

COUNTRIES AT THE CROSSROADS

Countries at the Crossroads 2012: Malaysia

Introduction

Malaysia has over 28 million people, of whom approximately 63 percent are ethnic Malay, 25 percent Chinese, 7 percent Indian, and 4 percent Ibans and Kadazan-Dusun.¹ Much of this diversity was created through the British formation of an extractive colonial economy, with the “indigenous” Malay community ordered into small holdings and rice cultivation, while the “non-Malays” were recruited from China and India into tin mining and plantation agriculture. Further, in preparing the territory for independence in 1957, the British fashioned a polity that was formally democratic, but would soon be encrusted by authoritarian controls.

Throughout the 1960s, greater urbanization brought many Malays to the cities, where they encountered the comparative prosperity of the non-Malays. They perceived the multiethnic coalition that ruled the country, anchored by the United Malays National Organization (UMNO), but including the Malayan Chinese Association (MCA) and the Malayan Indian Congress (MIC), as doing little to enhance their living standards. At the same time, many non-Malays grew alienated by the discrimination they faced in accessing public sector resources. Thus, as voters in both communities swung to opposition parties in an election held in May 1969, the UMNO-led coalition, known as the Alliance, was gravely weakened. Shortly afterward, Malays and Chinese clashed in the capital, Kuala Lumpur, sparking ethnic rioting known as the May 13th incident. Two years of emergency rule followed during which parliament was closed.

As the price for reopening parliament in 1971, UMNO imposed new curbs on civil liberties, thereby banning any questioning of the Malay “special rights” that are enshrined in constitution’s Article 153. They also dampened electoral competitiveness, absorbing most opposition parties into their coalition, now christened Barisan Nasional (National Front). With a free hand, UMNO then introduced the New Economic Policy (NEP), a program whose quotas on public and private sector hiring, state contracts and licensing, and equity ownership were geared to “uplifting” the ethnic Malay community.

But with UMNO dominating politics and intervening systematically in the economy, political abuses and corrupt practices inevitably set in. Still, during much of Mahathir Mohamad’s tenure as prime minister, rapid industrialization took place, producing a new urban middle class that eased public discontents. However, the financial crisis of 1998, followed by the arrest and imprisonment of Mahathir’s popular deputy, Anwar Ibrahim, on sexual misconduct and corruption charges triggered new societal upheavals. This enabled the two main opposition parties, the Pan-Malayan Islamic Party (PAS) and the largely ethnic Chinese and secular Democratic Action Party (DAP), to increase their support in an election held in 1999. A new opposition party, however, the National Justice Party (Keadilan), led by Anwar’s wife, Wan Azizah, fared more modestly.

In 2003, with the economy recovering, Mahathir transferred power to his deputy, Abdullah Badawi. Abdullah then led Barisan to an overwhelming electoral victory in 2004. With his new mandate, he tried to roll back the country’s corruption, while reenergizing the support that had sagged among the non-Malays. His efforts were resisted, however, by entrenched interests in UMNO. On the other hand, the judiciary did display new independence by ordering Anwar’s release in 2004. And limits on civil liberties were also less rigidly enforced. But overall, Abdullah’s campaign against corruption sputtered, enabling opposition parties to mobilize new grievances among the non-Malays and some liberal middle-class Malays. Thus, when an election was held in March 2008, PAS and the DAP, linked by the People’s Justice Party (PKR) that Anwar had forged from Keadilan, won nearly half the popular vote, hence denying Barisan its customary

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two-thirds majority in Parliament. These parties also won control of four state-level governments, while retaining a fifth one. They then formalized their coalition as Pakatan Rakyat (People's Alliance), with PKR serving as the linchpin.

A year after the election, Abdullah was pressured by UMNO leaders to resign. He was succeeded by his deputy, Najib Razak, who sought with greater dynamism to renew the fight against corruption and to regain non-Malay support. In addition, after Anwar was again charged with sexual misconduct, the courts showed their independence once more by acquitting him in early 2012. Even so, at the end of the reporting period it seemed doubtful that Najib's new policy drive would be any more successful than his predecessor's had been in stemming corrupt practices and ethnic tensions.

Accountability and Public Voice

Parliamentary and state-level elections are held regularly in Malaysia. The voter franchise is inclusive, opposition parties compete vigorously, vote counting and reporting are carried out promptly, and the prime minister, supported by the winning coalition, wields meaningful executive power. However, the ruling coalition, Barisan, is systematically advantaged. The Election Commission is heavily partisan, overseeing the malapportionment and gerrymandering of districts. The campaign period is kept brief, typically less than two weeks. And although rarely enforced today, restrictions remain on outdoor campaign rallies. Mainstream media reporting heavily favors the government. Further, there are no limits on campaign contributions (only expenditures, with \$50,400 permitted for contesting parliamentary seats and \$25,200 for state seats). The UMNO deputy finance minister, Awang Adek Husin, acknowledged in December 2011 that corporate donations had been made directly to his personal bank accounts, indicating the corruption in government campaign financing that is thought widely to exist.² Electoral rolls are routinely manipulated, with so-called phantom voters casting ballots outside the constituencies in which they are registered. Conversely, the names of voters in opposition areas are often transferred without notice to polling stations far from their homes. In early 2012, an audit commissioned by a parliamentary select committee (see below) unearthed some 200,000 cases of improperly registered voters. Some 10,000 addresses were discovered at which more than a dozen voters resided. Analysts note that in the 2008 election, the government won 30 of its seats by a total margin of only some 27,000 voters.³

Parliament consists of an upper house, the Senate (Dewan Negara), whose 70 seats are filled by appointment, and a more powerful House of Representatives (Dewan Rakyat), whose 222 seats are filled by election. The country's 13 state-level governments each appoint two senators. The federal government selects the remaining ones. Further, while Representatives (*wakil rakyat*) are chosen by voters, the lower house's single member districting and first-past-the-post system greatly magnify the often thin margins that the government wins. Thus, while in the 2008 election Barisan won barely 52 percent of the popular vote, the plurality rule, reinforced by the electoral manipulations noted above, enabled Barisan to claim 140 parliamentary seats to Pakatan's 82.

Opposition in parliament has grown more assertive in recent years.⁴ But the legislature remains under the sway of the executive. The government initiates all bills. Its ministers and deputy ministers only attend question time when direct queries over policy have been posed to their ministries. Debates are sometimes vigorous, but largely inconsequential, greatly limiting scope for gathering information or imposing accountability.

The government also dominates the judiciary, ensuring favorable rulings in politically significant cases. Thus, while Anwar was freed by the courts, he was again committed to trial for sexual misconduct after Pakatan's gains in the 2008 election. The trial then dragged on interminably during the period under review, though to the great

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surprise of many observers, resulted in Anwar's acquittal in January 2012.

On the other hand, UMNO's dominance has ensured civilian supremacy over the military. There has never been any credible threat of a coup in Malaysia. However, the party winks at police corruption, for it remains dependent on the Police Special Branch, the Federal Reserve Unit, and the Police Field Force to gather information on dissidents and to suppress street protests.⁵

In July 2011, a social movement known as Bersih 2.0 reiterated some 41 demands for electoral reform, including an audit of the electoral roll, an extension of the campaign period to at least 21 days, a clean-up of the postal voting system, and the use of indelible ink by voters. In response, Najib announced that a bipartisan parliamentary select committee would be set up. A panel of nine parliamentarians was duly created that included leading members of the opposition. In early December 2011, the committee produced an interim report.⁶ However, only one of the demands made by Bersih 2.0, the use of indelible ink, was included in the committee's original 10 recommendations. As the committee continued its work, however, it endorsed three more of Bersih's demands: an audit of the electoral roll, advance voting for service voters, and provisions for Malaysian citizens overseas to vote. The final report was tabled in early April 2012, making a total 22 recommendations, including equal access for all political parties and candidates to news media outlets. The opposition, however, claiming that these recommendations were insufficient, insisted that it be permitted to write a minority report. This was blocked in Parliament, enabling the original committee's report to be adopted. But in noting that the government was not compelled to act on even these recommendations, Bersih stepped up its demands, calling for the resignation of current members of the Election Commission and the monitoring of the next election by international observers.⁷

Malaysia's next election is not due until June 2013, though will probably be called sooner. It will be the first to be held under any of the new electoral reforms that might be implemented. But heading into this contest, the strength of the opposition Pakatan remains uncertain. The Barisan government has won seven of the eight federal and state-level by-elections held since October 2009. However, the state election held in Sarawak in April 2011 foreshadowed greater competitiveness.

Sarawak's chief minister, Taib Mahmud, has controlled the state since 1981.⁸ Taib heads the Parti Pesaka Bumiputra Bersatu (PBB), which anchors the state-level Barisan. Throughout his long tenure in office, suspicions have grown over Taib's personal corruption, which were documented by a local NGO, *Sarawak Report*, in the run-up to the election.⁹ Pakatan candidates contested in most of the state's 71 constituencies. Anwar Ibrahim, released while his trial was in progress, drew large audiences while campaigning for Pakatan, addressing discontents over indigenous land rights and rural poverty. The DAP appealed to non-Malay grievances over corruption and inequality. In the election, the PBB's main coalition partner, the Sarawak United People's Party (SUPP), catering mostly to urban Chinese voters, lost five seats. In 14 straight contests between the DAP and SUPP, 12 were won by the DAP. PKR also won three seats. Pakatan's performance in the Sarawak election, the strongest showing by opposition parties since the 1980s, increased perceptions that turnover at the federal level may be possible.

Non-government organizations (NGOs) must, under the terms of the Societies Act (1966), register with the Home Ministry. Requirements are not onerous, however, enabling an increasingly robust civil society to form. Still, where NGOs are deemed to have violated legal codes, they are subjected to restrictions in the name of "security and public order." And though they are able to accept contributions, local donors remain low key in order to avoid government retaliation, while NGOs understate their funding from foreign sources to protect their nationalist standing. In some state governments that use proportional representation, NGO representatives have been appointed to as much as one-third of their executive council positions.

In its policy making, the government ignores NGOs that are committed to advocacy

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and systemic change. However, it sometimes consults groups that it regards as useful in solving policy problems. In late 2011, Deputy Minister in the Prime Minister's Department Datuk Liew Vui Keong announced that the select parliamentary committee considering electoral reforms had begun to hold public hearings "where the public, political parties, and non-governmental organizations can give ideas and suggestions on how the system can be improved."¹⁰ The government also consults with Transparency International Malaysia (TI-M). Taking a less confrontational approach than in the past, TI-M appears able to engage regularly with various government agencies, including the Malaysian Anti-Corruption Commission (MACC) and Pemandu's National Key Results Area team.¹¹

Article 10 of the constitution guarantees freedom of expression. However, Article 149 allows the government to restrict the media when it believes that national interest is at stake. The Printing Press and Publications Act (1984), requires all print and electronic media (though not the internet) to obtain annual licenses from the Home Ministry, which allows the government to revoke the licenses if it finds that false news has been maliciously published. Similarly, the Home Ministry can refuse to renew a license, as was the case with *Suara Keadilan*, owned by the PKR, on June 30, 2010. Shortly after, PAS's publication, *Harakah*, was issued a show cause letter by the government, asking why it should be allowed to continue publishing. In late 2011, however, Najib proposed to abolish the requirement for annual license renewal.

Other laws also restrict media independence, including the Sedition Act, the Official Secrets Act (OSA), the Control of Imported Publications Act, and the Broadcast Act. In July 2011, a High Court judge upheld the government's ban on two books, one of which was entitled *I Funny Malaysia*, published by a local political cartoonist, Zulkifli Anwar Ulhaque (aka "Zunar"). The second, a book entitled *The March to Putrajaya*, written by a local columnist associated with the PKR, Yong Thye Chong (aka "Kim Quek"), was banned for "inciting hatred against the constitution." Yong's book had originally been ordered suppressed in September 2010 by Hishammuddin Hussein, the Minister of Home Affairs and Internal Security, for containing "baseless accusations and speculations against national leaders [that] could incite public hatred and anger."¹² Such restrictions extend to foreign publications. In July 2011, censors blacked out parts of a story in *The Economist* over a rally organized by Bersih 2.0.

All mainstream newspapers and broadcast outlets are owned either by the government or by companies linked to Barisan. Most mainstream media outlets practice self-censorship. A government-controlled news agency, Bernama, has exclusive rights to distribute economic data, news photographs, and other material through the print media. The government also resorts to "packaged" media productions that are disseminated through television outlets, especially international ones. According to Sarawak Report, as part of a public relations effort, Malaysia's federal government and Sarawak's chief minister, Taib Mahmud, paid a London-based media firm, Fact Based Communications (FBC), to produce favorable stories for syndication. Takers included BBC World, CNBC, and CNN International. In addition, during an interview with Najib about police tactics during the Bersih 2.0 protest, CNN's host, a former president of FBC Media, was considered to have "lobbed softball questions. FBC also secured a US\$5m per year contract from Taib that "promised to transform his international image."¹³

During Mahathir's prime ministership, libel suits were occasionally mounted against dissidents. In this way, dissidents could be bankrupted, legally preventing them from contesting public office. On November 22, 2010, the UMNO chief minister of Perak, Zambray Abdul Kadir, won a defamation suit that he had mounted against PKR's president, Wan Azizah Wan Ismail, and its deputy president, Syed Husin Ali. The PKR's newspaper, *Suara Keadilan*, claimed that Zambray had been denied a US visa because of suspicions of terrorist activity, which it retracted and apologized for in March. In June 2011, Zambray petitioned to widen the ruling, a suit that he won at the end of November.¹⁴

By contrast, ever since Mahathir pledged to IT firms that the internet would not be

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censored in Malaysia, the government has “hewed grimly” to this policy.¹⁵ It has thus refrained from any systematic use of filtering or blocking. Today, broadband penetration extends to an estimated 4 million of the country’s 6.5 million households. Netizens can freely access YouTube, Facebook, and Twitter, as well as independent local news sites like *Malaysiakini*, *Malaysia Today*, *Malaysia Insider*, and *Malaysia Chronicle*. To be sure, the offices of *Malaysiakini* have occasionally been raided and prominent bloggers, most notably, Raja Petra Kamaruddin, have been briefly arrested and their sites jammed. Yet the books banned by the Home Ministry, remain available on the web. There were no cases during the report year of physical attacks on journalists.

Civil Liberties

Although Malaysia prohibits arbitrary arrest, the Internal Security Act (1960) (ISA), the Emergency (Public Order and Prevention of Crime) Ordinance (1969) (EO), and the Dangerous Drugs (Special Preventive Measures) Act (1985) have long been used by the police to detain citizens indefinitely without trial. The ISA has mainly been invoked against opposition politicians, dissidents, and suspected terrorists. During initial interrogation, detainees have been held in undisclosed places, kept uninformed about the reasons for their arrest, and denied access to legal counsel and family visits. After 60 days, the home minister could issue a renewable two-year detention order, under which detainees have generally been transferred to a central facility at Kamunting in Perak. In 2011, upwards of 40 persons were held under the ISA.¹⁶

Police have invoked the EO in criminal cases, enabling them to detain alleged gangsters and drug lords for an initial 60-day investigation period. The minister of internal security could then order a two-year period of detention, usually at Simpang Renggam in the state of Johor. Islamic state agencies have also ordered persons that they consider apostates to be held in reeducation centers. However, Malaysia does not make use of psychiatric internment or labor camps. In late 2011, the government replaced the ISA, the EO, and other security laws with new legislation described below.

Persons held in detention have routinely been abused. Questioning frequently involves torture. Deaths in police custody are common. Caning and hanging are often meted out as punishments by the courts. For some drug and weapons offenses, the death penalty is mandatory. In Kelantan and Terengganu, states in which PAS forms the mainstay of Pakatan governments, the party has sought to impose the hudud code of punishment, which includes amputation of limbs and stoning. However, the implementation of hudud would require the federal government’s approval, which it has so far refused.

Malaysia’s police effectiveness has been compromised by low salaries and endemic corruption. The police allegedly provide protection for drug trafficking, prostitution, and loan sharking. Malaysia has become a significant destination for forced laborers and sex workers from throughout the region, particularly China and Myanmar. Among the estimated seven million migrant workers in Malaysia, making up 30-50 percent of the country’s labor force, five million appear to be unregistered.¹⁷ Malaysia has not ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights, or the UN Convention against Torture. Migrant workers, trafficked persons, and asylum seekers are thus afforded little official protection. They are also regularly abused by the Malaysian People’s Volunteer Association (RELA), a poorly trained paramilitary force of some 600,000 people who have been recruited by the government to supplement law enforcement. The Immigration Act permits migrants who are arrested to be held for 14 days before being presented to a magistrate. Migrants may then be held indefinitely in the Lenggeng Immigration Detention Center, where they are routinely punished with whippings and forced repatriation.

Citizens who have been abused can seek redress by filing a complaint with

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Suhakam (Human Rights Commission of Malaysia), established by parliament in 1999. Suhakam submits an annual report to parliament, but it has never been debated and recommendations are generally ignored by the government. In October 2010, the Legal Affairs Division in the Prime Minister's Department informed Suhakam that it would develop a National Human Rights Action Plan (NHRAP).¹⁸ But by the end of the reporting period, there appeared to have been no progress.

The police have been effective in containing terrorism in Malaysia, but they have routinely used the ISA and probably torture. A 2007 US Embassy cable revealed reservations about police procedures: "Malaysia's intelligence approach does not focus on developing legally admissible evidence against suspects."¹⁹

Malaysia has ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). There is a high-profile Ministry of Women, Family, and Community Development, led during the reporting period by Sharizat Abdul Jalil. After Najib assumed the prime ministership in April 2009, he appointed 10 women as ministers or deputy ministers. Women also hold top positions in the civil service, most notably, Zeti Akhtar Aziz, governor of the central bank, and Zarinah Anwar, head of the Securities Commission, until her resignation in March 2012. And they find high places in the judiciary, though do not always rule in progressive ways: the High Court judge who upheld the ban against books by Zunar and Kim Quek was Justice Rohaya Yusuf.

By contrast, UMNO and the MCA have nominated few women to contest elections. Women thus typically hold only around 10 percent of the seats in Parliament.²⁰ In private and family life, irrespective of ethnicity or religious community, traditional attitudes usually prevail, with women expected to serve primarily as child bearers and homemakers. These roles are then reinforced among Muslim women by the Shari'a courts which, discriminate grossly against women in family law cases, denying them equal terms in marriage, divorce, and inheritance.

Relatively few women hold high-level executive positions in the country's corporate sector. In the modern workplace, they more usually find low-level employment on the assembly lines of foreign-invested factories. They are, in accordance with custom, made frequently to surrender their earnings to their spouses.

Article 153 of the constitution enshrines the special rights of the Malays (and of other groups designated as indigenous *bumiputra*, meaning "sons of the soil"). These rights are concretized in the NEP and its successor programs. Malay ethnicity has also been privileged through a National Culture Policy. Non-Malays continue to harbor deep resentments over what they perceive as their "second-class" citizenship.

After coming to power, Najib promoted a new shibboleth of "*IMalaysia: People First, Performance Now*," in an effort to build unity among diverse ethnic groups.²¹ The *IMalaysia* concept sought to encourage citizens to think of themselves as Malaysians and only secondarily as members of ethnic communities. Yet within Najib's own party, the aims of *IMalaysia* came under challenge. His deputy, Muhyiddin Yassin, openly queried, "How can I say I am a Malaysian first and a Malay second? It is not wrong for any leader to struggle for the interest of his own race."²² In addition, Nasir Safar, a special advisor to Najib, reportedly suggested during a seminar held in Malacca entitled "Rapat *IMalaysia*" that the Chinese and Indians were mere immigrants (*pendatang*) and that Chinese women had originally come to Malaysia for the "flesh trade" (*jual tubuh*).²³ *Merdeka Review* polling revealed that most non-Malays dismissed the *IMalaysia* campaign as a "gimmick."²⁴

In January 2010, Najib unveiled the Government Transformation Program (GTP). A key aim has been to improve the quality of public services delivered to all Malaysians, irrespective of ethnic and religious affiliation.²⁵ In March, Najib lent yet more institutional scaffolding to his initiatives, unveiling what was hailed as the New Economic Model (NEM). While assuring the Malays that their special rights would be protected, the program also stressed the importance of adopting more merit-based strategies for economic growth. Further, in order to aid citizens who lagged behind, the

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NEM advocated new welfare distributions. These were to be determined, however, on the basis of need, rather than ethnic affiliation, an approach that even if mostly benefiting the poorer Malay community, was roundly applauded by the non-Malays.

Najib's efforts, even more than Abdullah's before him, amounted to a bold attempt to promote greater equity across ethnic communities and perhaps social classes. He drew a sharp backlash, however, from elements within the UMNO and the broader Malay community. A summit meeting, the Bumiputra Economic Congress, was organized in May 2010 by the Malay Consultative Council (MCC), an association involving many dozens of Malay NGOs. It criticized the NEM openly, demanding that Najib remain attuned to the Malay community's special rights. The MCC was anchored by Perkasa (Pertubuhan Pribumi Perkasa, Indigenous Empowerment Organization), an NGO formed after Barisan's electoral setback in 2008. Ibrahim Ali, Perkasa's leader, delivered a memorandum to Najib, reminding the prime minister of the continuing need for quotas favoring the Malays. In giving his address, Najib appeared to yield, inviting the Malay Consultative Council to participate in his government's authoring of the NEM, ensuring that reforms would now slow.

In June 2010, the deputy education minister, Wee Ka Siong, questioned the awarding of government scholarships to *bumiputra* through MARA (Majlis Amanah Rakyat), a key NEP agency, since the 1970s. Perkasa responded by demanding that the deputy minister be detained under the ISA.²⁶ Further, in 2011, Wee bemoaned the denial of scholarships to students attending private schools which, in catering overwhelmingly to the Chinese or Indians, teach in these communities' respective vernaculars of Mandarin and Tamil. Perkasa's secretary general, Syed Hassan Syed Ali, stated bluntly that "parents who don't trust the nation's school system and send their children to vernacular schools should not ask for scholarships from the government."²⁷

Disabled people (OKU, orang kurang upaya) are consulted over building plans to ensure that "OKU-friendly" features are included. In early December 2011, Sharizat, the Minister of Women, Family, and Community Development, ordered local authorities to appoint at least one disabled person to their planning and development committees. In Selangor, some disabled persons have served as local councilors. Anthony Thanasayan, for example, serves in municipal council of Petaling Jaya. At the end of the reporting period, some 331,606 disabled persons and registered with the Social Welfare Department.²⁸

The Malaysian constitution guarantees freedom of religion, yet specifies Islam as the country's sole official religion. Further, while Muslims may proselytize among non-Muslims, the latter are forbidden by Article 11(4) of the constitution to do the same among Muslims. In addition, attempts by non-Muslims to build new places of worship frequently encounter bureaucratic obstruction. They complain frequently of "creeping Islamization." This trend, traceable to the 1970s, has been mainly advanced by the federal government's Department of Islamic Development Malaysia (JAKIM), the Selangor Islamic Religion Department (JAIS), and the country's Syari'a courts. In consequence, a US Embassy cable described "the widely and deeply held [view] among non-Malay non-Muslims that the government is antagonistic toward other religions and is engaged in a long-term effort to expand Islam's primacy in Malaysian society."²⁹ During the period under review, a number of incidents reinforced these perceptions.

In August 2009, just four months after Najib had come to power, Malaysia was rocked by the "cow head incident." After a proposal was made to erect a Hindu temple in Shah Alam, the state capital of Selangor, a group of Muslim activists retaliated by parading the severed head of a cow through the city's streets.³⁰ They concluded their procession by stamping on the cow's head, then tossing it against the wall of a government office building. Hishammuddin, the home minister, further inflamed the Indian community by appealing to the public to empathize with the frustrations of the Malays. But so great was the outcry that the government eventually brought charges against 24 of the activists for illegal assembly, though afterward dropped half the cases.

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Relations between Muslims and Christians also worsened. In December 2009, the High Court of Malaysia ruled that *The Herald*, a weekly Catholic magazine, was permitted to use the word “Allah” in referring to God, rescinding a ban on use of the term by non-Muslims.³¹ Muslim activists were outraged, precipitating attacks on at least nine Christian churches. Najib followed up by offering \$149,000 for repairs to a church in Kuala Lumpur, Metro Tabernacle Church, which had been firebombed. But as a local analyst observed, it will take “more than cash handouts to repair the damage the attacks have had on the credibility of his administration.”³²

In August 2011, JAIS officials raided a thanksgiving dinner at the Damansara Utama Methodist Church near Kuala Lumpur, claiming that some in attendance had been proselytizing among Muslims. The Sultan of Selangor intervened, stating there was not enough evidence for prosecution. But a new organization, Himpun (Himpunan Sejuta Umat, Congregation of a Million), led by Mohammad Azmi Abdul Hamid, emerged to “save and protect” Islam against what its members insist is a crisis in the conversion of Muslims to Christianity. Through fiery pronouncements and rallies, it has warned against evangelism and apostasy. An UMNO deputy minister in the Prime Minister’s Department, Ahmad Maslan, then stated in late November 2011 that “Islam would be ‘lost’ if the opposition gained seats in the next election.” He declared members of the DAP to be “agents of Christianization,” raising suspicions that UMNO was seeking to shore up Malay voter support through Christian-baiting.³³

Malaysia’s constitution guarantees freedom of association. But the Police Act (1967) required until amendments were made that groups of more than five persons obtain permits before gathering, which were usually denied. In 2007, Bersih (a Malay acronym meaning Coalition for Clean and Fair Elections, but spelling clean), an umbrella organization for some 62 NGOs, organized a protest involving 40,000 persons in support of electoral reforms, widely seen to have precipitated the government’s setback in the following year.

In July 2011, the coalition renewed itself as Bersih 2.0, articulating the demands enumerated above. Bersih 2.0’s 14-member Steering Committee, chaired now by Ambiga Sreenevasan, a former Bar Council president and recipient of an International Women of Courage Award from the US State Department, prepared to hold a major rally, billed as a “Walk for Democracy”, in early July 2011. After meeting with the king and negotiating with the police, Bersih 2.0 leaders believed that they had obtained permission to stage the event in Kuala Lumpur’s Merdeka Stadium. But the police then reneged. At the same time, Bersih came under severe criticism from various nativist Malay groups, with threats of violence and counterdemonstrations.³⁴ In particular, the Perkasa leader, Ibrahim Ali, threatened in June to hold a counterdemonstration, warning darkly that “there will be a clash. If that happens, so much the better.”³⁵ At the end of the month, the police used the EO to arrest 30 members of the Socialist Party of Malaysia (PSM) who had been promoting the Bersih 2.0 rally. The police claimed that the PSM members had possessed “subversive materials” and were seeking to overthrow the king.

On July 1, Hishammuddin ruled that under the Police Act Bersih 2.0 was illegal. The police then conducted a preemptive sweep that they labeled “Operation Erase Bersih,” arresting approximately 250 people. Even so, the Bersih 2.0 rally went ahead on July 9, attracting 10-20,000 persons. The police reacted with unusual ferocity, making heavy use of tear gas and water cannons, beating protesters, and arresting nearly 1700. Hishammuddin commended the police for remaining “brave, fair, and prudent.”³⁶ The government denounced Bersih 2.0 as a “front for Anwar.”

The police were loudly condemned for their violent tactics, which caused support for Pakatan to swell.³⁷ In response, on September 15, 2011, the eve of Malaysia Day and independence celebrations, Najib declared that the Police Act, the ISA, and the EO would be replaced by new legislation. The Printing Presses and Publishing Act, requiring annual printing licenses, would also be revised.

These security laws were repealed by parliament in late November. The Peaceful

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Assembly Bill was tabled shortly afterward, affirming that civil society organizations would no longer need permits from the police when holding demonstrations in designated areas, and that police would require 10 days notice in other areas. Further, under no conditions could demonstrations be held within 50 meters of various facilities, including schools and places of worship, nor would street processions be allowed. Activists who had cautiously welcomed the Pre-Merdeka Day announcement now demanded that the Peaceful Assembly Bill be rejected. But with Barisan holding large parliamentary majorities, the bill was passed by both houses of parliament near the end of the reporting period.

Meanwhile, new laws to replace the ISA and the EO were tabled until the next parliamentary session, scheduled for early 2012. The government vowed to preserve the principle of preventive detention, but ostensibly only in targeting terrorists, and that new legislation would “ensure that basic human rights [were] protected.”³⁸ The US Patriot Act and various UK anti-terrorist measures were cited as possible models.

However, despite the government’s pledging to repeal the ISA, it made use of the law on November 14-15, arresting upwards of 14 people in Sabah’s port area of Tawau. The police claimed that the group were “militants,” members of the Abu Omar or Kaltim group, based in Indonesia’s neighboring state of East Kalimantan and engaged in transporting terrorists and weapons between Borneo and the Philippines. The deputy Asia director of Human Rights Watch, Phil Robertson, stated that “the detention ... under the ISA shows that it’s still business as usual in Malaysia when it comes to trampling on suspects’ basic rights.”³⁹

In April 2012, parliament replaced the ISA with the Security Offences (Special Measures) Act (SOSM), limiting initial periods of detention to 28 days, after which suspects must be charged or released. In addition, persons would not be detained for political beliefs, nor would they be denied legal representation. While seemingly an improvement over the ISA, observers noted that those who were charged but acquitted in court could still be held indefinitely while the government mounted an appeal.⁴⁰ In the same session, parliament passed amendments to the Penal Code, the Criminal Procedure Code and the Evidence Act that some observers found worrying, including severe punishments meted out for any “activity detrimental to parliamentary democracy.”⁴¹

The Printing Presses and Publications Act was also revised in ways that removed the requirement for annual licensing. The reforms may have been prompted by embarrassment over the government’s censoring *The Economist*’s report of the Bersih 2.0 rally. In assessing the amendments when first proposed, however, the Center for Independent Journalism contended that little would change, for the Home Minister would retain the power to grant or revoke licenses.⁴² But in its final form, as adopted by parliament in April 2012, the Printing Presses and Publications (Amendment) Act permitted publishers to challenge the minister’s decisions in court. On the hand, the government made no mention of repealing or amending the Sedition Act or the OSA.

In late October 2011, the Court of Appeal ruled in a case brought by four students from the National University of Malaysia that the University and University Colleges Act 1971 (UUCA), which bars students from joining any political organizations, violated constitutional guarantees of expression.⁴³ Najib announced in October that the UUCA would be amended because “the government believes in the maturity and wisdom of our students and respects their constitutional rights... This will allow students to...become members of political parties.”⁴⁴

This new tolerance did not extend, however, to members of the gay, lesbian, and transgender communities. A festival christened as “Queer without Fear”, scheduled to be held by Seksualiti Merdeka (Sexual Liberation) during the first two weeks of November 2011, incurred a police “blanket ban.”⁴⁵ Organized by activists and artists, the festival had been held annually since 2008. Its events in 2011 involved sundry forums and workshops, one of which, entitled “Nine to Five: Sexuality Rights in the Workplace,” was staged in the Annexe Gallery of Pasar Seni (the former Central Market) in order to

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educate participants on how to “manage their gender identity” while on the job. With 20-30 police arriving to confront an equal number of workshop participants, the festival was abandoned. Perkasa responded, however, by mounting a protest at the National Mosque where it denounced Ambiga as the “antichrist” and demanded her arrest under the ISA.⁴⁶

Trade unions are formally permitted to organize, with the Malaysian Trades Union Congress (MTUC) serving as an umbrella organization representing 500,000 workers. However, only in-house unions can be organized in the country’s free-trade zones. Strike actions are tightly regulated. During the report period, with Malaysia’s economy slowing, there was little evidence of increased union activity. In November 2011, the High Court reaffirmed the immunity of trade unions to defamation suits under the Trade Unions Act (1959), striking out a complaint filed against the National Union of Bank Employees (NUBE) and its general secretary, J Sandagran Solomon, by the largely state-owned Malayan Banking (Maybank). The plaintiff had alleged that Solomon had published defamatory statements on the union’s website about senior managers using funds for their own benefit in disregard for employees.⁴⁷

Finally, though outside the reporting period, it bears noting that in reacting to the many reforms over political freedoms and civil liberties that it perceived as inadequate, especially the parliamentary recommendations over elections, Bersih leaders called for another public protest in late April 2012. Labeled Bersih 3.0, the protest drew tens of thousands of marchers, sparking new levels of violent confrontation with police. The government responded by charging Anwar and two PKR leaders for having violated the new Peaceful Assembly Act and the amended Penal Code, posing implications for the coming election.⁴⁸

Rule of Law

Malaysia’s superior courts consist of the Federal Court, the Court of Appeal, the High Court of Malaya, and the High Court of Sabah and Sarawak. The independence of the judiciary and the fairness of appointments, promotion, and removal have been in doubt since the late 1980s when top judges were ousted in a highly politicized episode involving a struggle over control of UMNO. More recently, in 2007, an extraordinary video was posted on the web in which a senior lawyer, V.K. Lingam, was recorded holding a phone conversation with the chief justice of the Federal Court, Ahmad Fairuz, during which they appeared freely to negotiate judicial appointments. In response, Abdullah set up a Judicial Appointments Commission (JAC) as part of his “integrity agenda.” However, this panel was empowered only to make recommendations to the prime minister, who was not obliged to accept them. The JAC has gained little profile during the review period, precluding any real assessment of its effectiveness. In addition, the Attorney General’s Chambers is not obliged to state publicly its reasons for commencing or terminating cases. There is no judicial review of legislation.

In ordinary criminal cases, citizens generally receive a fair and public hearing by an impartial tribunal. Prosecutors in these cases appear also to be free of political manipulations.⁴⁹ An assumption of innocence prevails. Indigent suspects can qualify for free legal aid through the Legal Aid Center, operated by the Malaysian Bar Council. However, before suspects appear in court, they are often interrogated harshly by police.

Although civilian supremacy prevails, the government has relied heavily on the police for political support. This has given the police leverage with which to resist proposed reforms, most notably, the formation of any independent police complaints commission. In response to public pressure the government formed the Enforcement Agencies Integrity Commission (EAIC) in June 2009 to investigate complaints against law enforcement officials. However, it can only make recommendations to the Attorney General, rather than prosecute independently. Further, its wide brief, encompassing 21 agencies, has diluted serious scrutiny of police behaviors. By contrast, there is little

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evidence that the military resists civilian control or meddles in policy making.

Due process is shaky in political cases. In July 2008, Anwar was again charged with sexual misconduct. Under Malaysian law, the prosecution was not permitted when preparing its case to obtain DNA samples without Anwar's consent. Parliament responded by passing a new law to change this. The High Court judge presiding over Anwar's case, Mohamed Zabidin Mohamed Ziah, at first refused to apply the new law retroactively. However, when asked by a prosecution lawyer to reverse himself, Zabidin did so, allowing Anwar's covertly gathered DNA to be used as evidence.⁵⁰ Zabidin ultimately ruled Anwar not guilty, largely because of doubts over the DNA sample.

Private property is reasonably well protected for most citizens. Ordinary commercial contracts and bankruptcy laws are enforced, while bank loans and state contracts are usually only rescinded in response to political conflict. Malaysia is ranked well above the Philippines and Indonesia (though alongside Thailand and below Singapore) on a key property rights index.⁵¹ But as recounted above, NEP's quotas on equity ownership have systematically favored *bumiputra* over other communities. In addition, though comprehensive statutes protecting intellectual property rights are in place, they are unevenly enforced. Pirated products are readily available in Malaysia. Similarly, legislation protecting the traditional landowning rights of indigenous people is frequently ignored by state governments and allied oil companies, logging firms, and plantation developers, especially in Sabah and Sarawak.

Anticorruption and Transparency

In September 2010, Najib unveiled the Economic Transformation Program (ETP), which aimed to double Malaysia's Gross National Income per capita to US\$15,000 by 2020.⁵² According to the program's managing agency, Pemandu, US\$444 billion worth of investments are anticipated over the next decade, with 60 percent coming from the private sector, 32 percent from Government-Linked Companies (GLCs), and only 8 percent from the government itself.⁵³ This seemed to acknowledge that state-led industrialization and affirmative action risked hindering the country's continued development. However, the ETP's initial projects involved integrated refinery and petrochemical ventures,⁵⁴ intimating that public funding would remain central to the program's undertaking.

Shortly afterward, the government unveiled the *Tenth Malaysia Plan*, the country's key planning document.⁵⁵ Its provisions revealed that under pressure from groups like Perkasa, the government had backtracked from its liberalizing aims. The document lauded the original NEP for "overcoming past obstacles and driving the national forward economically and socially." It declared that the government "will continue to support Malaysian companies to emerge as regional champions." It vowed also that in advancing the "*Bumiputra* agenda," it would give attention to a "new *Bumiputra* middle class." Further, at the end of 2010, the final installment of the New Economic Model was released, suddenly restoring to prominence the 30 percent quota on *bumiputra* equity ownership. When Najib introduced the budget for 2011 in parliament, new publicly-funded infrastructure projects were signposted as the main drive of economic expansion.

By contrast, the government's tax collection agency, Inland Revenue, is regarded as impartial and efficient. According to the TI-M director, Paul Low, no scope is given for wealthy taxpayers to reduce their liabilities by bribing tax officials.⁵⁶ On the other hand, though cabinet ministers and government MPs are obliged to declare their assets to the Prime Minister, their disclosures are not published. In Selangor, the Pakatan state government also called for Executive Councilors to declare their assets. But this was later scaled back to a requirement that they only declare their salaries. Thus, given the weakness of transparency in Malaysia beneath which so-called "money politics" is

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known to flourish, it cannot be said that public and personal interests are firmly demarcated.

In 2008, Malaysia ratified the UN Convention against Corruption. In late 2009, the Anti-Corruption Agency (ACA) was upgraded to the Malaysian Anti-Corruption Commission (MACC), modeled on Hong Kong's Independent Commission Against Corruption.⁵⁷ Anticorruption also features as one of the GTP's seven National Key Results Areas. On this count, the government has obliged companies participating in the ETP to sign an Integrity Pact. It has begun listing the procurement contracts that it offers. And it has published the names and photographs of convicted offenders. However, while "petty corruption" is now better controlled, "grand corruption" persists with the government still skewing its procurement policies and awarding privatized contracts without open tender.⁵⁸ Consequently, Malaysia's score on the Transparency International Index slipped between 2010 and 2011 from 4.4 to 4.3, while its national ranking fell from 56th to 60th place.⁵⁹ Hence, the country made no progress toward the government's target score of 4.9.

The MACC's appointments are often based on political considerations. Its investigation papers are not made public. It reports directly to the Prime Minister's Department, where it is housed, instead of to parliament. Although it is empowered to investigate, it has no power to prosecute, instead only recommending cases to the Attorney General. The MACC has also been partisan, mainly targeting opposition figures. Indeed, virtually all of the executive council members of the Pakatan government in the key state of Selangor have come under investigation. In July 2009, Teoh Beng Hock, an aide to one of the DAP's state executive councilors, was summoned for late night questioning. He was found dead next day, his body sprawled on the rooftop of a building next to MACC's Selangor state headquarters. In April 2011, a customs assistant director, Ahmad Sarbani Mohamed, was also found dead at the state headquarters after questioning. The public outcry in the Chinese community over Teoh's death led Najib to set up a Royal Commission of Inquiry to investigate the MACC's procedures. In July 2011, the commission announced its findings that Teoh had not been murdered by MACC officials as had been widely suspected, but had instead committed suicide after being subjected to "aggressive, inappropriate" interrogation techniques.⁶⁰

Suaram, a local human rights NGO, hired French lawyers to lodge a complaint with Paris investigators who were examining whether kickbacks had been paid to French politicians after the sale to Malaysia in 2002 of Scorpene Class submarines by DCNS, a French naval defense company. Suaram focused attention on a payment of 114m euros to Perimekar Sdn Bhd, a subsidiary of a firm associated with the wife of Abdul Razak Baginda, a former aide to Najib, serving as defense minister at the time. As investigators made progress, a French lawyer, William Bourdon, travelled to Malaysia to brief Suaram. The government, however, detained Bourdon and forcibly repatriated him. The MACC refused to take up the case, contending that the large commission was legitimate payment for services.⁶¹

The MACC also delayed in investigating a more recent case involving Sharizat, the Minister for Women, Welfare, and Community Development. A large government contract was awarded to the National Feedlot Corporation, a company run by her family members, to start up a livestock industry in Malaysia. The contract was accompanied by a US\$80 million loan, some of which was revealed to have been spent on luxury condominiums in Kuala Lumpur and Singapore, generating a scandal that was suitably dubbed "Cowgate." In December 2011, the MACC's chairman, Abu Kassim, explained his agency's inaction over the case, dismissing it as an abuse of a public loan, not any abuse of public authority, rendering it a matter for the police.⁶² Even so, it was later announced that Sharizat's position as a senator would be left to lapse in mid-2012, thus removing her from the cabinet.

In partial contrast, the MACC finally agreed to begin investigating Taib Mahmud, the chief minister of Sarawak, in June 2011, two months after the state election. However,

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the MACC, though having received many documented complaints from TI-M, Sarawak Report, and various opposition parties over time, only took up the case after authorities in Switzerland had begun to do so, with the Swiss president having been alerted by Sarawak Report and the Swiss-based Bruno Manser Fund of Taib's holding assets in the country.⁶³

In addition, charges were brought against two former MCA transport ministers, Ling Liong Sik and Chan Kong Choy, who had led a government team in collaborating with a Dubai firm in developing the Port Klang Free Trade Zone (PKFTZ), a major commercial and industrial site next to Malaysia's principal port.⁶⁴ In 2007, the Dubai firm pulled out, citing political interference. The parliamentary Public Accounts Committee (PAC), after discovering extraordinary cost overruns, recommended that the MACC investigate. The police and an independent auditor were also called in. Ling was then charged in July 2010 with having cheated the government over land acquisitions. His case was transferred to the High Court for trial. Chan was charged in Sessions Court in late February 2011 with having deceived Prime Minister Abdullah in order to gain approvals. Both Ling and Chan have pleaded not guilty. Repeated applications for postponement have delayed proceedings, however, preventing any outcome by the end of the reporting period.

In December 2010, the former UMNO chief minister of Selangor, Mohd Khir Toyo, was charged with having corruptly obtained property in the state. Specifically, he was alleged to have purchased property at half the market rate from a corporate director with whom the state had dealings. Khir Toyo was convicted by the Shah Alam High Court a year later and sentenced to 12 months imprisonment, though released pending appeal. Khir Toyo claimed that federal ministers had pressured the court to convict him as they viewed it as necessary to Barisan's regaining public favor in Selangor before the next election.⁶⁵

Malaysia has an Auditor-General's Office and a Public Complaints Bureau. Although these agencies are generally regarded as neither effective nor neutral,⁶⁶ it was an Auditor-General's report issued in 2011 that first divulged the National Feedlot Corporation's misspending. In addition, the Public Accounts Committee (PAC), while under the chairmanship of an independent-minded UMNO parliamentarian, Shahrir Samad, during Abdullah's tenure, was credited with trying to scrutinize government expenditures closely. Since Shahrir's resignation as PAC chair in 2008, the body is perceived to have lost vigor. It did, however, begin investigation of the PKFTZ's cost overruns.

Transparency is weakened by the annual budget process, with the government submitting a document whose great length and complexity are beyond the resources of the opposition to scrutinize closely. More generally, the government fails to publish detailed and accurate accounting of its procedures. Indeed, large amounts of revenue and public spending remain off budget. The national oil company, Petronas, the source of much of this revenue, is ensconced in the Prime Minister's Department, insulating it from parliamentary oversight.

The work of anticorruption bodies is seldom taken up by the mainstream media. Anticorruption activists and investigators who make government documents public risk stiff penalties under the OSA. The federal government has adopted a whistleblower protection law, but it is widely dismissed as ineffective.⁶⁷ Attempts by opposition politicians to meet with top officers in the MACC are usually rebuffed. Malaysia has no freedom of information law.

Appointments to top administrative positions in the country's universities are often awarded to UMNO loyalists.⁶⁸ However, while admissions have also been skewed historically to favor bumiputra students, there is no evidence that bribery is involved in obtaining places or grade results. Further, though non-Malay applicants may suffer discrimination in the awarding of scholarships, Malays appear not to, with even the children of PAS officials receiving assistance from Petronas, for example, to support their degree programs in petroleum engineering, sometimes in international institutions.

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Finally, as Malaysia's economy has grown, it is in transition from its role as a recipient of overseas developmental assistance (ODA) to that of a modest provider. There is no evidence that the administration and distribution of what ODA it does still receive, principally from Japan, that systematic corruption takes place.

RECOMMENDATIONS

- The Election Commission should be made independent.
- Regulations on campaign contributions should be introduced and those on expenditures more rigorously enforced.
- Malaysia's human rights commission, Suhakam, should be made independent and its annual reports should be debated in parliament.
- Ambiguities in the Peaceful Assembly Act should be removed by distinguishing clearly between legal and illegal protest
- Preventive detention should be abolished.
- The Malaysian People's Volunteer Association (RELA) should be disbanded.
- The Shari'a courts should be encouraged to rule in ways that more broadly respect gender equality.
- "Reeducation" facilities operated by state Islamic agencies should be closed.
- The Judicial Appointments Commission should be made independent of the executive.
- The Malaysian Anti-Corruption Commission (MACC) should be given independent powers of prosecution (currently, it has to seek approval from the AG's office); its interrogation techniques should be rigorously monitored; and its investigation papers should be made public.
- The whistleblower protection law should be strengthened by forming an agency that guards against retaliation
- A freedom of information law should be passed.
- The Official Secrets Act (OSA) should be amended.
- Police hiring standards and pay levels should be greatly increased; the Enforcement Agencies Integrity Commission (EAIC) should be revised so that it focuses solely on the police.
- Registration of political parties should be made easier.
- Licenses to publish newspapers should be liberalized and there should not be any need to renew these licenses (Printing Presses and Publications Act should be amended accordingly)

¹ Department of Statistics, Malaysia, at http://www.statistics.gov.my/portal/index.php?option=com_content&view=article&id=1215%3Apopulation-distribution-and-basic-demographic-characteristic-report-population-and-housing-census-malaysia-2010-updated-2972011&catid=130%3Apopulation-distribution-and-basic-demographic-characteristic-report-population-and-housing-census-malaysia-2010&lang=en.

² Aidila Razak, "Donations to Politicians' Accounts 'Unacceptable,'" *Malaysiakini*, Dec. 22, 2011, <http://www.malaysiakini.com/news/184798>.

³ Anil Netto, "Najib Eyes Election, Vote Doubts Rise," *Asia Times*, March 15, 2012, [http://www.atimes.com/atimes/Southeast Asia/NC15Ae01.html](http://www.atimes.com/atimes/Southeast%20Asia/NC15Ae01.html).

⁴ William Case, *Executive Accountability in Southeast Asia: The Role of Legislatures in New Democracies and Under Electoral Authoritarianism, Policy Studies 57*. (Honolulu: East-West Center, 2011).

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⁵ Harold Crouch, *Government and Society in Malaysia*. (Ithaca, N.Y.: Cornell University Press 1996), 137.

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¹³ "Malaysian PR Move Backfires," *Asia Sentinel*, Aug. 11, 2011, at

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¹⁴ Lisa Goh, "Zambry Wins on Two Fronts," *The Star*, December 1, 2011, 16.

¹⁵ *Ibid.*

¹⁶ Anil Netto and Simon Roughneen, "Najib Punts on Legal Change," *Asia Times*, Sept.

17, 2011, at http://www.atimes.com/atimes/Southeast_Asia/MI17Ae01.html.

¹⁷ *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination* (Paris/Selangor: Federation Internationale des Ligues des Droit de L'Homme (FIDH) and Suara Rakyat Malaysia (SUARAM), 2008). However, during the reporting period, the Home Ministry carried out biometric registration of some 2,040,709 legal and illegal foreign workers through what was labeled the "6P" program. See "Over 2 Million Foreigners Registered Under 6P Programme: Hishammuddin", *Malaysia Today*, Aug. 19, 2011,

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¹⁸ "Malaysia: Progress Toward National Human Rights Action Plan," *Asia Pacific Forum*, March 31, 2011,

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⁶² Kim Quek, "Cowgate: MACC Blind to Corruption," *Malaysiakini* Dec. 15, 2011, <http://www.malaysiakini.com/news/184219>.

⁶³ "Malaysia's Anti-Corruption Cops Go After Sarawak Chief Minister," *Asia Sentinel*, June 12, 2011, http://www.asiasentinel.com/index.php?option=com_content&task=view&id=3247&Item

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⁶⁴ Pauline Ng, "M'sian Ex-minister Charged Over Port Scandal," *Business Times* (Singapore), July 30, 2010, [http://www.businesstimes.com.sg/sub/new ... 85,00.html](http://www.businesstimes.com.sg/sub/new...85,00.html).

⁶⁵ Hafiz Yatim, "Ex-MB Khir Toyo Jailed 12 Months for Corruption," *Malaysiakini*, Dec. 23, 2011, at <http://www.malaysiakini.com/news/184842>.

⁶⁶ Noor Alam Siddiquee, "Paradoxes of Public Accountability in Malaysia: Control Mechanisms and Their Limitations," *International Public Management Review* 7, no. 2 (2006): 43-64.

⁶⁷ It is noteworthy, however, that the Pakatan governments in Selangor and Penang have each introduced a Freedom of Information Act.

⁶⁸ A clear exception is the new Vice Chancellor of University of Malaya, Tan Sri Ghauth Jasmon. See "UM Was Never Good", *The Malay Mail*, 11 September 2012, at <http://www.mmail.com.my/story/um-was-never-good>,