 <https://www.youtube.com/watch?v=kuJgnSSKJ-4> (date accessed: 24 April 2014).

Malay second? All Malays will shun me and say it's not proper as the Indians will also say they are Indian first.<sup>66</sup>

The PR saw Muhyiddin's remark as proof that UMNO failed to admonish, or did so only half-heartedly, its politicians and Malay bureaucrats whose remarks severely ridiculed Malaysian citizens of Chinese and Indian descent in public through negative stereo-typing. Kit Siang also blogged that a top official of the *Biro Tata Negara* (BTN) or National Civics Bureau had derogatorily called the Chinese Malaysians *mata sepet* (slant eyes) and Indian Malaysians *kaki botol* (drunkards) at an UMNO closed door function in Kuala Lumpur, while a Johor school principal likened her Indian students to dogs and told them and her Chinese students to go back to India and China if they could not accept *Ketuanan Melayu*.<sup>67</sup> A Selangor headmaster made Indian students take their meals in a toilet instead of in another more appropriate location during the Muslim fasting month when the school canteen closed.<sup>68</sup> The PR held that UMNO's decision to outsource *Ketuanan Melayu* to extreme right-wing Malay NGOs like PERKASA failed to make the party appear any less extreme to the non-Malays as many PERKASA members, including its patron Mahathir, were concurrently UMNO members. It also contended that *Ketuanan Melayu* was propagated in courses conducted by BTN which constantly reminded Malay tertiary students and civil servants that Malaysia was a Malay country and it was not wrong for them to be ethnocentric when dealing with the Chinese and Indian Malaysians. To counter such UMNO propaganda, the PR Selangor government organized a forum

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<sup>66</sup> See "Muhyiddin: I am a Malay first and Malaysian at heart" in *The Star*, 1 April 2010 <http://www.thestar.com.my/story.aspx/?file=%2f2010%2f4%2f1%2fnation%2f5976477> (date accessed: 31 July 2014).

<sup>67</sup> For details see "Federal Territory BTN deputy director Hamim Husin referred to Chinese as mata sepet and Indians as *si botol* at Puteri UMNO closed door function in Kuala Lumpur on 27 September 2010 when Najib was in the UN" in <http://blog.limkitsiang.com/2010/09/29/najib-put-in-an-embarrassing-quandary/> (date accessed: 8 May 2014).

<sup>68</sup> See "Students forced to eat meals in toilet area in Sungei Buloh School". *Free Malaysia Today*, 23 July 2013. <http://www.freemalaysiatoday.com/category/nation/2013/07/23/students-forced-to-take-meals-in-toilet-area/> (date accessed: 8 May 2014)



*BTN: Patriotic or Racist?* on 23 December 2009 where a PKR state assemblyman, Amirudin Shari, said: “ It is damaging to indoctrinate people to love their own race (ethnicity), because this may lead them to excuse abuses along racial lines...for example like saying... that it is okay that so-and-so is corrupt because at least he/she is still Malay.”<sup>69</sup> But while many young educated Malays like DAP’s Dyana Sofya and PKR’s Nik Nazmi opposed such BTN propaganda as a misplaced move to instil patriotism, there were others, especially those in the youth movement of UMNO, who condoned it.<sup>70</sup>

The PR also cautioned the Malays not to be misled by UMNO that *Ketuanan Melayu* meant all Malays in the country were *tuans*. Anwar said: “Who are the *tuans*? They are certainly not the millions of Malays in the country who are poor. The real *tuans* are those who own land... which cost M\$36,000 per acre... like Jamaluddin Jarjis.”<sup>71</sup>

The only *tuans*, Anwar asserted, were a coterie of Malay millionaires comprising of UMNO leaders, their family members, close friends, cronies and captains of industries who lived in posh bungalows, drove big cars and went for expensive holidays abroad. Their luxurious lifestyles contrasted sharply to that of the majority of Malays in both the rural and urban areas who struggled against inflation to purchase basic necessities like food and fuel, and were no better off than the deprived of other ethnic groups. Anwar contended that *Ketuanan Melayu* had bred a culture of

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<sup>69</sup> See “Losing the BTN plot” in *The Nut Graph*, 7 January 2010. <http://www.thenutgraph.com/losing-the-btn-plot/> (date accessed: 31 July 2014).

<sup>70</sup> See Dyana Sofya Mohd Daud “My closest brush with BTN” in *Malaysiakini*, 6 March 2014. <http://www.malaysiakini.com/letters/256230> (date accessed: 8 May 2014). See also Nik Nazmi Nik Ahmad (2010) *Moving Forward: Malays for the 21<sup>st</sup> Century*, Marshall Cavendish, Rawang, Selangor.

<sup>71</sup> Anwar’s explanation of *Ketuanan Melayu* at a press conference in the lobby of parliament, Kuala Lumpur, on 1 December 2010 <https://www.youtube.com/watch?v=SxjOoVlisXc> and <https://www.youtube.com/watch?v=YI8OGNoJLD8> (date accessed: 24 April 2014). Jamaluddin Jarjis, a businessman, was then the UMNO MP for Rompin (Pahang) and Malaysian special envoy to the US (2009-2012).

corruption, nepotism and cronyism in UMNO<sup>72</sup>, but its greater danger lay in UMNO diverting the attention of the rural Malays by manipulating all controversies into ethnic/religious issues. The ordinary Chinese were made convenient scapegoats while UMNO itself collaborated with Chinese businessmen for mutual benefit. As proof, Anwar held that while UMNO was silent on the government's alienation of land to their cronies, it had manipulated the allocation of permanent land titles by former chief minister Nizar Jamaluddin to Chinese new villagers in Perak (when PR ruled the state from March 2008 to February 2009) as an act of treason to the Malays. He said

UMNO spread poison in the *kampongs* (villages) that I am a racist. I support the Chinese because Nizar gives land to the Chinese. The Chinese have worked for fifty years on the land. What's wrong in Nizar giving them titles to the land? UMNO are hypocrites. They can't answer why they give one hill in Genting Highlands (Pahang) to their cronies like Lim Goh Tong to build a casino.<sup>73</sup>

According to Anwar, UMNO had omitted mentioning that land titles given to the Perak Chinese were part of the then PR state government's overall land reform measures for all communities in which Malay farmers received the largest share. Lim Kit Siang criticized *Ketuanan Melayu's* calls for all Malays to unite on the basis of Islam and ethnicity as being directed at Chinese Malaysians<sup>74</sup> which UMNO did not bother to deny. The DAP leader also contended that *Ketuanan Melayu* upheld two sets of laws in the country: one for UMNO and the other for other Malaysians. He argued that while UMNO members and supporters could make "...overly simplistic

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<sup>72</sup> Anwar's press conference, lobby of parliament, Kuala Lumpur, on 1 December 2010.

<sup>73</sup> Lim Goh Tong was a Chinese tycoon close to the top UMNO leadership when Tun Razak was party president and Malaysian prime minister. He was given Genting Highlands to build a casino in late 1969. Anwar spoke at a DAP dinner at the Moral Uplifting Society, Bukit Mertajam, Penang on the night of 29 May 2009 while campaigning for the PKR candidate in the Penanti by-election. The writer was present.

<sup>74</sup> See Kit Siang's attack on *Ketuanan Melayu*, in his debate on the 2009 Malaysian budget in parliament on 1 December 2008 <https://www.youtube.com/watch?v=kuJgnSSKJ-4> ( date accessed: 24 April 2014).

arguments .. that Chinese and Indian vernacular schools. ..are to be blamed for racial disunity and should be terminated...”<sup>75</sup> with impunity, others doing so would be heavily penalized for sedition under SA, especially if they were non-Malays and if what they said questioned the privileged position of Malay schools. In sum, the PR contended that *Ketuanan Melayu* was an UMNO construct which had misrepresented the constitution in such a way as to erode the position of the non-Malays. Opposition leaders in particular argued that Article 153 of the constitution referred to the special position of the Malays such as the reservation of quotas regarding services, scholarships, permits and licences.<sup>76</sup> They specifically argued that in no way were special privileges such as those stipulated in the NEP mentioned in the constitution. To the opposition, *Ketuanan Melayu* had come to upset the delicate balance between Malay and non-Malay legitimate rights provided for in the ethnic bargain that had led to independence. The PR concluded that as UMNO had abrogated the spirit of the 1957 constitution, all parties had every right to reject *Ketuanan Melayu*.

*PR calls for end to UMNO/EC collaboration*

In a move linking *Ketuanan Melayu* to how the government had benefited from abuses in the electoral system, the opposition demanded an end to what it considered UMNO/EC collaboration. This had led to the rising incidence of mal-apportionment and gerrymandering in the various constituency delineation measures from 1974 to 2003. The PKR pointed out that constituency delineations in 1994 and 2003 brought

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<sup>75</sup> See “If Vernacular school goes...so must religious schools and UiTM too!” an opinion piece by Mohd Tajuddin Rasdi reproduced in <http://blog.limkitsiang.com/2013/05/17/if-vernacular-school-goes-so-must-religious-schools-and-uitm-too/> (date accessed: 31 July 2014). Kit Siang was quoting a Malay reader to show that more and more Malays were disagreeing with UMNO’s attitude toward Chinese and Indian schools.

<sup>76</sup> See Syed Husin Ali “Special position of the Malays” in *Aliran Monthly*, 20 (7), 2000.

about elections “fraught with various abuses and weaknesses”<sup>77</sup> that turned out to be neither free nor fair. The EC did not prepare “... a clean and comprehensive electoral roll as well as periodically review and recommend changes in both federal and state electoral constituencies...”<sup>78</sup> Instead there was widespread manipulation of electoral registers to bring in people not qualified to vote while at the same time remove qualified registered voters. Failure to exercise its discretionary powers independently in carrying out its duties exposed the EC as an instrument to facilitate mal-apportionment and gerrymandering, the opposition argued. Opposition attributions of an UMNO/EC collaboration in serving UMNO’s electoral objectives stemmed from the latter’s subservience to the government. This had been openly admitted by former EC chairman Rashid Rahman blaming the absence of certain laws to make elections in Malaysia unfair to the opposition, with the EC being powerless in many areas to ensure a level playing field.<sup>79</sup> The EC itself comes under the prime minister’s department with all its members being retired civil servants inclined more towards taking directives from government politicians than acting independently.

However at the time of Malaya’s independence in 1957, the EC was very much an independent body as the Reid Commission which drafted the federal constitution assigned it a role to ensure that it “enjoys the confidence of all democratic political parties and persons of all communities”.<sup>80</sup> The EC then comprised three members – a

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<sup>77</sup> See Foreword in Parti Keadilan Rakyat (2006) *Sham Democracy: A Report on Malaysian Elections*, Parti Keadilan Rakyat, Kuala Lumpur, September.

<sup>78</sup> Lim Hong Hai (2005) “Making the Malaysian Electoral system work” paper presented at the Malaysian Electoral Workshop: Advocacy and Role of the Opposition” *Research for Social Advancement and the National Democratic Institute for International Affairs*, 22-25 July, cited in Parti Keadilan Rakyat (2006), p.3.

<sup>79</sup> See “EC Chief says polls unfair...to a certain degree” in *Malaysiakini*, 31 January 2005. <http://www.malaysiakini.com/news/33265> (date accessed: 1 August 2014).

<sup>80</sup> See “Malaysia’s compromised electoral system” in *The Nutgraph*, 30 September 2013. <http://www.thenutgraph.com/malaysias-compromised-electoral-system/> (date accessed: 1 August 2014).

Malay, Chinese and Indian - who were not members of any political party. Their appointments made by the King after consulting the Conference of Rulers,<sup>81</sup> were accorded the same safeguards to tenure as judges so that they could discharge their duties professionally. They in fact did so by balancing the need to give greater weightage to rural constituencies with studiously following the fifteen per cent discrepancy ruling. This led to problems with UMNO which wanted the EC to be partial towards the government in its constituency delimitation exercises, especially after its massive gains in the 1955 elections had been eroded by the opposition in the 1959 General Election. But as the EC members still continued to act independently until they retired at sixty-five in the 1960s, the government, as an offsetting measure, ensured that their replacements would have fewer differences with it. A working group of British officials, rulers' representative and Alliance members redrafted the earlier Reid Commission proposals from enjoying "the confidence of all democratic political parties and of persons of all communities" to "public confidence".<sup>82</sup> This meant that the grouses and complaints of opposition parties and NGOs could be ignored so long as large sections of the public were satisfied with the EC's deliberations.

New EC members after the Kuala Lumpur riots were also civil servants who tended to obey UMNO's instructions such that from the 1974 constituency delineation onwards, the EC functioned more and more as a government body. Over the decades since then, the relatively high standards of EC appointments proposed by the Reid Commission came to be lowered. Appointees need not have to enjoy the confidence of all communities and political parties, but only the BN. As such, the government

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<sup>81</sup> Lim (2002), p.106

<sup>82</sup> Lim (2002), pp.106-7.

with its powerful parliamentary majority prior to the 2008 General Election, could pass a bill to extend the retirement age of the then EC chairman Rashid Rahman from sixty-five to sixty-six when he turned sixty-five on 31 December 2007. They needed someone like him sympathetic to their cause to oversee the Twelfth General Election on 8 March 2008.<sup>83</sup> Under such circumstances, it also did not appear as a surprise to the public when the EC chairman Abdul Aziz Yusof who was appointed in 2009, and his deputy Wan Ahmad Omar appointed in 2007, were exposed as UMNO members despite their initial denials.<sup>84</sup>

#### *More equitable constituency delineation measures*

The opposition's call for more equitable constituency delineation measures reflected its concerns over how *Ketuanan Melayu* had strengthened and perpetuated UMNO's hold on federal power. In the process the significance of the one-man-one-vote principle had been compromised especially in states where support for PR was strong. Mal-apportionment and gerrymandering had enabled the government to win by huge margins under the first-past-the post system which favoured mass-based parties in the BN.<sup>85</sup> An electoral reform NGO, *Tindak Malaysia* held that BN won 112 of the smallest 139 electorates in the 2008 General Election, giving it a simple majority of one with just 18.9 per cent of the popular vote.<sup>86</sup> This trend was affirmed in the 2013

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<sup>83</sup> See "Malaysia's compromised electoral system" in *The Nutgraph*, 30 September 2013. <http://www.thenutgraph.com/malaysias-compromised-electoral-system/> (date accessed: 1 August 2014).

<sup>84</sup> PKR secretary-general Saifuddin Nasution Ismail held that EC chairman Abdul Aziz Yusof was from the Sri Ampang Baru UMNO branch in Selangor while his deputy Wan Ahmad Wan Omar was a member from the Kubang Bunggor branch in Pasir Mas, Kelantan. For details see "EC chief, deputy admit they could have been UMNO members" in *The Malaysianinsider*, 27 April 2012. <http://www.themalaysianinsider.com/malaysia/article/ec-chief-deputy-admit-they-could-have-been-umno-members> (date accessed: 7 May 2014).

<sup>85</sup> Lim (2002), pp.101- 48.[PDF].

<sup>86</sup> See "One rural vote worth six urban ballots, favours BN, analysts say" in *The Malaysianinsider*, 25 April 2012 <http://www.themalaysianinsider.com/malaysia/article/one-rural-vote-worth-six-urban-ballots-favours-bn-analysts> (date accessed: 28 April 2014).

General Election with the DAP pointing out that the government needed to poll only 2,189,559 votes or 16.5 per cent of the 13,268,200 votes nationwide to form the federal government.<sup>87</sup> *Tindak Malaysia* also argued that had all the 222 electorates not been mal-apportioned and gerrymandered, the PR's fifty-one per cent share of the popular vote would have been translated into 117 parliamentary seats (instead of eighty-nine) and a simple majority of six in enabling it to take over the federal government in the Thirteenth General Election.<sup>88</sup> The BN would then only have won 105 parliamentary seats with its forty-seven per cent share of the vote instead of 133, and relegated to the opposition.

The effects of mal-apportionment and gerrymandering were mainly felt in the urban/rural divide where the urban constituency of Ampang Jaya in Selangor with its 98,954 voters contrasted sharply with the rural constituency of Hulu Rajang in Sarawak with only 16,085 voters.<sup>89</sup> With Ampang Jaya and Hulu Rajang each returning one MP to the 222-member federal parliament, it would appear that one rural vote in the latter was six times as strong as one urban vote in the former. The case of Hulu Rejang in Sarawak also suggested that the greater weightage given to rural areas as in Sarawak (and also Sabah) was so strong that they were considered the "fixed deposit"<sup>90</sup> states of UMNO/BN, virtually unscathed by the opposition. But compromising the one-man-one-vote principle also applied to other situations when it

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<sup>87</sup> See "Gerrymandering – We can do something about it!" in *The Rocket*, 15 January 2014. <http://www.therocket.com.my/en/gerrymandering-we-can-do-something-about-it/> (date accessed 28 April 2014).

<sup>88</sup> See "Pakatan would be government if boundaries were fair, says electoral group" in *The Malaysianinsider*, 15 February 2014. <http://www.themalaysianinsider.com/malaysia/article/pakatan-would-be-government-if-boundaries-were-fair-says-electoral-group> (date accessed: 1 May 2014).

<sup>89</sup> See "Boundary Delimitation" in *Ace: The Electoral Knowledge Network*, 2<sup>nd</sup> Edition, 2012. [http://aceproject.org/ace-en/topics/bd/bdy/bdy\\_my](http://aceproject.org/ace-en/topics/bd/bdy/bdy_my) (date accessed: 28 April 2014).

<sup>90</sup> The opposition through the DAP won only two of the fifty-six parliamentary seats in both states in the Twelfth General Election. This was increased to six in the Thirteenth General Election. See "Sabah, Sarawak still BN's fixed deposit states. *The Malaysianinsider*, 9 May 2013. <http://www.themalaysianinsider.com/malaysia/article/sabah-sarawak-still-bns-fixed-deposit-states>(date accessed: 28 April 2014).

suiting the government. The discrepancy in voter strength between the new administrative federal capital Putrajaya with only 6,008 voters and the sprawling rural constituency of Kapar in Selangor favoured the government by a factor of 18.6.<sup>91</sup> The gerrymandering also extended to the state level enabling UMNO/BN to win thirty-one seats and control of Perak by polling only 45.8 per cent of the total vote in the 2013 General Election. This was mainly in sparsely populated rural areas against PR's 53.7 per cent of the total vote and twenty-eight seats, many of them in densely-packed urban areas.<sup>92</sup> Mal-apportionment and gerrymandering were also used to reduce the Malay-majority in PAS-held parliamentary electorates like Yan and Pokok Sena in Kedah so as to enable UMNO to win them through leveraging on the strength of pro-BN Chinese votes.<sup>93</sup> It led to PAS lamenting that the delimitation of constituency boundaries saw the creation of new safe seats for UMNO/BN and the incorporation of non-Malay votes into PAS strongholds, making it difficult for PAS to defend them. PAS also submitted a memo to the King requesting the formation of an independent royal commission of inquiry to probe the allegations of mal-apportionment and gerrymandering.<sup>94</sup>

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<sup>91</sup> See "One rural vote worth six urban ballots, favours BN, analysts say" in *The Malaysian Insider*, 25 April 2012 <http://www.themalaysianinsider.com/malaysia/article/one-rural-vote-worth-six-urban-ballots-favours-bn-analysts> (date accessed: 28 April 2014).

<sup>92</sup> See "One-third of seats were won by bare 5% or less in GE13" in *The Malaysian Insider*, 17 August 2013. <http://www.themalaysianinsider.com/malaysia/article/barisan-needs-to-do-more-to-keep-support-votes-for-ge14> (date accessed: 28 April 2014)

<sup>93</sup> In Yan, where PAS' then secretary-general Nasharudin Mat Isa had won by a slim majority over his UMNO opponent in the 1999 general election, the EC hived off a big chunk of pro-BN Chinese voters from the adjacent state constituency Gurun in the 2003 constituency delimitation exercise. This was added to Yan to increase its pro-BN Chinese voters, enabling UMNO to defeat PAS in the 2004 General Election. In Pokok Sena, PAS incumbent MP Mahfuz Omar had won by a comfortable majority over his UMNO opponent in the 1999 general election. The EC's move in taking away a significant section of pro-BN Chinese supporters in nearby Alor Star parliamentary constituency to pad the electoral rolls of Pokok Sena, succeeded in dislodging Mahfuz in March 2004. Alor Star's Chinese electorate had been considerably reduced, but it did not affect MCA's victory in 2004 which was due more to pro-UMNO Malay votes.

<sup>94</sup> For details, see "Future of PAS in the Abdullah Era", speech of Nasharudin Mat Isa delivered at the seminar of the Institute of Defence and Strategic Studies, Nanyang Technological University, Singapore, 18 May 2005. (mimeo).



## 5.5 *Ketuanan Rakyat's* inclusive approach towards Islam

In view of the sensitivity of Islam in Malaysian politics, the PR had to tread a careful path to avoid facing a big split each time issues in relation to the religion raised by UMNO/BN in contestation became controversial. No doubt the biggest religious issue faced by the opposition was the Islamic state<sup>95</sup> and its need to implement *hudud* as part of *syariah*, but this and other issues placed great strains on unity in PR.

### *Islamic state*

The Islamic state was not in the manifesto of the BA when it contested the 1999 general election, but PAS decided to demand its incorporation after emerging as the most successful opposition party then. PAS' arbitrary move triggered off a chain of events beginning with the DAP withdrawal from the BA in 2001, the humiliating defeat PAS and PKR suffered in the 2004 General Election to the informal meeting of leaders of all three parties at Port Dickson in 2005.<sup>96</sup> Anwar's unequivocal acceptance as overall leader of the opposition, enabled him to skilfully address the contentious issue of Islamic state and its ramifications for opposition solidarity. He was able to get PKR, DAP and PAS to agree that while Islam was the country's official religion as stipulated by Article 3 of the Federal Constitution, other religions like Buddhism, Hinduism, Christianity could be freely practised in Malaysia under Article 11, whose Section 4 nevertheless prohibited their proselytization to Muslims.<sup>97</sup> All opposition components held that the constitution was clear in stating that Malaysia was NOT an Islamic state despite the status of Islam as its official religion, and that constitutionally all Malays were Muslims. Civil law modelled along the lines of British/Commonwealth law with its secular orientation, prevailed for adjudication

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<sup>95</sup> This has partly been discussed from the PAS perspective in Chapter Two.

<sup>96</sup> These developments have been discussed extensively in Chapter Two.

<sup>97</sup> See relevant articles of the Federal Constitution [PDF]

purposes even though there was a parallel *syariah*, but applicable only to Muslims and restricted mainly to family inheritance. Prevailing realities in Malaysia's plural society constantly reminded the opposition parties that their core principles could not be fully implemented without causing inter-ethnic/religious tension. This however did not mean PAS' Islamic state or the DAP's Malaysian Malaysia could not be discussed when the need arose in private discussions within their own respective rank and file. Nevertheless such discussion had to conform to the basis of non-interference in the internal affairs of component parties and consensus/ unanimity in decision-making to avoid splits within opposition ranks.

Of grave concern to the PR was the question of *hudud* or the mandatory punishment under *syariah* where adulterers were to be stoned to death and incorrigible thieves had their limbs amputated. PAS, which had ruled Kelantan since 1990, felt that it was not under any obligation to the PR which was only formed in 2008 or for that matter the BA established in 1998, when it came to implementing *hudud* in the states under its control. Thus PAS decided to legislate for *hudud*'s implementation in Kelantan in 1993 and Terengganu in 2003, when it ruled the state. But in both cases, the federal government, with its then two-thirds parliamentary majority, vetoed the move. PAS however had been insistent on implementing *hudud* in Kelantan more to remind its supporters that it was not abandoning moves to establish an Islamic state even though it was aware of the odds<sup>98</sup> against it, not only from DAP and PKR, but also the federal government. Within the PR, while DAP vehemently opposed PAS' move, repeatedly stressing that Malaysia's first three prime ministers had declared that the country was not an Islamic state, PKR was placed in a precarious position. As a

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<sup>98</sup> See PAS legal adviser Hanipa Maidin's view on PAS having the right to implement *hudud* in Kelantan in *Malaysiakini TV* <http://www.kinitv.com/video/637208> (date accessed: 7 May 2014).

multi-ethnic party anxious to retain not only its significant non-Muslim but also liberal Muslim support, PKR could not support *hudud*; but as Muslims, top Malay PKR leaders could not reject *syariah* either on the basis that it was God's law. So PKR took the line of the PR that if PAS could muster the necessary two-thirds parliamentary majority to change the federal constitution, then it had the right in electoral democracy to implement *hudud* and thus establish an Islamic state.<sup>99</sup> While such an explanation seemed to empathize with PAS, at the same time it did not offend the DAP which together with Anwar, knew that it would be very difficult for PAS to muster a two-thirds parliamentary majority – even with the support of UMNO. But it still made the PR as a whole vulnerable to UMNO's move to articulate the Islamic state issue in a bid to make PAS take a harder line on Islam, strain its ties with PKR and DAP, and thus split the PR. Since Mahathir's declaration in 2001 that Malaysia was already an Islamic state, PAS had been placed on the defensive and forced to come out with a blueprint<sup>100</sup> on its Islamic state concept which strained its ties with DAP and PKR. PAS however phased out its Islamic state rhetoric substituting it with the *Negara Kebajikan* or Welfare State in both the 2008 and 2013 general elections, but this did not mean that it would not revive it. UMNO saw it as merely a tactical move to make PAS less vulnerable but not immune to pressure. The party countered by agreeing to support PAS' move in implementing *hudud* in Kelantan, impressing on conservative Muslims that as a Muslim party it did not oppose the Islamic state

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<sup>99</sup> This seemed to be the explanation given, though not explicitly in Anwar's press conference on 29 September 2011 in Kuala Lumpur. See PR's position on *hudud* in [https://www.youtube.com/watch?v=Kc6u3360bzQ&feature=player\\_embedded](https://www.youtube.com/watch?v=Kc6u3360bzQ&feature=player_embedded) (date accessed: 7 May 2014).

<sup>100</sup> For details, see Liew Chin Tong (2004) *Articulating and Islamic State in Multiethnic Malaysia: The Case of PAS*, Bachelor of Asian Studies with Honours Thesis, Australian National University, Canberra.

concept, but only the manner of its implementation. UMNO went on to explain that this was because of the difficulties it faced in understanding *hudud*.<sup>101</sup>

### *Growing incidence of Islamism and banning use of Allah by Christians*

The PR became increasingly apprehensive over the growing incidence of sporadic violence against non-Muslims by fanatical Muslims following the decision of the government to ban Christians from using the word *Allah* to refer to God. The Roman Catholic church had taken the government to court over the matter and won,<sup>102</sup> but the government's appeal raised Muslim-Christian tensions to unprecedentedly high levels. Fanatical Muslims not only threw Molotov cocktails into the compounds of churches in protest, but there was added confusion when mosques and Sikh temples were also vandalized. Anwar blamed the arson attack on the All Saints Catholic Church in Taiping (Perak) and other churches on "a few reckless politicians, the mainstream media and a handful of NGOs linked to UMNO" which incited ethnic and religious hatred. He contended that PR was prepared to initiate an inter-faith dialogue nationwide to assure Christians that their right to worship was protected.<sup>103</sup> However religious tension continued to escalate with pork being thrown into the compounds of mosques.<sup>104</sup> While the PR believed that the NGOs supporting the

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<sup>101</sup> For details see "UMNO backs Najib on *hudud*" in NST, 26 April 2014.

<http://www.nst.com.my/nation/general/umno-backs-najib-on-hudud-1.579300> (date accessed: 8 May 2014).

<sup>102</sup> See "High Court grants Catholic Publication the right to use *Allah* again" *The Star*, 1 January 2010. <http://www.thestar.com.my/story.aspx?file=%2f2010%2f1%2f1%2fnation%2f5399211> (date accessed: 8 May 2014).

<sup>103</sup> See Anwar's media statement on 10 January 2010 (mimeo) and Anwar Ibrahim "Muslims have no monopoly over *Allah*" <http://online.wsj.com/article/SB10001424052748704375604575023813383421900.html#> (date accessed 9 May 2014).

<sup>104</sup> See "Suspected pork meat thrown into mosque" in *Malaysiakini*, 16 February 2014. A slab of meat believed to be pork had reportedly been hurled into the entrance of the Cherok Tokun mosque in Machang Bubuk (Penang). <http://www.malaysiakini.com/news/254503> (date accessed: 9 May 2014).

government had orchestrated the incidents, it lacked the proof and accused the government and the police of not doing enough to apprehend the culprits.

PKR, DAP and PAS rejected UMNO's prohibition of Malay-speaking Christians from using the word *Allah* to refer to God on the grounds that Muslims would be confused and susceptible to conversion to non-Muslim religions. PKR in fact pointed out that in the Middle Eastern countries and Indonesia, where their respective Muslim governments had allowed Christians to use the word Allah, which was in fact a pre-Islamic word for God, their Muslims had not been confused. Anwar held that

Few Muslims around the world would endorse the claim that we have a monopoly on the word "Allah." It is accepted that the word was already in the lexicon of pre-Islamic Arabs. Arabic's sister Semitic languages also refer to God as "Allah": namely, "Elaha" in Aramaic, and "Elohim" in Hebrew. Historical manuscripts prove that Arabic-speaking Muslims, Christians and Jews have collectively prayed to God, the Creator and Sustainer of the Universe, as "Allah" for over 1,400 years.<sup>105</sup>

The history of Islam in Southeast Asia, known for its pluralistic and inclusive traditions, had not impeded usage of the word *Allah* in the region since 1615 when Portuguese missionaries converted people in northern Borneo and that Malay language bibles with *Allah* in them had been printed in 1890 in Hong Kong.<sup>106</sup> To the extent that virtually all Muslim countries allowed non-Muslims to use *Allah*, PKR concluded that the issue was not so much the usage of the word but rather the mental outlook of Muslims which UMNO tried to control.<sup>107</sup> PKR shared PAS' willingness

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<sup>105</sup> Anwar Ibrahim "Muslims have no monopoly over *Allah*" <http://online.wsj.com/article/SB10001424052748704375604575023813383421900.html#> (date accessed: 9 May 2014).

<sup>106</sup> See "Malaysia bans Catholic newspapers use of word *Allah*" in *Hornbill Unleashed*, 18 October 2013. <http://www.thestar.com.my/story.aspx/?file=%2f2010%2f1%2f1%2fnation%2f5399211> (date accessed: 8 May 2014).

<sup>107</sup> Even before the Allah controversy broke out, Anwar had already spoken about the mental outlook of Muslims at the PKR general assembly in Ipoh, Perak in December 2004. The party had to use the grounds of a Chinese temple because the federal government instructed all hotels and schools in Ipoh not to rent their halls for the PKR to use as a venue for its assembly that year. As Anwar spoke, he reminded the predominantly Malay audience that they were surrounded by the temple's numerous

for inter-faith dialogues with Anwar lamenting that the government had missed an opportunity for Muslims in Malaysia to hear first-hand the view of Christians on this by not extending a speaking invitation to the visiting Archbishop of Canterbury in 2007.<sup>108</sup> The cancellation of the interfaith conference organized by the Anglican Church by the government, disappointed Anwar, who said:

The last minute cancellation makes a mockery of the government's claims of being a moderate Muslim administration. As a Muslim, I am embarrassed by the action of the Malaysian government. There are many common issues and values that Muslims and Christians share. A dialogue can enable us to quell the tensions that arise from our differences. Islam has always enjoined Muslims to engage in dialogue with other religions, from the Abbasids in Baghdad to the Andalusians in Cordoba.<sup>109</sup>

The Council of Churches in Malaysia shared his view that at a time when Muslims heard a lot of negative stories about Christians in the media, they could have been more critical and balanced in their approach if they were more receptive of views from Christians. Nevertheless Malaysian Christians gained first-hand knowledge of Islam when PAS leaders like Mujahid Yusuf Rawa and Khalid Samad addressed church congregations in Sungei Patani, (Kedah) and Shah Alam (Selangor) respectively and had dialogues with them.<sup>110</sup> This reflected PAS' move to take an inclusive and universal approach to Islam as part of a wider move to attract non-Muslim support.

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idols as well as giant joss sticks. Anwar thanked the management of Tor Boo Keong Chinese temple for hiring out its grounds to PKR when others were threatened by the BN not to do so. He stressed that it was not wrong for Muslims to hold meetings in the presence of idols when they have no other place. (My personal observations).

<sup>108</sup> The archbishop Rowan Williams was in Malaysia from 7 to 11 May 2007 to consecrate a new Malaysian bishop when an international inter-faith conference "Humanity in Context: Christian and Muslim Perspectives" between Islam and Christianity was to be held in Kuala Lumpur. See "Religion-Malaysia: Dismay at cancellation of Islam-Christian meet" in *IPS news*, 16 May 2007. <http://www.ipsnews.net/2007/05/religion-malaysia-dismay-at-cancellation-of-islam-christian-meet/> (date accessed: 8 May 2014).

<sup>109</sup> See "Religion-Malaysia: Dismay...meet" in *IPS news*, 16 May 2007.

<sup>110</sup> For Mujahid's church visit to a Catholic church in Sungei Patani, see <http://hornbillunleashed.wordpress.com/2014/03/02/57739/http://hornbillunleashed.wordpress.com/2014/03/02/57739/> (date accessed: 8 May 2014). For Khalid Samad's dialogue session with Catholics in Shah Alam, on 28 March 2008, see <https://www.youtube.com/watch?v=vpwAAWPK6pQ> (date accessed: 8 May 2014).

*PAS leading authority on Islam in PR*

Although PKR as the middle pillar leads the PR with Anwar as its *de facto* leader, PAS in fact has greater authority on issues of Islam involving the opposition coalition. The deference of both PKR and DAP to PAS appears to be a tactical move as conservative Malays regard only PAS and UMNO as qualified to deal with matters concerning Islam. The general perception among the Malays is that PKR, despite its Malay-base and leadership, is nevertheless still a multi-ethnic party and not Malay/Islamic to the extent that UMNO and PAS are. This is despite some PKR Malay/Muslim leaders retaining sufficient Islamic credentials as concurrent members of Muslim NGOs like ABIM/JIM. And many Muslims in PKR could be equally dogmatic as some conservative PAS *ulama* when it came to Islam even though on other occasions they appeared more multi-ethnic in their outlook. A Penang Chinese PKR leader divulged that when it came to Article 11 of the constitution which referred to freedom of religious worship, PKR Malay leaders were no different from their UMNO or PAS counterparts. They were quick to bring in Section 4 of the same article which stipulated that proselytization of Muslims is forbidden and strongly reject Malays converting out of Islam.<sup>111</sup> Thus while Anwar may have strong Islamic credentials by virtue of his status as a former president of the Muslim NGO ABIM, he still found it necessary to consult PAS spiritual adviser Nik Aziz, who was much revered on matters of Islam among Muslims even by sections in UMNO, on how to respond to a second sodomy charge in 2008.<sup>112</sup> Nik Aziz, a former Kelantan chief minister, questioned why UMNO leaders had to tarnish the reputation of fellow

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<sup>111</sup> Conversation with lawyer Ong Chin Wen of PKR Bukit Bendera Division (Penang) over dinner on 2 September 2006 along the sidelines of the PKR assembly at the Hotel Equatorial, Penang. Ong is the PKR assemblyman for Bukit Tengah (Penang).

<sup>112</sup> The first sodomy charge had been in 1998 for which Anwar had been found guilty but won his appeal in September 2004 after spending six years in jail.

Muslims with allegations of sexual misconduct when he criticised the mainstream media's front-page reports on Anwar being charged while contesting the Permatang Pauh by-election.<sup>113</sup> He advised Anwar not to swear on the Koran to declare his innocence like what his accuser Saiful Bukhary Azlan, a former aide, did, as such a move was more a public relations exercise and anyone, even a thief, could declare his innocence in that manner.<sup>114</sup>

Anwar's close ties with Abdurrahman Wahid or Gus Dur made him invite the visiting former Indonesian president to the PKR assembly in Seremban, Negri Sembilan, on 26 May 2007 to talk to party members about religious tolerance from the Islamic perspective in Indonesia.<sup>115</sup> His intention was to make PKR adopt the universal and inclusive approach to Islam by an overwhelmingly Muslim-majority country like Indonesia which has significant Christian, Buddhist and Hindu minorities. More significantly Anwar had mentioned that Gus Dur as a prominent Muslim leader had defended Christians, Buddhists and Hindus against extremist Muslims in Indonesia. What Gus Dur had done in this instance, if replicated in Malaysia, would go a long way in forging national unity in a plural society in contrast to the exclusive approach to Islam adopted by UMNO. Anwar also intended PKR to benefit from Muslim leaders in a secular country like Turkey by utilizing his close ties with its prime minister Raycep Erdogan, a move shared by the professional but not the *ulama* leaders of PAS. Although PAS as a whole took the same universal and inclusive approach towards Islam as Indonesia, the Islamic Party nevertheless felt state policies

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<sup>113</sup> See "Nik Aziz slams media coverage over sodomy coverage" in *The Star*, 18 July 2008. <http://www.thestar.com.my/Story/?file=%2F2008%2F7%2F18%2Fnation%2F20080718213251&sec=nation>. (date accessed 8 May 2014).

<sup>114</sup> Conversation with Mustapha Ali in Singapore on 4 November 2009.

<sup>115</sup> Anwar's closed door meeting with about 100 professionals and businessmen in the hall of the Chung Hwa High School, Seremban to discuss PKR's position on controversial issues relating to ethnicity and religion earlier. The writer was present.



towards Islam in Indonesia could not be replicated in Malaysia as the circumstances in the two countries were markedly different.<sup>116</sup> Though Indonesia is a predominantly Muslim country, its national ideology *Pancasila* nevertheless allows its indigenous groups to also profess religions other than Islam in significant numbers. In parts of Indonesia like Bali and the Lake Toba (Sumatra) region, indigenous minorities like the Hindus (Balinese) and Christians (Bataks) predominate. This is unlike in Peninsular Malaysia where the Malays are constitutionally Muslims and are not allowed to profess other religions. Should they do so, they become apostates in Islam, ostracized from their community and no longer regarded as Malays. Thus PAS contends that the Malaysian Malay approach towards Islam is significantly different from the Indonesian approach and well understood by Malays in all Malaysian political parties and NGOs.

DAP, with its Chinese base and secular orientation, has more grounds than PKR to defer to PAS when it comes to Islam. Wary of being attacked by UMNO in matters on Islam when defending non-Muslims each time their interests conflict with those of Muslims, DAP has sought the advice of PAS. DAP consults PAS when its leaders speak before Muslim audiences and need to refer to Islam explaining the underlying message of their rallies or dialogue sessions. Until the 2008 General Election, DAP had been wary of cooperating with PAS in public after MCA/Gerakan accused it of supporting PAS' Islamic state which caused it lose much Chinese support in the 1999 General Election. But after its creditable performance in 2008 led MCA/Gerakan to stop their Islamic state accusations, DAP made its cooperation with PAS public and

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<sup>116</sup> Conversation with Mustapha Ali in Singapore on 4 November 2009.

open.<sup>117</sup> Given the sensitivity of religion, DAP continues to seek PAS' intervention and advice on how to react when attacked by UMNO for allegedly insulting Islam.

## 5.6 Conclusion

The government's moves to reinforce the ethnic thrust of *Ketuanan Melayu* from the 1990s with Islam when religion surpassed ethnicity as a marker of Malay identity impacted strongly on Malaysia's constituency delineation. Its success was reflected in the government's landslide victories in the 1999 and 2004 general elections where the BN retained its traditional two-thirds parliamentary majority. But while UMNO preferred to define *Ketuanan Melayu* as Malay dominance on the basis of its power-sharing arrangements with the other BN components, the opposition pointed out that this purported dominance was in fact Malay domination and even hegemony. To support its argument, the PR held that a closer examination of BN's *modus operandi* indicated that it was UMNO making the important decisions in the BN. MCA, Gerakan, MIC, PPP and other component parties, though privy to UMNO's decision making, had virtually no say at all. Their role was to endorse what the UMNO supreme council, its highest policy making body, had already decided. This was how *Ketuanan Melayu* worked in the collaboration between the government and the EC from 1974 to 2003 over several constituency delimitation exercises where mal-apportionment and gerrymandering on a large scale ensured perpetuation of UMNO/BN rule at federal level and also several states. It was not until the emergence of a nascent two-coalition system in 2008 and its affirmation in 2013 that UMNO/BN hegemony was checked. The results of the 2013 General Election, with PR polling more votes than UMNO/BN,+ showed that *Ketuanan Rakyat* as a battle cry had the

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<sup>117</sup> Selangor MB Khalid Ibrahim made this point in his seminar at the Institute of Southeast Asian Studies (ISEAS) in Singapore on 18 May 2009. The writer was present.

potential to secure the federal government for the opposition. Its potential was however not realized as the mechanics of mal-apportionment, gerrymandering and manipulation of electoral rolls decided winners in Malaysia's electoral democracy in both 2008 and 2013.

*Ketuanan Rakyat* at this moment is not clearly defined as an ideology, but its focus on social justice appears to be gaining acceptance from the people going by the large crowds opposition leaders attract in their public rallies. They tend to regard social justice with its links to competency, accountability and transparency as closer to the ideals of democracy than UMNO/BN's ethnic politics which the PR had successfully linked to corruption, cronyism and nepotism. UMNO has in fact become aware of this changing attitude among many young urban Malaysians of all ethnic groups led by the Malays. The party uses Islam which has become a stronger variable in Malay identity relative to ethnicity in strengthening *Ketuanan Melayu*, to split the PR component parties along religious lines which coincide with ethnic divisions.

*Ketuanan Rakyat* is also an opposition reaction to UMNO's communal and religious politics encapsulated in the context of *Ketuanan Melayu*. Thus where *Ketuanan Melayu* stressed Malay domination based on the *bumiputera* or indigenous and non-*bumiputera* ethnic dichotomy, *Ketuanan Rakyat* responded by articulating a common Malaysian citizenship where Malays, even as a majority group, would have to depend on Chinese, Indians and others to govern fairly. The opposition exposed *Ketuanan Melayu* as UMNO's move to subordinate the term "Malaysian" to "Malay" in relegating Chinese and Indian Malaysians to second-class citizens. *Ketuanan Rakyat* focused on social justice to attract those below forty years of age from all ethnic groups, predominantly Malay, residing in the urban areas. Many of these people have joined NGOs like BERSIH which have successfully organized large protest

gatherings against malpractices in electoral democracy.<sup>118</sup> The opposition envisaged that only with the help of civil society can it rely on the Malay majority to lead in political changes/paradigm shifts to negate UMNO's assertion that multi-ethnic politics would lead to Chinese domination in Malaysia.

Anwar however held that any success of *Ketuanan Rakyat* and the PR's multi-ethnic politics would hinge on maintaining the delicate balance between the legitimate interests of all communities. This was within the constitution's framework with its salient features of Malay as the national language, Islam as official religion, Malay special position and sovereignty of the sultans as well as the legitimate rights of the non-Malays. He stressed that in accepting the provisions of the 1957 federal constitution, considered fair to all communities, both Malays and non-Malays must regulate their demands to maintain this delicate balance and not upset it.<sup>119</sup> Anwar accused UMNO of hijacking the spirit of the 1957 constitution after the Kuala Lumpur riots in eroding non-Malay rights to the extent that it became hegemonic and corrupt. He however sounded a warning at the same time that the non-Malays must also be sensitive to Malay feelings and should not make unreasonable demands against Malays if they did not want the latter to perceive them as being Chinese/Indian centric and therefore less Malaysian-oriented. This was not only on matters of ethnicity, but increasingly also on religion where he cautioned against too strong an attack on Islam might anger conservative Muslims whose support PR depended upon for regime change. In Anwar's view, any move towards demands on

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<sup>118</sup> To date BERSIH has organized several protest rallies, the most successful being the rally in KL on 10 November 2007 drawing crowds of at least 40,000..

<sup>119</sup> Anwar's closed door meeting with professionals and businessmen in Seremban on 26 May 2007. The writer was present.

Malays by non-Malays whether on ethnicity or religion would be counter-productive in that it gave UMNO the justification to affirm *Ketuanan Melayu*.

## Chapter Six

### Struggle for Regime Change intensifies

#### **Introduction**

Opposition contestation in Malaysia over a sixteen-year (1998-2014) period focused on three broad areas mainly as a reaction to the NEP's negative impact on large sections of all ethnic groups. The three inter-related areas are the dissemination of news/information, the economic position of the Malays and national integration. They came to be addressed by a revamped opposition coalition PR which successfully engaged the social media to break BN's monopoly of news dissemination through the mainstream media. Through the internet, the opposition exposed instances of cronyism, nepotism and corruption related to the NEP, partially neutralizing the government's manipulation of communal/religious politics to divert attention from these malpractices. It demonstrated that BN used the mainstream newspapers and state-controlled television stations to consistently invoke a perceived Chinese threat to Malay supremacy so that the Malays would rally towards UMNO as their traditional protector. However UMNO's utilization of the NEP as an ethnic instrument caused widespread unhappiness not only among Chinese and Indians, but also many Malays. As a counteractive measure, the opposition injected some semblance of class in contestation, arguing that only Malays, Chinese, Indians and other groups connected to UMNO/BN benefited from the distribution of NEP largesse. All other needy Malays, Chinese, Indians and others came to be excluded.

The NEP's implementation was also closely linked to the deterioration of educational standards that were partly attributable to a vicious entrapment circle of Malay-medium national schools tending to become ethno/religious centric. This led many non-Malay students to avoid them by opting for Chinese and Tamil schools, where in turn the Malay schools became even less attractive to non-Malay students. One consequence of deteriorating educational standards was the erosion of competency in English to create difficulties for school leavers, the majority of whom were Malays, to find jobs in the private sector or further their studies overseas. Also qualified non-Malays were denied the opportunity to study courses of their choice in local universities by NEP-related university admission criteria. The PR also exposed the judiciary, civil service and police for neglecting their normal duties in becoming BN accessories to intimidate the opposition and NGOs. It pointed out that citizenship by way of voting rights denied to many qualified non-Malays was instead given to Indonesian, Bangladeshi, Rohingya and Filipino Muslim immigrants<sup>1</sup>. It was tantamount to the government committing treason<sup>2</sup> in instructing these foreign Muslims to vote for BN in the general elections. The sum total of the opposition's disclosures through the online media exposed the flaws of the government's media, NEP and national unity measures. It succeeded in making many voters, especially the younger, educated and urbanized sections of all ethnic groups, swing their support to the opposition in both the 2008 and 2013 general elections through cross-ethnic voting. The opposition was able to convince many voters of all ethnic groups to reject the BN because it condoned malpractices like corruption, cronyism, nepotism and

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<sup>1</sup> Kamal Sadiq (2005) "When States Prefer Non-Citizens Over Citizens: Conflict Over Illegal Immigration into Malaysia", *International Studies Quarterly*, Vol. 49, pp.101-122.

<sup>2</sup> See "Sabahans reeling from 'Projek IC' as foreigners reap benefits" in *The Malaysian Insider*, 27 July 2014. <http://www.themalaysianinsider.com/malaysia/article/sabahans-reeling-from-projek-ic-as-foreigners-reap-benefits> (date accessed: 22 August 2014).

human rights abuses which affected them adversely. However the voter swing was not strong enough to bring about regime change in both 2008 and 2013.

### **6.1 A communal paradox exposed**

The BN's loss of substantial electoral support in 2008 and 2013 also came to expose a paradox where communal politics espoused by UMNO on behalf of the Malays was not regarded as communal, but instead moves to challenge such communalism by non-Malays were. This paradox had mainly been responsible for sustaining the government in power since 1957. More significantly the opposition demonstrated that when previous extensive public discourse on salient issues of national integration showed signs of neutralizing this paradox, they were fiercely resisted by UMNO. This left many rational voters pondering over the extent in which the paradox had been responsible for earlier milestones like Singapore's political exit from Malaysia in 1965 or the Kuala Lumpur riots of 1969. Both had been stigmatized by UMNO as Chinese communalism challenging *Ketuanan Melayu* for which fierce Malay resistance had led to heightened inter-ethnic tension. More significantly, would such a paradox be affirmed each time UMNO appeared in danger of losing the federal government through electoral democracy? It first emerged in 1948 when Malay nationalism strongly expressed by UMNO, scuttled the Malayan Union proposals two years earlier. The paradox then embedded itself in the UMNO/MCA ethnic bargain in the early 1950s, affirmed the Alliance landslide victory in the 1955 legislative elections and set the trend for UMNO-dominated communal politics when Malaya became independent in 1957 and extended to Malaysia in 1963. The Alliance/BN coalition government condoned communal politics as an expression of Malay nationalism which nevertheless allowed some Chinese and Indian participation in government unlike in countries such as Indonesia and Burma, where ethnic minorities



were discriminated with their properties nationalized. Within this context of UMNO's accommodation, it was argued that any manifestation of Malay ethnocentrism was in fact no more than the ethnic majority rightfully claiming its larger portion of the power pie. All the more so when the Malays saw the necessity for political dominance to offset their then economically weaker position *vis-a-vis* the Chinese. On the contrary whatever moves to oppose such ethnocentrism by Chinese and Indians were regarded as tantamount to challenging Malay nationalism and *Ketuanan Melayu*, and therefore deemed ethnocentric. Thus if Malaysian citizens of immigrant descent happened to question the government's pro-Malay policies as impeding their long term moves to seek equality, they would in fact be accused by UMNO of being communal themselves. UMNO's reaction to criticisms of the government's *bumiputera* policies being responsible for the emigration of many Malaysians of Chinese descent overseas was that they were free to leave and whatever constituted loss of talent could always be replaced by immigrants like Indonesians, Bangladeshis and Pakistanis. As the government's position was hardly challenged in the mainstream media for five decades, the communal politics of UMNO was implied as non-communal politics, while moves by opposition parties like DAP seeking equality for non-Malays with Malays, were slammed down by UMNO as communal. So firmly entrenched was this paradox that Malaysia came be depicted as a paradoxical state even with the opposition political breakthrough in 2008.

While the point the government makes regarding the presence of discrimination anywhere including the preferred countries of the emigrants may be valid, their similarity with Malaysia ends here. It may be true that ethnic discrimination exists in various forms in countries like Australia, the United States, Britain, Canada and New Zealand, but the point is that their governments have laws and legislation to

apprehend people who incite ethnic discrimination. This is unlike Malaysia where government policies like the NEP officially sanction ethnic discrimination. It is such policies that openly encourage and condone ethnic discrimination, reinforced by ethnic parties in the BN, that continues to sustain this communal paradox.

## **6.2 Emergence of two-coalition system**

The opposition's unprecedented success in the 2008 General Election paved the way for the emergence of a two-coalition system of politics in Malaysia which gained momentum five years later in the 2013 General Election. For the first time, the tally of eighty-two and eighty-nine MPs in 2008 and 2013 respectively for the opposition succeeded in forestalling a traditional two-thirds majority in the 222-seat parliament which had enabled the incumbent government coalition to amend the federal constitution at will. Constitutional amendments were typically deployed when the government was faced with the prospect of incumbent legislation reducing its prevailing benefits or impending impasses surrounding new legislation. Prior to 8 March 2008, the weak and fragmented opposition, had been presented with the *fait accompli* of the government's two-thirds majority bull-doing its way to have controversial bills tabled, approved. The only recourse for many opposition MPs was to walk out of parliament in protest.<sup>3</sup> The government, had since 1957, amended the constitution, on average twice a year<sup>4</sup>, especially during the long tenure of Mahathir as prime minister. Its leaders had chosen to interpret this growing hegemony as no

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<sup>3</sup> Among numerous such instances of opposition MPs staging protest walkouts was the federal government's decision in 1966 by an act of Parliament to remove Stephen Kalong Ningkan as Sarawak Chief Minister even though he had a mandate to rule. For details, see Wong Chin Huat, and Chin, James. (2011) "Malaysia: Centralized Federalism in an Electoral One-Party State." *Varieties of Federal Governance*. Cambridge, New Delhi, p. 222.

<sup>4</sup> Chin, James (2010) "The Future of Democracy in Malaysia", in *A Future for Democracy, Parti Keadilan Rakyat Malaysia* (PKR) or People's Justice Party of Malaysia, the Democratic Action Party (DAP) and the *Parti Islam se Malaysia* (PAS) or Islamic Party - with the support of a growing civil society, *PANORAMA: Insights into Asian and European Affairs*, Konrad Adenauer Stiftung, February, pp.81-89.

more than BN's success in bringing political stability to the country to facilitate economic development.<sup>5</sup> In a parliament with the government's two-thirds majority, opposition MPs would, for instance, question to no avail the need for white-elephant type of infrastructural projects costing billions of *ringgit* which was seen as wastage of public funds. But since 2008, the government with its 140 MPs, eight short of the required two-thirds majority of 148, could no longer amend the constitution at will each time it faced difficulties in explaining the introduction of new policies, fine-tuning existing ones, or repealing what it felt were outmoded policies. The government's move in wanting to preserve the façade of Malaysia's democracy but with its contents manipulated through amending the constitution in a cavalier manner, thus suffered a setback. An emerging two-coalition system has required cabinet ministers to become more accountable and answerable for their actions. Not only are sufficient MPs elected from the ranks of the opposition to provide the checks and balance required for a two-coalition system. With the help of civil society, they are also able to raise in parliament issues of concern to the public like irregularities in the conduct of elections, widespread corruption in high circles, human rights abuses and growing incidence of crime. They can force the government not only to be more transparent, but also more accountable. With the availability of the online media, the opposition is also in a position to continue exposing possibly all the government's shortcomings which the pro-establishment mainstream media had successfully concealed over the years. It is within the context of a two-party coalition system that the opposition places hopes on regime change through peaceful electoral democracy.

#### *How each PR party views regime change*

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<sup>5</sup> This theme has always been stressed in the speeches of UMNO leaders at the party's Annual General Assemblies over the years. See for instance Mahathir's speeches at the assemblies in 1998, 2000 and 2003. (mimeo).

Although all three opposition parties jointly uphold the PR's slogan *Ketuanan Rakyat* as a common platform, by and large, they still continue to retain their divergent ideologies and agendas. In the main, the substance of the political struggles of all three remains unchanged which provides an insight into how each separately views and interprets regime change in line with its aspirations. While the DAP, through its top leader Lim Kit Siang, may have been satisfied that the opposition succeeded in ushering in a two-coalition system in 2008 and affirming it in 2013, the party is still looking for a paradigm shift<sup>6</sup> of a secular multi-ethnic democracy where Islam as the official religion does not erode freedom of religious worship for other ethnic groups. This would be completely away from the focus of Malay/Muslim-dominated Malaysian politics where contestation was mainly between UMNO and PAS to set up an Islamic state, either of the PAS or UMNO type, sidelining the non-Malays. Such a scenario had been evident in the 1999-2008 decade where PAS was the main opposition with twenty-seven MPs and in control of two state governments while DAP and PKR were marginalized. The DAP's argument for a paradigm shift would presumably bring Malaysia back to the Alliance era under Tunku Abdul Rahman in the 1957-1969 period prior to the May 13 watershed. Even though such a scenario would nowhere be near the objectives of its pre-1969 Malaysian Malaysia struggle, the DAP feels that non-Malay rights can still be adequate. Non-Malays have very little choice in a post-1969 absolute Malay-majority scenario struggling to uphold its present secular-oriented democracy against the advent of creeping Islamism. To date, PAS still cannot find a suitable model among Muslim countries which have become

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<sup>6</sup> See Lim Kit Siang (2000) "Chinese or Malaysian Identity? Issues and Challenges" *SCSD Lecture at the Australian National University*, 1 May.

*de facto* Islamic states in order to establish an Islamic state.<sup>7</sup> As such PAS is willing to accept two different sets of laws, civil for non-Muslims and *syariah* for Muslims, in Malaysia, but feels that should an Islamic state be established, it can only be administered by *syariah*. PKR has been talking about new multi-ethnic politics since its inception as PKN in 1998, but almost two decades later, the party is still very much like BN in many aspects except that its Malay-dominance is not through separate ethnic parties but a Malay-majority multi-ethnic party with common membership for all ethnic groups. While the majority of PKR members of all ethnic groups uphold *Ketuanan Rakyat*, there are nevertheless some formerly from UMNO who still display the *Ketuanan Melayu* mentality and want the NEP and Malay special privileges to continue for as long as necessary. Yet other PKR Malay/Muslim members, especially those with ABIM/JIM backgrounds, like their PAS counterparts, are not enthusiastic about DAP's paradigm shift away from Malay/Muslim polemics especially if it embraces secularism. In fact some of them feel that an Islamic state may be good for the country though they dare not express this openly aside from saying that as Muslims, they cannot reject *syariah*. Thus the different perspectives of DAP, PAS and PKR towards regime change provide an important insight into how they relate to one another in the opposition coalition.

#### *Consociational dynamics in the PR*

Within the broader PR umbrella, PKR, DAP and PAS continue to function as separate parties on the understanding that each is not to interfere in the internal affairs of the other. They work on the basis of consensus which not only reflects their equal or near equal status in terms of party representation in the federal parliament, but also a unity

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<sup>7</sup> Conversation with Mustapha Ali in Singapore on 4 November 2009. He said Iran and Pakistan were not suitable models as Islamic states for Malaysia.

of purpose in successfully carrying out party policies or agendas. No decision of any component can be regarded as a collective PR measure for the purpose of formulating policies unless all three parties agree to it. Without this unanimity, any decision proposed is considered the prerogative of the party floating it which the other parties are not obliged to support. Consensus building was adopted by PAS, DAP and PKR at a time when morale among all three parties was very low following the government landslide victory in the 2004 General Election. It made all of them aware that unless they could agree on some minimal common denominator, there was no way they could challenge, let alone defeat their common BN enemy in the 2008 General Election. This led to consensus building among PAS, DAP and PKR initiated by Anwar as mediator where the principle of equality was established in their working relationship based on cooperation among all components. The absence of cooperation with the opposition parties going in different directions in their campaigns was a major factor behind their defeat in the 2004 General Election. But with this problem partially rectified by successfully engaging their common BN enemy in straight contests in the 2008 General Election, the principle of equality was affirmed and came to be reflected in the decision-making process of the opposition with consensus building. The use of the federal constitution as a reliable criterion for reaching a consensus by all three parties, gives whatever decisions they arrive at, a moral standing in public. This also means the different parties refer to the federal constitution as a guideline when making proposals which would be binding to all. PR had learnt from the mistake of BA, which had no proper guidelines for making decisions acceptable to all, as exposed by the Islamic state controversy. It was a costly mistake which led to the opposition's heavy defeat in the 2004 General Election and BA subsequently being discontinued.

Although PR is still officially not registered as a coalition, it has nevertheless been functioning as one through a joint secretariat where PAS, PKR and DAP have already committed themselves to work as a team. This has made possible administratively an incoming PR federal government with all three party components helming it equally in the event of regime change. All have agreed to Anwar as the prime minister designate with Lim Kit Siang of DAP and Hadi Awang of PAS as possible deputy prime ministers, and federal ministerships expected to be equitably distributed among all three parties. As the criteria of this allocation process has yet to be finalized, the PR has not come up with a shadow cabinet to the extent that opposition parties in democracies expecting to form the government after winning an election, usually have. Instead it has condoned shadow committees comprising of three representatives with one from each PR party. This gives the PR the flexibility not only to affirm the equal status of all its three components, but also to pre-empt splits within its ranks. It would appear that the PR is striving towards a model of consociational/consensus democracy similar to that proposed/described by Lijphart in the 1970s, and not so much his update of its characteristics through the majoritarian or consensus democracy a decade later. This is despite the possibility that some of these updated characteristics like judicial accountability to the executive could suit Malaysia as and when circumstances permit.

Even though PR's consociational democracy model hinges on regime change, it has already been potentially much more successful than the Alliance/BN power sharing arrangements in corresponding to Lijphart's criteria. Firstly, PKR, DAP and PAS are members of a grand coalition representing all ethnic groups, capable of forming a broad-based government in the event of regime change. Secondly, decision-making by consensus in PR provides for a mutual veto to ensure equality for all parties in the

PR. Thirdly, the formation of three-member shadow committees with a representative each from PKR, DAP and PAS, constitutes proportional representation in the PR. Lastly, a high degree of autonomy prevails in the PR with non-interference in the affairs of party components. By contrast, the Alliance tripartite coalition, as noted by Milne and Mauzy<sup>8</sup> was only partially consociational with features like autonomy in party affairs. There was no proportional representation in the grand government coalition; neither was there a mutual veto as UMNO was much stronger and bigger than the other two ethnic parties, MCA and MIC. Instead there was hegemony on the part of UMNO to suppress minority interests. The result was that the Alliance gave way to the BN in the early 1970s.

### **6.3 Post 2013 contestation dynamics**

Malaysia's next general election, the fourteenth, must be held by 2018 at the latest when the current five-year mandate of BN expires, but both government and opposition have already intensified politicking after the Thirteenth General Election on 5 May 2013. With the MCA, Gerakan and MIC virtually emasculated by DAP and PKR for the non-Malay vote in both 2008 and 2013, and UMNO convincingly beat PAS and to some extent PKR for the Malay vote, the battle lines between PR and BN for the Fourteenth General Election are being drawn. Contestation will be an intensification of the 2008/2013 political dynamics between UMNO articulating *Ketuanan Melayu* and the PR reaffirming *Ketuanan Rakyat*. UMNO will be virtually unrestrained in intertwining Malay ethnocentrism with Islam and reinforcing both primordial sentiments with Malay royalty. With the vast resources of incumbency at its disposal, UMNO's move in becoming even more ethnocentric to regain BN's

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<sup>8</sup> Milne, R S and Mauzy, D K (1999) *Malaysian Politics under Mahathir*, Routledge, London, New York., pp.16-18



traditional two-thirds parliamentary majority, will place PR under even greater pressure than in 2008/2013. To defend its electoral gains in 2008/ 2013 derived from all communities, mainly the Chinese, PR has to neutralize UMNO's sustained intensification of ethnic/religious discrimination against non-Malays. However, PKR, DAP and PAS with their different ideologies and agendas, will have a harder time finding the consensus to project Malaysian sovereignty as a force of opposition unity in contestation.

*UMNO attempts to split PR through unity government with PAS*

UMNO aims to wean PAS away from the PR to form a unity government coalition based on ethnic/religious domination expressed as Malay/Muslim unity. The coalition motive underlines the position of Malay ethnicity being synonymous with Islam<sup>9</sup> to make UMNO commit PAS towards upholding Malay ethnocentrism when both parties deal with non-Muslims. UMNO regards PAS as the most dissatisfied of the three opposition parties in using the federal constitution as a guideline to regulate intra-PR dynamics. Being unhappy that both PKR and DAP consistently remind it that there is no clause in the constitution mentioning an Islamic state, PAS condones UMNO's manipulation of Islam and Malay royalty to strengthen *Ketuanan Melayu*. PAS therefore becomes susceptible to UMNO's persuasive arguments through *Utusan* that the Chinese will dominate the PR through DAP. Such arguments lack substance in view of not only the small (twenty-five per cent) Chinese representation in the Malaysian parliament, but more significantly DAP cannot win all the Chinese majority seats and take over the federal government without the support of the other

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<sup>9</sup> Article 160 of the Constitution of Malaysia defines a Malay as a Malaysian citizen who professes to be a Muslim, habitually speaks the Malay language and adheres to Malay customs. Constitution of Malaysia.[PDF].

PR parties. But UMNO is not bothered whether its arguments are valid so long as the Malays in the rural areas believe in them. To further complicate matters for PR, DAP has been accused by Malay NGOs close to UMNO of being a Christian party all out to elect a Christian prime minister and make Christianity an official religion in Malaysia. This is despite ground political realities like Christians comprising only ten per cent of the country's population, indicating the contrary.

Nowhere was UMNO's ethnocentrism reinforced with religiosity and Malay royalty more significantly played up in 2014 to destabilize the PR than in Selangor, Malaysia's most industrialized state whose PR coalition government has been led by PKR since 2008. Through its control of the Islamic statutory bodies like JAIS and the civil service in Selangor as well as strong influence on state royalty, the UMNO-led federal government managed to disrupt the PR administration in Selangor. This was over problems in finding a replacement for incumbent PKR MB Khalid Ibrahim who had fallen out of favour with his party. Though the MB's position was PKR's prerogative, PAS through its president Hadi Awang, opposed PKR's choice of Wan Azizah, the assembly person for Kajang, who is also PKR president and Anwar's wife. PAS' objection was on grounds of gender and also Wan Azizah acting as Anwar's proxy to control Selangor. Allegations of the connivance of Khalid, Hadi and UMNO making use of royal protocol, which were not refuted, had constrained PKR from accusing PAS of interfering in its internal affairs. This breached a cardinal principle of the PR coalition which was upheld by both PKR and DAP. The Selangor MB controversy forced both PKR and DAP to back down from a confrontation with the palace in grudgingly agreeing to PKR deputy president Azmin Ali, the assemblyman for Bukit Antarabangsa, as the sultan's choice. Azmin, a staunch Anwar loyalist as well as someone not openly hostile towards PAS, was nevertheless

earlier targeted as a defector to front the cause of an UMNO/PAS prospective coalition government. Azmin declined the proposal perceived as an attempt to scuttle the PKR/DAP/PAS coalition in Selangor. It had been conveyed by Hadi, but had to be aborted when two PAS assemblymen decided to break ranks from their party to support PKR/DAP. Though the PKR finally prevailed in the Selangor MB controversy, the unseen hand of UMNO working through the royalty, had nevertheless raised questions on the viability of electoral democracy in Selangor. The will of the majority of voters in the state could become subverted by a combination of Malay ethnocentrism/Islamic religiosity fronted by royal protocol. UMNO's contestational offensive in Selangor, though stalled for the time being, had nevertheless exposed the fragility of the PR coalition which could split through PAS breaking away. This would not only deprive DAP and PKR of a badly-needed third pillar, but also harming PAS itself. The divisions within PAS between a progressive group of professionals supporting the PR, and a conservative group of *ulama* preferring UMNO, would widen. Also PAS expects to lose significant non-Muslim support that had enabled it to win many seats in the west coast states in 2008 and 2013, in the Fourteenth General Election. UMNO's move to wean PAS away from the PR was in fact an old strategy mooted in Selangor in 2008 to pre-empt DAP from forming a coalition government with PKR and PAS. It failed over the quarrel of which party – UMNO or PAS – would field the MB's position. Though the unity government proposal with PAS was withdrawn then, UMNO had always put it on standby mode anytime conditions become conducive for it to be revived. Even though any proposed coalition was initially for Selangor so as to deny DAP from

governance, there was the possibility of both UMNO and PAS extending it to other states and even to the national level, depending on the circumstances.<sup>10</sup>

### *Opposition turns to Sarawak/Sabah to counter UMNO*

Aware of the disadvantage it had been placed in contestation by UMNO's utilization of Malay ethnocentrism, Islam and the Malay royalty to prevent it from winning significant Malay support in the peninsula, the main contestational arena, PR or rather PKR and DAP, have set their sights on Sarawak and Sabah as an offsetting measure. While the opposition continues to consolidate and defend its electoral gains in West Malaysia, it nevertheless looks at both East Malaysian states with their fifty-six parliamentary seats or a quarter of the 222-member parliament as an avenue to take over the federal government. Such a move presupposes holding on to their 2013 gains while successfully encroaching on BN's turf in the two east Malaysian states. The opposition feels that in Sarawak and Sabah, the hitherto strong support for BN is showing signs of weakening after the 2013 General Election where DAP and PKR managed to win six and three parliamentary and several state seats in both states. This was unlike the 2008 General Election where the opposition had left both states virtually unscathed in returning only one MP in each state. The remaining fifty-four parliamentary seats (thirty for Sarawak and twenty-four for Sabah) continued to be BN's "fixed deposit". However the common grievances of Sarawak and Sabah since joining the Malaysian federation in September 1963, which relate to how the federal government had relegated them to the status of the peninsula states instead of former British colonies on par with Malaya, remain unchanged. In the first place they find

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<sup>10</sup> See "Selangor PAS admits to secret meetings with UMNO on crossing over" NST report 14 March 2008 posed on 26 May 2008 in <http://khalidsamad.blogspot.com.au/2008/05/selangor-pas-admits-to-secret-meetings.html> (date accessed: 19 August 2013).

31<sup>st</sup> August (1957), *Merdeka* or independence day for the peninsula, inappropriate for the whole of Malaysia since they were still British colonies until 16 September (1963). As such they prefer the latter date considered more meaningful to them politically as Malaysia's Independence day.

Sarawak and Sabah are also unhappy over the replication of the BN's communal politics since the composition of their multi-ethnic populations do not follow a neat Malay-Chinese dichotomy as in the peninsula. In both states, the division lines tend to be between Muslim natives and non-Muslim natives with their local Chinese supporting mainly the non-Muslim natives. So the replication of BN's communal politics in Sarawak and Sabah follows a Muslim/non-Muslim dichotomy despite both groups being regarded as *bumiputera*. Non-Muslim natives like the Dayaks in Sarawak and Kadazans in Sabah, who are predominantly Christians, resent discrimination as less privileged *bumiputeras* by the federal government unless they convert<sup>11</sup> to Islam to qualify for the same kind of *bumiputera* privileges exclusively for the Malay/Melanau in Sarawak and Bajau/Suluk in Sabah who are Muslims. The government's prohibition of the word *Allah* to refer to God from being used publicly also upset the mainly Malay-speaking Christian Dayaks and Kadazans, as they are placed in an awkward position of being allowed the practice in their home states but not in the peninsula where many of them work. As oil producing states, both Sarawak and Sabah feel that they deserve more than the five per cent royalty they receive.

To win their support in its move to take over the federal government in the Fourteenth General Election, PR has come up with numerous proposals for Sarawak and Sabah to enhance their status as more equal entities with the peninsula rather than being

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<sup>11</sup> Those who converted to Islam included Ganie Gilong and Donald Stephens of Sabah and Leo Michael Toyad and Nancy Shukri of Sarawak.

treated like its twelfth and thirteenth states respectively.<sup>12</sup> The proposals include mitigating the discrimination of Christian *bumiputeras* by agreeing to restore their dominance in politics as in the days when they first joined Malaysia in 1963, with the promise to appoint a Dayak chief minister for Sarawak if the PR wins control of the state.<sup>13</sup> They also point to reversing the federal government's ban on the use of the word *Allah*, devising proper mechanisms and procedures to repatriate illegals, especially in Sabah, to their home countries as well as preventing foreigners to acquire citizenship through improper means. Other moves announced by Anwar suggest the establishment of state-owned, second-tiered oil and gas companies for Sarawak and Sabah to manage their oil and gas resources as moves to raise the present five per cent oil royalty they receive to twenty per cent.

#### 6.4 Conclusion

The verdict of the post-2013 General Election contestation dynamics between PR representing *Ketuanan Rakyat* and BN or rather UMNO representing *Ketuanan Melayu*, will be delivered in the Fourteenth General Election. While communal politics will still prevail with voting mainly along ethnic lines, there will be a discernible trend of cross-ethnic voting that will mitigate its advantages to BN as had happened in the 2008 and 2013 general elections. The opposition expects to focus on this voting across ethnic lines and work on it to create an even bigger swing than in 2008 or 2013, especially among the younger generation of voters of all ethnic groups,

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<sup>12</sup> For details, see "Sabah, Sarawak top Anwar's revamp plan if Pakatan captures Putrajaya" in *The Malaysian Insider*, 22 July 2014. <http://www.themalaysianinsider.com/malaysia/article/sabah-sarawak-top-on-anwars-revamp-plan-if-pakatan-captures-putrajaya>. (date accessed: 27 July 2014).

<sup>13</sup> For details, see "A Dayak in the CM equation" in *Free Malaysia Today*, 15 June 2014. <http://www.freemalaysiatoday.com/category/nation/2014/06/15/a-dayak-in-the-cm-equation/> (date accessed: 27 July 2014). The suggestion came from the Sarawak DAP but has the support of PKR. Though no similar suggestion has to date been touted for Sabah, it is understood that its non-Muslim natives would welcome it. Stephen Kalong Ningkan was a popular Dayak chief minister for Sarawak from 1963 until he was ousted in 1966. Sabah had Kadazan chief ministers Donald Stephens (1963 to 1967) and Joseph Pairin Kitingan (1985-1994) in state governments opposed to Alliance/BN.

mainly Malay, middle-class, educated and urbanized. All these voters, who were born after 1970 and would be forty-five years and below, do not carry the baggage of the 1969 Kuala Lumpur incident. Moreover they tend to regard the opposition's call for greater competency, accountability and transparency in governance to combat corruption, nepotism and cronyism as compatible with parliamentary democracy. By the same token, UMNO's communal politics reinforced with Islam and legitimized by Malay royalty, appears to them as suppressing democracy, particularly when the government abuses the SA to suppress legitimate freedom of expression by apprehending opposition leaders, NGOs, and even lawyers and university academics. Thus their ability to critically evaluate BN's communal politics will not make many unreservedly accept *Ketuanan Melayu* and all it stands for. PR will articulate with an even greater intensity the same issues of 2008 and 2013 such as corruption, cronyism, nepotism, human rights abuses, the rising cost of living and the rising incidence of crime. The government, or rather UMNO, will continue to reinforce its ethnic campaign with religion in calling on Muslims to unite behind it so as to prevent the Chinese as convenient scapegoats from taking over the country. UMNO will continue to intimidate and harass Malays in the opposition as well as civil society who support multi-ethnic politics, portraying them as "traitors" to the Malays and Islam. Civil society will also be divided with multi-ethnic NGOs like BERSIH and HH not necessarily supporting the opposition even as they oppose the government, while Malay/Muslim NGOs like PERKASA, ISMA and PEKIDA will continue to back UMNO. The government-controlled mainstream media, especially *Utusan*, and RTM/TV3, will continue to make anti-PR spins even though these are often countered by the PR through the online media like *Malaysiakini*, *The Malaysianinsider*, *FreeMalaysiaToday* and *Malaysia-Chronicle*, and lose their

effectiveness. Sarawak and Sabah will play the role of kingmakers given their present unhappiness with the federal government.

On the basis of *bumiputeras* comprising some two-thirds of the population, with many of them still residing in the rural areas supporting UMNO, BN should win the Fourteenth General Election, especially with mal-apportionment and gerrymandering favouring it. The Malay/*bumiputera* absolute majority had at the time of opposition contestation in the 1998-2014 period succeeded in removing the traditional fears of the Malays *vi-a-vis* the Chinese caused by the almost equal composition of both communities in Malaya's plural society in 1957. Five decades later, the higher birth rate of the Malays *vis-à-vis* the Chinese, led the former to outnumber the latter almost in the ratio of 2:1. Moreover the influx of Indonesian and other Muslim immigrants into Malaysia served to accentuate this growing Malay community. More significantly while the overwhelming majority of the Malays as a minority group in 1957 resided in the rural areas and were engaged in agricultural occupations, the NEP enabled them fifty years later as a majority group to be located in the urban areas and associated with industry related jobs yielding higher incomes and aspiring for middle class status. The overwhelming majority of undergraduates in Malaysia's local universities today are Malays doing professional courses like medicine, engineering, economics unlike the pre-1970 period when they were a minority majoring in arts and Islamic studies at the then only local University of Malaya. On the contrary, emigration of Chinese to Singapore, Australia, United States and other developed countries to escape discrimination from the government's pro-Malay policies like the NEP served to complement the lower birth rate of the Chinese and accentuate their minority status *vis-a-vis* the Malays. Thus if an influx of Chinese/Indians to Malaya in the 1910s-30s led to the Malays losing their majority status and raising their



perceived fear of the Chinese from 1957 to 1998, this has been replaced by a reversed Chinese fear, perceived or otherwise, from the 2000s. It envisages an influx of foreign Muslims to encourage more pro-Malay government policies marginalizing them even further in the years to come, not quite, but perhaps roughly to the same extent as the Chinese in Indonesia. But as voting is not compulsory in Malaysia, the side that succeeds in persuading more citizens to register themselves as voters and come out in large numbers to cast their ballots on polling day, has a better chance to win. Even if PR is capable of using the right strategy and articulating the right issues convincingly to gain the support of the majority of voters, its chances of winning can still diminish. This happens if its ranks are split not only by a manipulative federal government, but also by some PR parties trying to interfere in the internal affairs of others as in the Selangor MB controversy.

Notwithstanding a potential split from internal squabbles, a PR victory and regime change on the one hand will take effect only when voters of all ethnic groups who were born after 1970, form the majority of voters. This younger generation of voters will regard each other more as Malaysians rather than members of different ethnic groups professing different religions. Regime change will also be reflected in a multi-ethnic coalition of three equal parties representing *Ketuanan Rakyat* against an all-Malay opposition representing *Ketuanan Melayu*, both of which will make up the two-coalition system. It can deal a heavy blow to the paradox in Malaysian politics which asserts that Malay ethnocentrism is not communalism, but moves to challenge it will be. If the paradox from 1948 had been imposed by a Malay ethnic party UMNO, it can be invalidated by a Malay-led multi-ethnic coalition like PR. However any moves to completely phase out communal politics that had associated the Malayan Union and Malaysian Malaysia with the non-Malays, especially the Chinese,

will only be in the longer term. Even as the politically dominant Malays continue to improve on their economic position, become more educated, urbanized and middle class, it will take them at least one or two generations to regard themselves more as Malaysians than Malays and treat other ethnic groups equally on the basis of a common Malaysian citizenship. This is because communalism has been too firmly entrenched in Malaysian politics since 1957 even as socio-economic and political conditions in Malaysia's plural society continue to change. Ethnic prejudice and negative stereotyping, which exists in all ethnic groups, will still prevail even though the indications they are losing their significance grow with mutual acceptance of one another among all ethnic groups, particularly all those born after 1970. Here educated and outspoken young Malays like Adam Adli, Safwan Anang, Fahmi Fadzil and others who are vociferous critics of UMNO's *Ketuanan Melayu*, continue to show greater acceptance of non-Malays as equal Malaysian citizens in their support of political parties and NGOS fighting against social injustices.

As regards national integration, the PR will opt for the *social nation* model, but whether Malaysia should be an *indigenous social nation* as preferred by the Malay PKR members and some sections of PAS, or an *immigrant social nation* favoured by the DAP and non-Malay members of PKR, remains to be seen. On the one hand an *indigenous social nation* would not go down well with many Chinese and Indians who tend to regard it as a lesser version of the *ethno-nation* or ethnocentric nation favoured by UMNO via *Ketuanan Melayu*. On the other, an *immigrant social nation* creates perceptions of the replication of Singapore-style national integration measures which may be viewed with some misgivings as subtle Chinese domination among conservative Malays in both PKR and PAS. This is due to many Malays in both parties who continue to be susceptible to UMNO's propaganda through *Utusan* that

Chinese Malaysians are still inspired by Chinese domination in Singapore to bid for power in Malaysia, despite indications that many Chinese PR leaders are hostile to the PAP. In the end PKR, DAP and PAS would have to decide as equal partners in the PR on an acceptable meeting point between the two types of *social nations*.

A BN or rather UMNO victory and regime maintenance, will be a perpetuation of the *status quo* which increasingly moves towards an all-Malay government still co-opting non-Malay participation from the depleting pro-BN non-Malay support. But in view of the further marginalization of Chinese and Indians, the proposed window dressing will have fewer non-Malays than the pre-2013 BN arrangement. Though Islam will have a higher profile with *syariah* overshadowing civil law, the country will not become an Islamic state as *hudud's* implementation is fraught with numerous difficulties in Malaysia's multi-ethnic society<sup>14</sup> which both PAS and UMNO are aware of. In a widely publicised incident in 2009 in Pahang, the religious authorities, fearful of adverse public reaction, commuted the caning sentence imposed on a Muslim woman caught drinking beer in public, to community service.<sup>15</sup> For all UMNO's intentions as the federal government of wanting to help PAS implement *hudud* in Kelantan, so far these have been confined to mere talk only.<sup>16</sup> Instead it will move towards strengthening the present ethnocratic state with even stronger doses of

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<sup>14</sup> For details, see "Civil courts take precedence over shariah (*syariah*) courts, says former judge" in *The Malaysianinsider*, 29 June 2014. <http://www.themalaysianinsider.com/malaysia/article/civil-courts-take-precedence-over-shariah-courts-says-ex-judge> (date accessed: 28 July 2014), and press release *Hudud cannot be implemented within the current constitutional and legislative framework*, 30 September 2011 from Lim Chee Wee, President of The Malaysian Bar.

[http://www.malaysianbar.org.my/press\\_statements/press\\_release\\_hudud\\_cannot\\_be\\_implemented\\_within\\_the\\_current\\_constitutional\\_and\\_legislative\\_framework.html](http://www.malaysianbar.org.my/press_statements/press_release_hudud_cannot_be_implemented_within_the_current_constitutional_and_legislative_framework.html) (date accessed: 28 July 2014).

<sup>15</sup> For details, see "Malaysia delays caning woman caught drinking beer," *The Guardian*, 24 August 2009. <http://www.theguardian.com/world/2009/aug/24/malaysia-woman-cane-beer-freed> (date accessed: 25 August, 2014).

<sup>16</sup> See "UMNO using hudud to break up Pakatan, say PAS insiders", *The Malaysianinsider*, 29 April 2014. <http://www.themalaysianinsider.com/malaysia/article/umno-using-hudud-to-break-up-pakatan-say-pas-insiders> (date accessed: 25 August 2014).

Islamism in government policies to sustain and even perpetuate the prevailing ethnic prejudices and negative stereo-typing of Chinese and Indians.

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