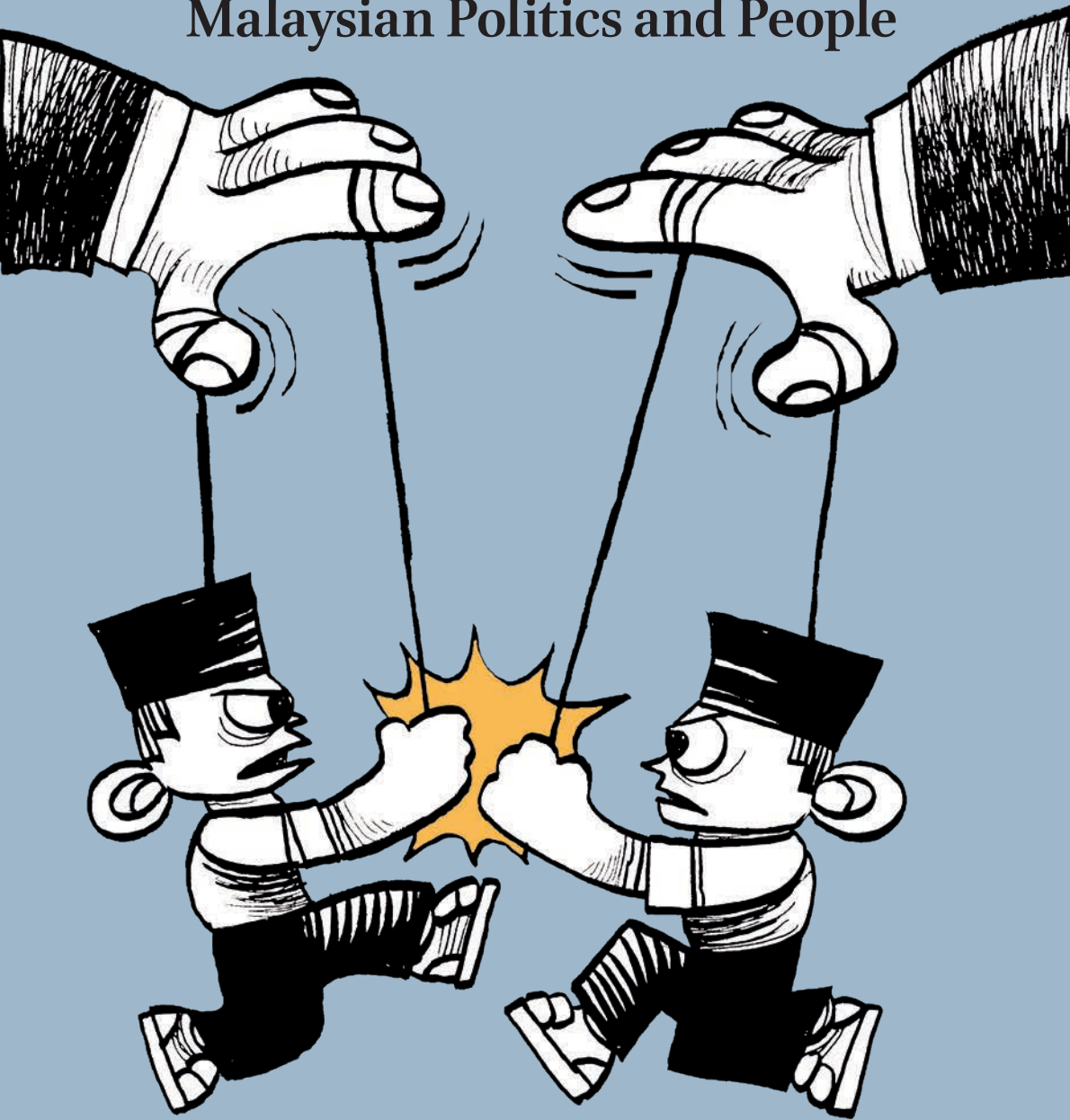


Edited by Sophie Lemière

Illusions of Democracy

Malaysian Politics and People



Amsterdam
University
Press

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AMSTERDAM UNIVERSITY PRESS

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*Edited by
Sophie Lemièr*

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Originally published by the Strategic Information and Research Development Centre, 2017
© 2017 by Sophie Lemièrè

Cover illustration: Janice Cheong

Cover design: Coördesign, Leiden

Layout: Janice Cheong

ISBN 978 94 6298 988 7

e-ISBN 978 90 4854 266 6 (pdf)

DOI 10.5117/9789462989887

NUR 754

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Foreword

Contemporary Malaysia is a society in ferment. For years, the country has been led by the Barisan Nasional, a political coalition anchored by the United Malays National Organisation (UMNO). Once believed to be unassailable, in the March 2008 general election the Malaysian opposition managed to deny Barisan its hitherto customary two-thirds parliamentary majority while also prying several state governments from its control. The momentum of the opposition's electoral success carried over into the 2013 election, when they inflicted a major blow on the incumbent coalition by winning the majority vote, even if the latter still managed to retain power by way of the first-past-the-post parliamentary process.

As the country stands at the cusp of another impending general election (due by mid-2018), a major financial scandal involving 1MDB, a state-owned strategic investment company, threatens to further undermine the credibility and legitimacy of the prime minister and president of UMNO, Najib Tun Razak. At the same time, civil society has become increasingly active – and agitated – as they engage the state on a raft of issues ranging from defence of the sacrosanct principle of Malay-Muslim dominance, implementation of Islamic strictures, freedom of worship for followers of minority religions, corruption and nepotism, indigenous rights of residents of East Malaysia as encapsulated in the '20 point' and '18 point' agreement documents signed between the state governments of Sabah and Sarawak and the Malaysian federal government, the gathering pace of environmental degradation, and the list goes on. While many of these issues are hardly new, the way they have unfolded in the post-Mahathir era has hastened academic and public discourse concerning them. More importantly, these issues have given rise to new research agendas in Malaysian studies. Indeed, the breadth of this new research agenda is reflected in the work of a new generation of scholars and 'Malaysianists', and finds expression in recent published scholarship covering the nexus between Islamic finance and politics, Islamist pop culture, the reframing of identity and nationalism among East Malaysians, environmental politics, the increasing prominence of *ulama* in everyday politics, and (un)civil activism.

In compiling a sample of this new scholarship in this present volume, Sophie Lemièrè, herself among the new generation of scholars to watch, has

done us a great service. Provocatively titled *Illusions of Democracy*, the essays cast light on the ambiguity and contestations that have in recent years come to define politics in Malaysia, especially in relation to issues that hitherto have not been subject to much scholarly attention or analytical scrutiny. In so doing, the volume constitutes an important collection of essays that makes a timely and original contribution to our understanding of the enigma of Malaysian politics. At this particularly crucial juncture of the country's history, the trenchant analysis provided in these essays deserves our closest attention.

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Acknowledgments

This book is the collective effort of the authors themselves and the SIRD team and I am really grateful for the professionalism, dedication and patience of each one of them. I would like to warmly thank my colleagues and friends who have accepted to review, comment on and discuss each part of this volume: Laura Seelkpf, Nedra Cherif, Karen Bryner, George Fahmi, Mauro Lanati, Paul Bauer, Tine Gade, Louise De Neve, Roel Frakking, Stefano Marcuzzi and Jérémie Molho.

I am very grateful to my mentor and friend Olivier Roy, Professor at the European University, Brigid Laffan, director of the Robert Schuman Centre for Advanced Studies and Karin Tilmans, director of the Max Weber Program at the EUI who have provided me with the financial means and the dynamic intellectual environment I needed to pursue my research in general and this project in particular.

Finally, I would like to dedicate this modest contribution to Malaysian studies to Joel S. Kahn and Cheah Boon Kheng, whose work has inspired, and will continue to inspire, generations of young students, and scholars.

Introduction

Illusions of Malaysia: Failed Democracy or Successful Authoritarianism?

Spring is coming?

Since 2011, Spring is without fail associated with revolution, people power and democracy. In Malaysia, Spring has no meaning, neither climatically nor politically. Abdullah Badawi was a hope for change, as was Najib Razak with his calls for transformation and reform. Yet, despite their pledges for further democratisation, liberalisation and transformation, *Reformasi*, yet alone *Revolusi*, is yet to come.

When reading the website of the Prime Minister's Office, especially the page describing the Government Transformation Programme (GTP),¹ two things are immediately noticeable: the word *rakyat* appears as often as acronyms (the Malaysian government loves acronyms). After reading the summary we learn that Malaysia is, more than anything, a 'rakyat-crazy'. The semantic trick used here is to symbolically echo another word that is more often used by the opposition than by the government: Democracy. Demo-crazy is simply defined by the power of the people (*demos* – people, *kratos* – power): in Malaysia, elections have been organised since before independence and institutions were created to represent the people's will. Elections are one of the first parameters to determine the level of freedom existing in a country. International organisations and institutions, that

¹ http://gtp.pemandu.gov.my/gtp/About_GTP-@-GTP_Overview.aspx. Accessed on 21 May 2017.

have de facto a quasi-monopoly in determining which country is – and which country is not – a democracy, look essentially at three elements: elections, civil society and institutions. Malaysia has them all. Yet, Malaysia is rarely called a democracy, but an illiberal democracy, young democracy or competitive or electoral authoritarian state. Most observers, analysts or researchers are puzzled by the nature of this political hybrid. Over the last few months and with the increase in political and financial scandals, Malaysia's system of governance has appeared more than ever as a non-democracy.

Malaysia is a country where a clown is a threat; a threat to a political farce. A country in which freedom of expression is constrained by the manipulation and abuse of the law by the ruler² cannot be called a democracy.³ Some would argue that Malaysia's march towards democracy is reversing, others that the process of development of democracy is inhibited.⁴ But was Malaysia ever marching towards democracy? If so, when did the march stop: 1969 after the general election and the ethnic violence leading to the state of emergency? In 1987, with the constitutional crisis? In 1998, following the failed attempt of *Reformasi* and the sacking of Anwar Ibrahim? Has Malaysia only recently become an authoritarian State, or was it always one?

State regimes evolve. The turn made by Turkey had not been predicted by most scholars, even if the re-examination of contemporary political history certainly leads to a reconstruction of the narrative, and hindsight exposes the signs that were not seen. As shown by Dan Slater, Thomas Pepinsky, Marina Ottaway and Norani Othman, the Malaysian authoritarian system did not fail in spite of the emergence of contentious politics, civil society and a new middle class, nor because of the Asian crisis; as it did in Indonesia, for example. The democratic institutions exist, the first elections occurred before independence in 1957, but the authoritarian system persists. As such, Malaysia qualifies as a semi-authoritarian regime. As Marina Ottaway writes:

² <http://www.themalaymailonline.com/what-you-think/article/freedom-of-speech-and-expression-must-be-resolutely-protected-george-varugh>

³ <https://www.hrw.org/report/2016/10/12/deepening-culture-fear/criminalization-peaceful-expression-malaysia>. And see also <https://freedomhouse.org/report/freedom-press/2015/malaysia>. Accessed on 10 July 2017.

⁴ Read the very interesting contribution of Mavis Puthucheary in Puthucheary and Norani (2005).

They (semi-authoritarian regimes) are ambiguous systems that combine rhetorical acceptance of liberal democracy, the existence of some formal democratic institutions, and respect for a limited sphere of civil and political liberties with essentially illiberal or even authoritarian traits. This ambiguous character, furthermore, is deliberate. Semi-authoritarian systems are not imperfect democracies struggling toward improvement and consolidation but regimes determined to maintain the appearance of democracy without exposing themselves to the political risks that free competition entails. Semi-authoritarian regimes are political hybrids. They allow little real competition for power, thus reducing government accountability. However, they leave enough political space for political parties and organisations of civil society to form, and the press to function to some extent, and for some political debate to take place (Ottaway 2003: 3).

According to a recent interview given to British newspaper *The Guardian*, former PM Mahathir Mohamad accepts the idea that the country undertook an authoritarian turn under his rule,⁵ but explains that the extent to which Najib has intensified this turn has been unpredictable. In fact, the switch Mahathir himself has made, from a member of the ruling party to de facto leader of the opposition he had repressed under his rule, is as ‘mind-boggling’ as the amount of money Najib is said to have embezzled. Malaysia is therefore at a cross-roads. The country has become a world attraction since the revelations of the 1MDB case surfaced. The public space for expression is shrinking and pressure on political opposition has become stronger with the emergence of international investigations against the Prime Minister or, shall we say, ‘a key Malaysian leader’? Eyes are on the Malaysian Tiger whose image as a booming economy and young democracy is suffering a severe blow.

When we were compiling the first volume published in 2014, *Misplaced Democracy: Malaysian Politics and People*, we were writing in the aftermath of the 13th general election, at a time when we argued that Malaysia was moving towards a change that was yet to be determined. Three years later, this has been confirmed, but the changes that have occurred are by no means linear: the opposition has become emboldened and new forms of resistance have opened up in the arts and activism, but they have also become more fractious. The government has been plagued by financial crises

⁵ <https://www.theguardian.com/world/2017/jul/06/father-of-modern-malaysia-backs-jailed-former-pm-in-attempt-to-oust-incumbent>. Accessed on 10 July 2017.

and scandals but has been able to maintain its hold on power and draw PAS outside of the opposition coalition.

With the 14th general election scheduled to be held before 24 June 2018, we have an important opportunity to reflect upon the changes and developments of the last three years and to begin to understand where the country is heading during a period of political turmoil. The horizon is once again open. Could Malaysia fall deeper into authoritarian tendencies, as many worry with the passage of the National Security Council Bill 2015 and the detention of opposition figures and restrictions on their travel? Will the Prime Minister be willing to relinquish power in the event of an opposition electoral victory? Or will change emerge more incrementally? Could an opposition party take power with a radically reformist agenda to democratise Malaysian society or will the elitist tendencies in Malaysian politics continue? Finally, what other forces – be they in the field of foreign policy, the economy, minority & LGBT rights, the environment, education or migration – will shape the future of Malaysia's politics and its people?

This volume is a collective effort and brings together 18 international scholars from Malaysia and abroad to explore and analyse the realities of political and social life in an authoritarian state with democratic illusions, and thus the nature, origins and possible directions of the country, its society, its leaders, and its institutions. Our aim is to give our readers a fresh perspective on contemporary topics based on deep academic and field research. Yet, this book is also intended to bring answers or nurture current debates on Malaysian politics and people to a wide audience beyond research fields and geographic boundaries.

Part One: The (Mis)-Rules of Ethno-Politics

The first part of our volume attacks the topic directly by looking at the rule and misrule of ethno-politics and how the reproduction of ethnic discourse and the institutionalisation of ethnicity and religion under immutable categories have resulted in the sclerosis of the political development in service of the interests of the ruling elite. In our first piece, Lawrence Ross argues that if violence by Malaysia's majority Malays against minority ethnic communities is carried out, as is threatened from time to time, then *silat* martial arts fighters would very likely form the vanguard of the forces executing this violence. For the greater part of the Malay-speaking world, the term '*silat*' encompasses a broad number of hand- and weapon-fighting styles based on stylised movements that hold deep symbolism for

Malay identity. Several of these groups have openly displayed their political allegiance and, through their speeches and actions, have declared themselves ready for para-military activities within the country.

Sophie Lemi re's unique analysis also brings into the picture the political role of *silat* groups but from the fresh perspective of state–society relations, through the original concept of complicit militancy. Sophie looks at the production, perpetuation and exercise of UMNO's rule in particular and authoritarian and semi-authoritarian systems more generally. She believes the answer lies in the definition of complex mechanisms of legitimation and perpetuation of semi-authoritarian power. She explores the fabrication of reality within the Malaysian semi-authoritarian system through the orchestration of illusions, and the manipulations of collective emotions. Sophie contributes to the rare literature highlighting the paradox existing between the common features of democracy; civil society and elections as tools of (semi-)authoritarian power to create an illusion of democracy to the people and the international observers.

Mohd Nazim Ganti Shaari's thought-provoking chapter sets the scene by going back to the roots of Malaysia's governing institutions. In Malaysia, much has been written about the 'traditional elements' that are inherent in the constitution, particularly Malay special privileges, Islam, the role of the Malay Rulers and the Malay language. However, there is one aspect of constitutional identity that looks at the indigenous or autochthonous features of the constitution. When this element is examined with reference to Malaysia's constitutional identity, the common and conventional view provides that the elements constituting the constitutional identity of Malaysia are Islam, the Malay Rulers and Malay elements. Nazim brings new and controversial elements of understanding of the Malaysian power by switching the order of importance of these elements, introducing the idea it is first the Malay Rulers, then Islam and Malay elements that form the constitutional identity of Malaysia.

Amanda Whiting demonstrates precisely how the current government has failed to reform the country's institutions and how the long-standing tolerance and encouragement, by government, of ethno-nationalist politicians and political operatives pervert the law and the institutions of the state for their own ends by invoking a crisis mentality. Her chapter shows that legislative changes have fallen well short of the reforms that have long been demanded by opposition political parties, the Malaysian Bar and civil and political rights campaigners, all of whom have been deeply concerned

about the declining health of Malaysian democracy and the erosion of constitutional governance and the rule of law.

Finally, the sketches of the contour of the Malaysian regime and institutions conclude with Azmil Tayeb's piece. In this captivating chapter the management of Islamic education in Malaysia is used as the focal point to analyse the currently overbearing presence of the federal government. Federalism, as a governing concept, makes pragmatic sense in a country such as Malaysia where there have been in existence historically autonomous kingdoms and colonies with their own local bases of power and unique traditions. Nevertheless, the type of federalism practised in Malaysia is not evenly balanced and is heavily skewed towards the domineering federal government in Putrajaya and Kuala Lumpur.

Part Two: The Local Scene and the International Game

This second part is a genuine reflection on the place of Malaysia in the international system. The decreasing internal legitimacy of Malaysian ruling coalition Barisan Nasional has tempted governments to make greater use of diplomatic tools in the service of Malaysian internal policies since the 1990s. As such, the coherence of the Middle Way sought by Malaysia on the international scene has been hindered by contradictory foreign policy moves designed to serve domestic purposes. Also, the evolution of the international context and the emergence of a new designated global threat, 'ISIS', have definitely impacted local society and the dynamics of power.

Alessandro Uras's piece intensively focuses on Malaysia's ambition in the South China Sea. Since the second half of the 1990s the government has tried to develop a political strategy capable of protecting both its strategic interests in the South China Sea and its economic ties with the People's Republic of China. The desire to balance the strategic and the economic realms has prevented the country developing a strong political agenda on the issue, resulting in a progressive loss of incisiveness and influence vis-à-vis Philippines and Vietnam. Alessandro's analysis identifies the main challenges behind the political impasse in Malaysia's South China Sea strategy, considering the historical and legal background of the maritime claims and the development of a multilateral diplomatic framework in the region.

Delphine Allès and Louise Perrodin examine Malaysia's foreign policy since 1957 in an updated and developed version of the chapter featured in our first volume. During the sixty years since independence, Malaysian

foreign policy has fluctuated from alignment to antagonism with the global order, towards a more established middle-power diplomacy. Delphine and Louise precisely show that only the combination of successive decision-makers' idiosyncrasies, domestic constraints and the international context can shed light on the country's apparently wavering diplomatic postures. While foreign policy objectives and methods have fluctuated over time, the search for autonomy has been a recurrent theme in Malaysian foreign policy discourses.

The two following chapters take the concept of *ummah*, the community of Muslims, beyond Malaysia's frontiers and show how this dialogue from local to global is articulated and impacted by the current climate of 'terror' and the politics in the Middle East. Over the past two decades, and dramatically escalating particularly since the outbreak of the Syrian civil war in 2011, Malaysia has been witnessing a growing trend of sectarian hatred and conspiracy theory style suspicion against Shia Muslims. Although 'real' Shias (as opposed to the omnipresent imagined ones) only represent a very small and largely invisible minority, the conviction that their existence gravely endangers the beliefs and unity of Malaysian Muslims, who must be protected from the domestic and global 'Shia threat' by all available means has gained popularity. Dominik Muller brilliantly explains how this discourse of fear and enmity, and the circulation of justifying narratives that go along with it, are constantly reproduced and further intensified by a broad coalition of ideologically like-minded political leaders, the religious bureaucracy, and various Muslim social actors across party-political, educational and other divides.

The normalised conception of Islam as the righteous governing structure, has marked a historical milestone that has shifted cultural meanings and re-defined social structures within the Malaysian state. Moreover, the co-optation of the Islamist opposition and the race between UMNO and PAS over the appropriate implementation of Islamic tenets have normalised a discourse of political contestation vis-à-vis the righteousness of Islamic governance. This, in turn, has shaped the psyche of a new generation. The new generation of *jihadi* recruits for ISIS,⁶ unlike the

⁶ The Islamic State of Iraq and al-Sham (ISIS) is a terrorist group that originated in the organization of Abu Musab al-Zarkawi, an Al-Qaeda member who set up the Iraqi branch of Al-Qaeda (AQI) in 2004. From its early days, the group was infamous for its extreme brutality, often admonished against by Al-Qaeda Central. Throughout the years the group morphed into various forms until, in 2013, withdrew its

older generations, are attracted to the apparent righteousness of the outfit, embodied by the establishment of the Caliphate and the implementation of Shari'a according to the Qur'an and the Hadith. Aida Arosoaie and Mohamed Nawab's captivating chapter doesn't seek to engage in a theological discussion regarding the Caliphate, *Shari'a*, *hudud*, *ummah* or *jihad*, but explores the sociological conundrum posed by the new generation of jihadi recruits in Malaysia. Their chapter highlights the rhetorical consistencies between the main points of contestation between PAS and UMNO, and between the most prevalent concepts in ISIS's discourse.

Part Three: The Voice of the Others

In this part our aim is to bring the 'margins' back to the centre of our attention, highlighting the forgotten people and causes of Malaysian society as crucial elements of analysis for the understanding of the core of the system. The relationship between the state and ethnic, religious or sexual minorities is symptomatic of its malfunctions. The ones who are not seen but do count actively in building Malaysia's society, the ones who – because of their tendency to transcend categories – pose a true political, and sometimes social, challenge to the country. Gerhard Hoffstaedter and Louise Perrodin's timely piece looks at the two largest refugee communities in the country: the Chin and Rohingya. The government has not ratified the 1951 Convention relating to the Status of Refugees and Malaysian law does not mention any form of right to asylum, so refugees in Malaysia are considered as illegal immigrants. Therefore refugees settling in Malaysia find themselves in limbo. Louise and Gerhard explore how the Malaysian authorities and the state use the informality of both refugee groups to their advantage and argue that refugee informality facilitates a differentiated tolerance from both the government and Malaysian society based on religion and ethnicity.

James Chin looks at the marginalisation of the indigenous peoples of

allegiance from AQ and became known as ISIS. On 29 June 2014 the group self-declared the establishment of the historical Islamic Caliphate in seized swathes of Syria and Iraq, rebranding itself as the Islamic State. Although the majority of the group's leadership previously served under the Saddam Hussein's Ba'ath Party, known for its outright secular, anti-religion outlook, ISIS strategically legitimate itself through religion (Stern and Berger, 2015). The group emerged as a paragon of social media propaganda when it managed to attract over 30,000 foreign fighters from more than 100 countries, of which around 6000 are from Europe and North America (TSG, 2015).

Sabah and Sarawak from a political perspective. Over time, this process has led to serious consequences for the indigenous peoples, including a loss of political power, economic marginalisation despite the New Economic Policy (NEP), creating political divisions among indigenes' political groupings, under-representation in the electoral system and, in the recent decade, using Islam to marginalise the indigenous churches. To James, the prospects are not good, and in the long run the indigenous peoples of Sabah and Sarawak will likely be further marginalised unless they convert to Islam.

Finally, Angela M. Kuga Thas looks at the crucial question of LGBTQ and brings into the academic light a topic too often forgotten in Malaysian studies. To Angela, Malaysia's self-identification as an Islamic State is largely entrenched in the ethno-religious politics of the United Malays National Organisation (UMNO) against the growing amplification of LGBTQ narratives between 2008 and 2015, and the State's many responses. Adopting a case study approach, she discusses the growth of interest in sexuality rights and identity politics of the LGBTQ in the country, and the attacks on the Coalition of Malaysian NGOs in the UPR Process (COMANGO). While the LGBTQ who live visibly on the streets face increasing stigmatisation, discrimination and violence, in Malaysia it is the allies who are COMANGO members who are openly attacked and steps taken to deliberately undermine their credibility and legal standing, in particular in the eyes of Malaysian Muslims. The analysis is juxtaposed against the relatively recently developed identity politics of the Malaysian sexual minority community, the notion of citizenry and sexual citizenship.

Part Four: The (Mis-)Management of Resources

In Malaysia the political, business and civil spheres overlap; the complicity existing between those spheres is a pre-condition to the understanding of the Illusions of Democracy. Since this final section tackles the sensitive issues of corruption, politics and society, we particularly wanted to offer a comprehensive analysis of the current allegations of mismanagement of funds in the state investment fund 1Malaysia Development Berhad (1MDB) that surfaced in 2015. Kerstin Steiner methodically looks at the scandal that triggered a national and international 'crisis of confidence', undermining trust in the current political regime to allow an impartial and transparent investigation into this matter. Criticisms, including from the former Prime Minister Mahathir Mohamad, have added to the chorus of mounting pressure on the Prime Minister, Najib Razak, amid reports of a

paper trail tracing millions of dollars into his personal bank account. While the de facto national investigation has come to a standstill, the international investigations into the 1MDB scandal are in full swing. Kerstin analyses the national dimensions of the scandal, in particular how the government-critical media unearthed and reported on the scandal, followed by how national agencies reacted and started to investigate those allegations and how politicians, parties and society reacted to the scandal.

Patricia Sloane-White digs into another lone child of Malaysian studies: the tax system and, more specifically, the collection of *zakat* in Malaysia. At present, many state and federal religious authorities and *sharia* scholars increasingly argue that *zakat* must be paid into official government agencies where, they insist, strict practices and experts are in place to properly manage and distribute it in accordance with Quranic (and prudent fiscal) principles. Using ethnographic data collected in the period between 2010 and 2014, Patricia discusses the *zakat* practices of some Malaysian Muslims living in and around Kuala Lumpur and the neighbouring state of Selangor whose *zakat* such agencies seek to capture.

Yew Wei Lit and Azmil Tayeb's contemporary research offers a view of a critical component of civil society, the green movement in Malaysia, which remains a relatively under-explored topic. As such, the recent grassroots movement against the Lynas rare earth factory surfaced on a scale that caught many observers by surprise. To make sense of such dynamic growth of the green civil society sector, Wei Lit and Azmil review Malaysia's contemporary history of environmental movements, beginning from the early 1970s, in order to demonstrate that the movement has been building on advances and tactical innovations carried out by earlier generations. A deeper understanding of the movement thus enables us to assess the extent to which Malaysia's green movement holds promise as a democratising force.

Tricia Yeoh's analysis of the resources management in the oil and gas chapter crucially concludes our reflections on the Illusions of Democracy by showing how elite interests have led to the erosion of natural resources and greater economic inequalities. This revenue fell drastically in 2015, caused mainly by the fall in oil prices. Malaysia has not suffered from the 'resource curse' in its worst form even in the past. However, given fluctuating oil prices and the unstable implications this has for the country's finances, it is more imperative than ever to examine whether natural resource revenue was in the past responsibly used for social good. Given the current situation, it is also equally important to look into how the national government should

view natural resource revenues, moving away from dependence on these as lucrative sources in the long run. Tricia explains how the government, private sector and civil society must ultimately work towards good governance in managing the oil and gas industry.

* * *

Finally, the extraordinary participation of the political cartoonist Zunar in our discussion and reflection is, to us, a way to actively include artistic activism at the heart of intellectual and academic debate. Zunar's work, which offers a passionate yet sharp account of the current situation, is a perfect symbiosis between a reasoned analysis of contemporary Malaysian politics and the more intimate voice of perceived reality. It is all the more precious as an expression of an authentic Malaysian voice which will continue to be heard throughout time and across frontiers.

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