Continuity in a Changing World: Malaysia's Coercive Security Apparatus in the Age of Terror and Beyond

ANDREW HUMPHREYS[1]

University of Wollongong, Australia

The Malaysian government's use of its repressive security legislation has had a significant impact on Malaysia's modern political history. The focus of the present article is on the government's use of its coercive security apparatus since the terrorist attacks of 9/11. My argument is that the apparatus is largely unchanged by the current global climate of the 'War on Terror.' Notably, Malaysia's use of coercion has become increasingly less criticized by other governments, notably those in the West. Perhaps as a consequence, the government has become increasingly bold in its crackdowns against opposition elements. Following the political upheaval of the 2008 election, however, the future of the security apparatus is in question.

Keywords: *Malaysia, Security, Terrorism, War on Terror, Political Opposition*

Der Einsatz repressiver Sicherheitsgesetze durch die malaysische Regierung beeinflusste die moderne politische Geschichte Malaysias in nicht unerheblicher Weise. Dieser Beitrag analysiert den Einsatz des Sicherheitsapparates durch die malaysische Regierung seit den Terroranschlägen des 11. September 2001. Ich argumentiere, dass dieser Apparat im gegenwärtigen weltweiten Klima des "Kriegs gegen den Terrorismus" größtenteils unverändert blieb, dass jedoch gleichzeitig Malaysias Einsatz von Gewalt von anderen (vor allem westlichen) Regierungen weniger kritisiert wird als früher. Eine mögliche Konsequenz dessen ist die zunehmend rücksichtslosere Vorgehensweise der Regierung gegen oppositionelle Strömungen. Als Folge des politischen Umschwungs nach der Wahl 2008 steht die Zukunft des Sicherheitsapparates jedoch in den Sternen.

Schlagworte: *Malaysia, Sicherheit, Terrorismus, Krieg gegen den Terror, politische Opposition*

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1 Dr. Andrew Humphreys is a postdoctoral scholar affiliated with the University of Wollongong, Australia. He has recently completed his PhD thesis entitled "A Total Approach: The Malaysian Security Model and Political Development". Contact: ah00@uow.edu.au

It is a cliché to state that the terrorist attacks on New York and Washington on 11 September 2001 (9/11) changed the world. This statement is certainly true when the adoption of repressive security laws in countries the world over and the wars in Afghanistan and Iraq are taken into account. In Malaysia, however, the difference is less noticeable. The Malaysian government's response to the events of 9/11 has been a swift, though often controversial, application of its well-established coercive security apparatus, namely the Internal Security Act (ISA). The security apparatus refers to the implementation of legislative policy by the institutions of the state, namely the police, and the coercive force utilized in support of the regime and its ideology and interests. With regard to the 'War on Terror', arrests of suspected terrorists began in the months prior to 9/11 and have continued in the months and years since. The apparatus has continued to perform its primary function: the survival of the Barisan Nasional (BN) coalition, dominated by the United Malays National Organisation (UMNO), a Muslim-Malay party, in power since Malaysia's independence. The consistency in security policy is remarkable given that in the post-9/11 period Malaysia underwent a leadership transition from the Prime Ministership of Mahathir Mohamad to Abdullah Badawi. There is little distinction to be made between the application of the coercive apparatus by either Prime Minister.

In general, I argue that internal security policy in Malaysia is calibrated to ensure regime – rather than national – security. Security policy is a political tool used to support the status quo favoured by the BN and UMNO and weaken any opposition forces, be they a legitimate physical threat or not. Security policy is designed to support the political interests of the elites and the political system as a whole, which itself is calibrated to ensure the BN remains the dominant political player. When Malaysia's politics is viewed through the framework of its security policy the power and paranoia of the regime can be witnessed. In Malaysia the regime and the state emerged at approximately the same time and the same regime has remained in power since independence. This has meant that the institutions and instruments of the state have become synonymous with the regime which uses them – one reinforces the other. All state power is vested in the Executive, itself composed of members of the ruling BN regime, thus guaranteeing complete control of the apparatus of the state. Many aspects of state power have been established and developed by the regime for

the specific purpose of reinforcing its power (for example, the New Economic Policy [NEP], an essentially pro-Malay affirmative action programme). The line between regime and state is blurred. This has resulted in a security policy which regards a threat to either the state or the regime as a threat to both. Malaysia's security policy is thus state and regime-centric, with little consideration given to the issues of human/individual security.

The Malaysian security apparatus has been in place since the Emergency period (1948-1960), during which Malayan forces, supported by the British, fought against Communist insurgents. During this period, the British centralized significant power in the hands of the government, notably through the creation of a number of Emergency Regulations, out of which evolved the ISA, the Sedition Act and the Printing Presses and Publications Act, among others. The ISA provides for preventive detention of those seen by the government as threats to national security. The Act allows the government to extend the period of detention by a period of two years, though this can continue indefinitely, with minimal judicial review. Under section 73 of the ISA, any police officer may arrest and detain without warrant any person who has 'acted or is about to act or is likely to act in any manner prejudicial to the security of Malaysia or any part thereof.' This provision is so vague that many legitimate activities, including criticisms of government policy, could fall within its scope. Complementing the ISA, the Sedition Act prohibits virtually all activities seen as causing disaffection towards the government or communal ill will. Given the preventive nature of such legislation, Francis Loh Kok Wah has likened the use of the coercive apparatus to internal "pre-emptive strikes" (F. Loh Kok Wah, personal communication, August 13, 2007).

Although the Emergency was concluded in 1960, the government did not repeal the Emergency Regulations. Instead, the national government retained and used its authoritarian powers whenever it felt the interests of national security and racial harmony were threatened. Indeed, in 1960, the government amended the Constitution, namely Articles 149, 150 and 151 to allow for preventive detention. Broad terms were used here to pre-empt the revival of a communist insurrection, though no evidence was provided to justify such a move.

In the decades that followed, numerous justifications were provided to legitimise the use of the ISA and other repressive acts. For example, the threat of Communism

was used to justify crackdowns in the aftermath of the 1969 race riots. The riots themselves occurred in the tense aftermath of the 1969 general election and led to the deaths of hundreds of people. The government did not see its failure to cater to its constituencies as a motivation behind the rioting. Instead, the Prime Minister, the *Tunku*, placed most of the blame on the Communists. It was however later admitted by government officials that the Communists had nothing to do with it. Nonetheless, in response to the riots, the coercive apparatus was amended and expanded, the powers of the ISA increased, the Emergency Ordinance and Official Secrets Act (OSA) established. The threat of ethnic violence, derived from the events of 1969, was utilized to legitimise the detention of political opponents in 1987's Operation Lalang and in the era of *reformasi* in the 1990s. Following the Islamic revival of the 1970s, interpretations of Islam that differed from the state's Islamisation project were either co-opted by the government – for example, Anwar Ibrahim in the early 1980s – or forcefully disbanded by the government via the ISA – as in the case of al Arqam and Al-Maunah. The regime's claim of upholding the 'true' interpretation of Islam was used to justify a series of crackdowns against rogue Islamic groups, generally labelled as 'deviants.'

This article examines Malaysia's security policy in the contemporary context of the 'War on Terror.' I argue that, on the whole, the apparatus remains largely unchanged, with few amendments to the government's security legislation. However, Malaysia's security approach has become increasingly endorsed at the international level. Perhaps as a consequence of this, the government has moved more boldly to curb threats to its political power. Many of those arrested in these crackdowns could hardly be characterized as a threat to national security, traditionally defined. Instead, those arrested are often threats to the status quo favoured by the BN. With the 2008 election bringing about substantial political upheaval, though, this article also contends that a drastic change to Malaysia's longstanding security policy is becoming increasingly likely. The continuity and consistency in Malaysia's security policy may soon be at an end.

9/11 and the Malaysian Response

In the months prior to the attacks on Washington and New York, the Malaysian

government had begun cracking down on groups allegedly affiliated with international terrorism, notably the so-called 'jihad gang' or Kumpulan Militan Malaysia (KMM), a group linked to the murder of a state assemblyman and a botched bank robbery.[2] Despite this, in the aftermath of the 9/11 attacks Malaysia was described by US officials as a springboard state for al-Qaeda operations, including its operation on 9/11 (Abuza, 2003, p. 123). Malaysia responded strongly against terrorism in both the short and long-term, at least in part to dispel this view, and establish itself in the new world climate as an anti-terror government.[3] By early 2002, the government claimed to have arrested 62 terrorists and militias with 'global and regional links' under the ISA. A number of those of those arrested were Malaysian citizens, although several were foreigners with alleged associations with external terrorist groups.[4] That said, compared to previous periods, the number of ISA crackdowns is comparatively small. In the entire year 2001, the number of ISA arrests was 70, while in 2002 the number of arrests decreased to 53. In every year since, the number of arrests and detention orders under the ISA has fallen drastically. The average number of arrests in the five-year period between 2002 and 2006 is 37 persons. By comparison, the average number of arrests in the previous five-year period, 1997 to 2001, totalled 126. In fact, the entire first five years of the War on Terror has featured, on average, less ISA arrests than any previous five-year period (Suara Rakyat Malaysia [SUARAM], 2007, p. 13). Thus, statistically, this current era has not brought about an increase in government-sponsored repression through its use of the ISA – if anything it has been marked by a statistical decrease.

The only major legislative change to Malaysia's security policy since 9/11 is the

2 There is some suggestion that the KMM itself was a fabrication of the government, a cover for the arrest of opposition members such as Nik Adli (Liow, 2004, p. 251). Alleged members of KMM, while under detention, continuously denied the existence of the group, claiming the whole organisation was a creation of the police and that the government had distorted their legitimate participation in a loose network of Malaysian alumni of Islamist schools in India and Pakistan ("In the Name of Security," 2004, p. 15). The belief in such a notion among certain segments of Malaysian society is primarily – if not solely – the fault of the government. The government weakened its own case in two main ways. First, the government detained the KMM members and Nik Adli without trial under the ISA. Thus, the public – and the political opposition – did not see the charges against the group proven in a court of law. Second, the government, without explanation, changed the name of the KMM from *Kumpulan Mujahideen Malaysia* to *Kumpulan Militan Malaysia*, both of which had the same initials, lending support to the thesis that the organisation's existence was fabricated (Cotton, 2003, p. 156).

3 It should be noted that Islam itself formed part of Malaysia's counter-terrorism strategy. The pro-development, pro-BN version of Islam promoted by the government was increasingly promoted as the 'true' interpretation of the faith. Any interpretation which differed could thus conceivably be labelled as 'deviant.' Official Islam was ultimately used, then, to demonstrate what was and was not acceptable, and thus limited the ability of more radical strands to take root. Abdullah's *Islam Hadhari* approach was a repackaging of this strategy.

4 An example of the latter is Ahmed Ibrahim Bilal, an American who had been detained and deported in October 2002 after it was alleged that he was a leader of a terrorist cell in Portland, Oregon. He had been studying at Malaysia's International Islamic University (Abuza, 2003, p. 213).

2003 amendment to the Penal Code. The amendment provides a sentence of up to life imprisonment for 'anyone who harbours or interferes with the arrest of terrorists, recruits members into a terrorist group or provide them with explosives or facilities such as meeting places.' This could potentially affect lawyers and journalists as the confidentiality of clients/sources is a major part of their occupations. Although Minister in the Prime Minister's Department Rais Yatim conceded that present laws were sufficient to tackle terrorism, he contended that the amendment was "appropriate" (Beh Lih Yi, 2003). The amendment has yet to be enforced.

A major difference between the contemporary era and previous periods is that, presently, Malaysia's security policy – namely the ISA – is now implicitly or explicitly endorsed by other countries, most notably those in the West who themselves have adopted vaguely similar legislation in response to the terrorist threat, such as the Australian Anti-Terrorism Act (2005), the Canadian Anti-Terrorism Act (2001), and, most infamously, the 2001 Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act). A key element of many new counter-terrorist laws has been the emphasis on preventive detention. Although these countries still operate according to a more stringent interpretation of the rule of the law than Malaysia does, and terrorism suspects would thus be more likely to receive a fair trial, an essential component of much of Malaysia's security legislation has nonetheless now become more accepted in the West. Although this has not led to an increase in arrests, it nonetheless has strengthened the Malaysian government's own justifications for continuing to use the ISA and other repressive Acts, as I will later demonstrate.

Days after September 11, Deputy Prime Minister Abdullah stated that the ISA had served its purpose in combating terrorism and that the government had made the right move in acting against the KMM. Later that month, Prime Minister Mahathir declared that countries which once accused Malaysia of being undemocratic because of its use of the ISA were now adopting similar legislation. After the Marriott bombing in Jakarta in 2003, Mahathir further enunciated that, prior to 9/11, "Malaysia was criticized and people said that we were cruel for detaining suspects. They don't know which is better, to have bombs explode first before making arrests, or to arrest first before bombs explode" ("No adverse impact on economy," 2003). Firm support for the ISA was continued in the Prime Ministership of Abdullah.

The United States, in particular, has praised ISA detentions in recent years as contributing to the global counter-terrorism effort. Public statements by US officials against Malaysia's human rights record dwindled in number, with President Bush, for example, making no comment on this issue at the October 2001 APEC summit in Shanghai. Instead, praise was heaped upon the Mahathir administration. US Trade Representative Robert Zoellick stated, "Malaysia is a model", "a force in regional stability in both political and economic terms" and "an Islamic country that provides leadership" ("Malaysian objections," 2001). Assistant Secretary of State James A. Kelly, though noting that the continued imprisonment of former Deputy Prime Minister Anwar Ibrahim was a matter of concern, called Malaysia a "beacon of stability." The US Attorney-General allegedly even expressed support for the ISA, endorsing its significance in the context of the Patriot Act. In May 2002, a US official stated that Malaysia had not used the ISA for political purposes since 9/11, further sanctioning its usage (Cotton, 2003, p. 162). In May 2002, Malaysia's Defence Minister Najib bin Tun Abdul Razak revealed the depth of the defence relationship during a visit to Washington D.C. Describing the relationship as a "well-kept secret," Najib noted that the level of defence cooperation between the two countries, though strong in the decades prior, had "elevated" after 9/11 (Najib, 2002).

There are two main reasons for the US backflip. First, the US wishes to legitimise the ruling BN regime, seeing it as a source of stability in South-East Asia specifically and the Muslim world generally. Second, America's own conduct in the 'War on Terror' in terms of human rights has harmed its credibility when it comes to human rights advocacy. In particular, the US practice of indefinite detention without trial of terrorist suspects at Guantanamo Bay under President Bush draws parallels to Malaysia's ISA practices and thus puts America in no position to criticize ("In the Name of Security," 2004, pp. 43-44). Indeed, Minister in the Prime Minister's Department Datuk Mohamed Nazri claimed the US no longer criticises the ISA because of the Guantanamo issue.

Despite the above-mentioned cooperation with the US, it must be emphasized that Malaysia forcefully maintained an independent and critical stance against US hegemony and power. Malaysia's vocal criticism of the US-led invasions of Afghanistan and, most prominently, Iraq are the most public examples of Malaysian opposition to American power. Mahathir went so far as to describe the US-led invasion of Iraq

as "cowardly and imperialist" ("Malaysian PM condemns Iraq war," 2003). Malaysia's criticisms of US actions may seem a contradiction when cooperation between the two appears so entrenched. The reason for Malaysia's stance lies not only in its leading role in the Islamic world, but also in domestic factors. For example, Editor-in-Chief of Malaysian online newspaper *Malaysiakini* Steven Gan states, "I think as a rule the Malaysian government would not [admit] that the US government influences [it]... That would be political suicide. Most Muslim voters would not accept that" (S. Gan, personal communication, July 20, 2007). Academics Diane K. Mauzy and Brian L. Job argue, "Malaysian leaders have offset the quiet cooperation of their military intelligence agencies with American counterparts with vocal public opposition to US actions" (Mauzy & Job, 2007, p. 639). Confirming this argument, US Assistant Secretary of State James A. Kelly pointed out that cooperation with the US, on a variety of efforts, remained close despite Malaysia's strong opposition to the Iraq conflict (Nesadurai, 2004, p. 21). Opposition to American policy is essentially a political tool used by the government to appease domestic – namely Muslim – audiences.

Malaysia's relationship with the Association of Southeast Asian Nations (ASEAN) also notably expanded in the aftermath of 9/11. This marked a departure from a security policy which historically has been limited to domestic concerns and mostly has not tolerated outside opinions let alone joint-policy making. Illustrating this shift, the ASEAN states have formulated a common rhetorical position, signing a number of joint declarations, including the Declaration on Joint Action to Counter Terrorism (2001) and, with the US, the Joint Declaration for Cooperation to Combat Terrorism (2002). Regional meetings on terrorism have become a regular occurrence. The military intelligence directors of Malaysia, Singapore, Indonesia, Thailand and Brunei held an informal meeting in Kuala Lumpur in January 2002 to discuss intelligence sharing and the threat posed by regional terrorist networks. This marked the beginning of a series of such meetings. ASEAN's foreign ministers likewise met in February 2002 to discuss regional collaboration on the issue. In May 2002, the 22nd meeting of the ASEAN Chief's of National Police in Phnom Penh focused on addressing terrorism and other transnational crimes – a focus which was then repeated at consecutive meetings in 2004, 2005 and 2007. Moreover, Malaysia encouraged the developement of ISA-style laws in Indonesia and Thailand, thereby demonstrating a growing common regional consensus on the appropriateness of Malaysia's security approach.

The foreign endorsement of the ISA has created trouble for actors in Malaysia's civil society. Josef Roy Benedict of the Malaysian branch of Amnesty International, for example, has stated:

> It's been harder for civil society to challenge [the government] now when countries like US/UK are putting in laws like this … In the past Malaysia was in a way a part of a minority compared to other countries who had these kinds of laws … Western countries don't have the moral high ground [they] used to have. That's the hard part now. Whereas in the past we'd say 'look at this country', use as a model, now these countries have undermined human rights, renditions in the EU, Guantanamo Bay in the US (J. R. Benedict, personal communication, July 19, 2007).

A core feature of many civil society groups in Malaysia has been their opposition to the ISA. By legitimizing the ISA and other similar pieces of legislation, the BN regime has been further legitimized and Malaysia's growing civil society consequently weakened.

Overstretch: Abuse of the Security Apparatus after 9/11

While, security-related arrests have declined in recent years, unjust repression has certainly continued, a fact not helped by the abovementioned international support for Malaysia's policies. However, this repression is now defined in different terminology. Whereas before the label 'communist' was applied liberally by the government, the term 'terrorist' has firmly replaced it. The terrorist label had been applied to so-called threats before 9/11 – often in reference to 'communist terrorists' – but in modern times the term has a whole new meaning and brings up certain feelings. Thus, when the government defines an issue in terms of 'terrorism' now, it is provoking a different reaction than in years past.

One of the most notable examples of this new vocabulary and discourse being utilized is in the government's crackdown on the Malaysian internet blogging community. In February 2005, blogger Jeff Ooi was questioned by police for a comment somebody else had posted on his weblog *Screenshots*. The comment had stated it was contradictory for Abdullah to promote *Islam Hadhari* when UMNO itself was ripe with corruption. In early 2007, the government announced it was setting up a group of 500 writers to counter bloggers' claims as well as track and monitor content that could be deemed 'anti-government.' Subsequently, bloggers Nathaniel Tan and Raja

Petra Kamarudin were, like Ooi, investigated for comments that had been posted on their blogs. Bloggers were thus being questioned by police on the basis of statements that were not even made by them.

In the lead up to the 2008 election, with the political blogging community becoming increasingly influential amongst Malaysia's 11 million internet users, the government began expanding its campaign against them. Information Minister Zainuddin Maidin accused bloggers of being "dangerous", "pro-West" and supporting "foreign elements bent on destroying our beloved country" ("Fresh round of gov't attacks on bloggers," 2007). The government warned that it would use its anti-terror laws and apparatus – including the ISA – against bloggers and was looking at the possibility of formulating new laws to allow better monitoring. This is a clear example of the government utilizing the fear and images associated with the concept of 'terrorism' to justify the proposed implementation of its security policy. According to Nazri Aziz, Minister in the Prime Minister's department, such action was designed not to stifle internet freedom but "to put a stop to the freedom to lie in the blogosphere" ("Nazri warns bloggers face harsh laws," 2007). A proposal to introduce a 'code of ethics' for internet users was also floated. It is perhaps then not surprising that in 2007 Malaysia fell to its worst ever ranking in the *Reporters Sans Frontieres'* press freedom index, dropping 32 spots to 124th position, behind Cambodia (85th), Timor Leste (94th) and Indonesia (100th). Ultimately, the government's threats are designed to make people think twice not only about using blogs to criticise the government but about creating a blog in the first place.

In a further example, the issue of ethnic stability has also been placed within the context of terrorism. In the contemporary context, the 'bogeyman' of ethnic violence has been blended with the new 'bogeyman' of international terrorism. In an era where the 'terrorist' and 'religious extremist' label now has certain connotations, it is perhaps no surprise that, when the threatened, the BN has chosen to utilise such terms to undermine its detractors. This became apparent in its 2007/2008 skirmish with the Hindu Rights Action Force (Hindraf).

Hindraf was established in December 2005 by Waytha Moorthy and was originally designed as a coalition. Moorthy had attempted to forge an inter-religious alliance with Malaysian Christians. The Christians however feared government retribution and declined his invitation. Hindraf was initially concerned with the issues of

religious freedom and the freedom to challenge religious rights in civil society but eventually the scope of the movement broadened to include other Hindu rights issues such as education and culture. Moorthy, the Chairman of Hindraf, stresses that the movement is concerned not just with Hindu rights but human rights alone, though it is often portrayed as simply a Hindu organisation in the media (W. Moorthy, personal communication, July 15, 2008).

On 25 November 2007, Hindraf held a rally in Kuala Lumpur in protest of what they saw as discriminatory government economic policies. Hindraf's attempts to obtain a police permit for the march were denied but, citing the constitution's guarantee of freedom of assembly and expression, the movement proceeded with the protest. Police eventually dispersed the rally with force. On 13 December 2007, the government arrested five Hindraf leaders. Notably, days before the arrests, Hindraf was accused by Inspector-General of Police Musa Hassan of "trying to seek support and help from terrorist groups" ("IGP: Hindraf linked to terrorist groups," 2007). Though Musa did not name the terrorist groups, it is assumed from accusations by the attorney-general in court that the IGP was referring to the Liberation Tigers of Tamil Eelam (LTTE). After their arrests, one of the Hindraf detainees claimed he was being pressured by police into admitting involvement with terrorist activities, stating:

> *The government and the police have no evidence to substantiate their accusations on our alleged terrorism links. As such they are now using the back way to obtain a confession from me by forcing me to admit of having terrorism link (Kabilan, 2008).*

The Inspector-General of Police also raised the commonly used spectre of racial conflict, stating, "[Hindraf's] actions are potentially explosive in sparking racial clashes" ("IGP: Hindraf linked to terrorist groups," 2007).

In the weeks following the Hindraf detentions, Prime Minister Abdullah utilized the term 'extremist' in an attempt to continue sidelining the Hindraf movement. On 25 December 2007, in a clear reference to Hindraf, Abdullah warned Malaysians against religious extremists pulling the country apart. Abdullah urged Malaysia to continue with its "middle position" ("PM warns about religious extremism," 2007). Following the February 2008 Hindraf Rose Protest – in which some 200 people were arrested – Abdullah explicitly labelled the group as 'extremists' who were attempting to disrupt the 8 March 2008 election ("Rose violence: Global demo against M'sia,"

2008). In an attempt to counter claims of racism, Abdullah pointed out that the ISA had also been recently used against Muslim groups, such as Al-Maunah and Jemaah Islamiyah. Abdullah said, "They are my people, who believe in the same religion. But I had a duty to carry out. What is wrong is wrong. The law is colour blind" (Hong, 2007). By using these two organizations as examples, Abdullah had again linked Hindraf to religious extremism and international terrorism. However, his assertion of the law being 'colour-blind' has not gone unchallenged. Dean Johns, writing for Malaysiakini, pointed out that, while several arrests had resulted from the Hindraf rallies, the government had not brought to justice the police responsible for the high rate of deaths in custody, particularly amongst Indian detainees. Nor did the government reprimand UMNO members who at the 2006 general assembly "threatened to bathe the keris in the blood of fellow Malaysians" and ex-Malacca Chief Minister Rahim Thamby Chik for his statement that "The Malays have never taken to the streets so do not force us to do so as we will draw our parang to defend the Ketuanan Melayu in this country" (Johns, 2007).

The Ongoing Battle for Islam: UMNO versus PAS

At the political level, the rhetoric of international terrorism has also increased the stakes in the conflict between the two major Islamic parties, UMNO and the Pan-Malaysian Islamic Party (PAS). The competition between the two has been defined anew in the contemporary era, with UMNO effectively capitalizing on PAS's political missteps.

One such instance occurred with the US-led invasion of Afghanistan. Commenting on the invasion, PAS leader Fadzil Noor declared the US a 'terrorist state' and openly called for a 'jihad' against it. The jihad was justified on the grounds that Afghanistan was attacked without strong proof of its involvement in the 9/11 attacks and terrorism, with Noor viewing the conflict as one against all Muslims. Noor claimed the call for jihad was not in defence of Afghanistan's Taliban regime, but in defence of "an Islamic nation being attacked by an enemy of Islam" (Bakar, 2005, p. 115). To many in Malaysia, the distinction was unclear. Such a view was reinforced in early October when PAS Youth Leader Mahfuz Omar launched a jihad fund, called on the government to break off diplomatic ties with the US, and declared his willingness to

raise an army to fight in Afghanistan.

The BN in general and UMNO in particular capitalized effectively on PAS's political faux pas, utilizing the image PAS had unwittingly constructed to score political points for the ruling coalition. The government claimed PAS's call for jihad was 'a gimmick' aimed at scoring political points within Malaysia's Muslim community ("PAS backing for jihad against the US 'a gimmick'," 2001). PAS was now portrayed as 'Malaysia's Taliban', the government embarking on a television campaign which inter-spliced images of PAS leaders with the murder of a woman by the Taliban. Deputy Prime Minister Abdullah stated that 'practically' all the militants arrested in the period between September 11 and the end of January 2002 were members of PAS, noting:

> *We don't want to be very quick in drawing conclusions, but we are saying that the presence of these people among the PAS people can create a kind of PAS politics which may not be in the long-term interests of Malaysia ("Terror investigations strain Malaysian politics," 2002).*

However, this remained a political level attack – those arrested were simply members within the admittedly broad PAS organization, effectively political non-entities, and none were in the leadership circle. As Fadzil Noor said, "As far as we know there is no connection at all. If there is, it is based on the actions of individuals" (*ibid*.).

The 2004 general election testified to PAS's lost ground, the opposition's failure to capitalize on *reformasi*, and the BN's success in linking PAS to radical Islam and itself to 'moderate', progressive Islam. UMNO performed well in Malay-majority constituencies, with an average 10 percent increase in its support in these seats, though admittedly less than what it had received in 1995 pre-*reformasi*. By contrast, PAS dropped from 27 seats to just seven. PAS had clearly misunderstood the type of Islam desired by its Malay-Muslim constituency, with the elections instead reflecting an embrace of the *Islam Hadhari* agenda of the incumbent Prime Minister Abdullah Badawi.

Overall, the 'terrorist' discourse has certainly been utilized by the government for its own decidedly political purposes. The implicit and explicit support of other countries for Malaysia's security approach has certainly emboldened the government with the use of coercive legislation fast becoming the 'norm' in international politics. However, this has not corresponded with a rise in arrests – rather the opposite is true.

Nonetheless, it can be deduced that the motive of the government in characterizing and dealing with threats in these ways is a function of its continued emphasis on regime – particularly BN and UMNO – stability. The hypocrisy of the government noted by Johns above illustrates this clearly, as the law is not being applied consistently – it is only being applied in situations where there is a direct challenge to the Malay-dominant *regime* not to society as a whole. When members of this regime make racially provocative remarks they are not reprimanded – when outsiders to the regime make similar comments or protest, they are arrested or branded as 'extremists' or 'terrorists.' This policy helps protect the regime by not only eliminating political threats but, through the emphasis on racial elements, allowing the government to divide the people and score political points in various constituencies. [5]

Beyond 9/11: A Chance For Change?

Since the March 2008 election, however, the Malaysian political system, and the security policy which protects it, is facing the most significant challenge in its history. The election did away with many of the preconceptions which have plagued Malaysian politics since Independence. For the first time, the BN regime could potentially be defeated at the next election. The election saw the opposition parties gain considerable ground at the BN's expense. In the lead-up to the elections, while it was believed the opposition had its best chance in over a decade to gain electoral ground, the probability of it breaking the BN's two-thirds majority in parliament was considered slim. The opposition parties, PAS, the Democratic Action Party (DAP), and the Parti Keadilan Rakyat, campaigned primarily on non-racial issues, such as human rights and combating corruption. The opposition also campaigned on the issue of reforming the police, which it viewed as dominated by political interests. The Islamic party PAS notably dropped from its agenda its push for an Islamic state, an issue which had both plagued and defined the party for decades. With the mainstream media beholden to the government, the opposition effectively utilized the medium of the Internet to campaign, a move which was particularly successful

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[5] The government contends that, as part of nation-building, some racial division is necessary, for example the affirmative action policies favouring the Malays (beginning officially with the New Economic Policy). While this may be less true today as it was following the 1969 race riots, I argue that the government's use of racial discourse and division has been primarily utilized to justify the political *status quo* in which the Malay-dominant UMNO is the centre of political power and the other ethnically-based political parties within the BN act as peripheral partners.

in reaching urban audiences ("Winning hearts and minds in cyberspace," 2008). By contrast, the BN regime under Prime Minister Abdullah Badawi was weighed down by rampant corruption, broken electoral promises, and the growing re-emergence of ethnic tensions, particularly from minority ethnic groupings. Much of this was admittedly inherited from Abdullah's predecessor as Prime Minister and leader of UMNO, Mahathir Mohamad, who ironically has become a vocal critic of the Abdullah administration in his retirement. The arrests of several Indian leaders in the months prior to the elections also delegitimized the BN's main ethnic Indian party, the Malaysian Indian Congress (MIC) (Welsh, 2008).

Voter turnout for the 8 March election was the highest for any election, with approximately 80 percent of eligible voters casting their votes. (Malik Imtiaz Sarwar, 2008, p. 50). The elections saw the BN win just 51.2 percent of the vote, giving it enough seats to remain in power but losing its two-thirds majority in parliament for the first time since 1969. The state governments of Selangor, Penang, Kedah and Perak fell to the opposition parties while Kelantan remained in opposition hands. All of the main leaders of the MIC were "wiped out" ("2008 polls – interesting facts," 2008). The opposition's gains were highly significant given the fact that the political and electoral system is biased in favour of the ruling regime (Johns, 2008). There was some concern that the results may lead to ethnic rioting, like that witnessed in the aftermath of the 1969 elections, an election in which the ruling coalition likewise suffered a considerable loss. However, unlike in 1969, all the major ethnic groups had abandoned the government and Malaysia's streets remained calm ("Malaysian politics turned upside down," 2008).

Monumental changes swept through Malaysian politics in the aftermath of the election. The opposition parties formed a formal coalition, *Pakatan Rakyat* (People's Alliance), on 1 April 2008. Although comprised of diverse parties with divergent interests, opposition leader Anwar Ibrahim claimed the parties had united on the basis of the common principles of 'freedom, justice and democracy.' For arguably the first time, a genuine two-party (coalition) system had begun emerging in Malaysia (Kuppasamy, 2008). Anwar announced plans to dismantle the NEP, an affirmative action programme and ideological tool biased in favour of the Malays that had been the foundation of the BN's nation-building project. The state governments of Penang and Selangor, now in the hands of the opposition, also announced plans to prohibit

the spread of Abdullah's *Islam Hadhari* concept, a broad ideology which had been central to his administration's nation-building strategies and security policies. For the most part, the government reacted to these developments in typical fashion, utilizing the instruments of the state to thwart the political gains of the opposition. The government banned Tamil daily *Makkal Osai*, a move believed to be related to the publication's coverage of the opposition ("Tamil daily Makkal Osai banned," 2008). Anwar was charged with sexual assault, widely considered to be politically motivated. The charge inspired a sense of déjà vu within the country, a consequence of the government having arrested Anwar on similar grounds in 1998 ("Here we go again," 2008, p. 40). Implicitly defending his earlier actions against Anwar, Mahathir disputed that Anwar's recent arrest was politically motivated. The former Prime Minister stated:

> *Yet can it be that the present Government is so stupid and unimaginative as to use the same 'ploy', especially after it was so happy over the release of Anwar? Surely it could come up with another story which would be more credible if it is deliberately plotting or conspiring against Anwar. The probability is that the story is the same because it is genuine (Mahathir Mohamad, 2008).*

Mahathir's statement could be regarded as a rare defence of the Abdullah administration though it was more likely a defence of his own legacy.

With such dramatic changes sweeping Malaysia's political landscape following the election, it appears the current format of the security approach could be approaching its end. The leadership transition from Abdullah to Najib Abdul Razak on 3 April 2009 is unlikely to bring about such a change. However, an electoral defeat of the BN at the next election, for the first time a reasonable prospect, would almost certainly bring about some, if not major, alterations to security policy. The current opposition parties, organized in the Pakatan Rakyat coalition, are all inherently antagonistic toward Malaysia's internal security policies. Many of the key figures and leaders in the opposition have been subject to detention under the ISA, DAP leader Lim Kit Siang and Keadilan leader Anwar Ibrahim being the two most famous examples. Should the BN regime lose the next election, it would logically follow that the security policy that has formed an intrinsic part of the BN state project would also be discarded.

However, this may not necessarily be the case. At least three different scenarios are possible. If faced with an electoral defeat, the BN regime may use the security

apparatus to cling to power. This I contend is unlikely. Although the BN has certainly manipulated the electoral process to its advantage, particularly via the Electoral Commission, with the exception of the 1969 elections it has generally respected the results of the polls, conceding defeat in a number of state elections for example. Another scenario is that Pakatan Rakyat secures a federal victory but does not significantly alter the security approach. A number of the main instruments may be discarded or amended, such as the ISA or the Printing Presses and Publications Act. Given that the security approach has become an ingrained element of the Malaysian state, some parties in Pakatan Rakyat may believe or claim it to be too destabilizing to abolish it completely.[6] Indeed, it should be noted Anwar himself was a leader in the BN during a time when the ISA was continually deployed against political opponents. A further scenario is that a Pakatan Rakyat government retains the basic structure of the security approach but completely overhauls it, utilizing less overt or repressive coercion and less manipulative or limiting ideological tools. In other words, the essential elements of the policy may be brought more into line with international human rights standards, human rights being a key element of Pakatan Rakyat's election agenda.

Conclusions

Malaysia's security policy has remained largely consistent in the years following 9/11, with minimal legislative amendments. While the number of ISA arrests has declined, the government has become increasingly willing to launch crackdowns against its opponents. Backed by growing international endorsement of its security approach, the rhetoric of 'terrorism' has been used to legitimate government policies against bloggers, as well as more traditional 'threats' such as ethnic instability and political opposition. The term 'terrorist' has been used by the government in prior periods – most significantly, the 1948-1960 Emergency era – but its usage in the post-9/11 climate brings up a whole new set of feelings to both domestic and international audiences and thus provokes a different reaction. The War on Terror has therefore

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6 A suggested possible alternative is that a new government may attempt to change the ISA but that the security apparatus itself might be strong enough to *de facto* boycott any reforms. However, I regard this as unlikely. While the security apparatus is deeply embedded in the Malaysian political system, it remains primarily a political tool of the ruling government. To date, there has been no evidence that it acts on its own accord – it always acts according to directions from the government. This is unlikely to change, even if the Pakatan Rakyat forms a national government.

provided a new set of justifications for the continued existence of Malaysia's security approach. The 2008 elections herald the possibility for a change in this context, though this is far from guaranteed. After all, this security policy has helped sustain the regime and the state for over 50 years and is therefore something which will not be easily discarded.

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