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Civil society activism and political parties in Malaysia: differences over local representation

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Despite their importance to democratic consolidation, relationships between civil society activists and political parties have often been problematic following the downfall of authoritarian regimes. In challenging authoritarian rule in Malaysia, though, these forces have increased cooperation and jointly committed at the 2008 elections to local government reform. This was especially important for middle-class non-governmental organization (NGO) activists seeking a transformation in the political culture of parties. Moreover, state government victories by reformist Pakatan Rakyat (PR) coalitions included Selangor and Penang where these NGOs are concentrated. Yet while local government reform followed, NGOs and parties placed differing emphases on elections, transcending ethnic-based representation, and checks and balances on local government power. Lacking substantial social and organizational bases, NGOs were outflanked by more powerful interests inside and outside PR parties, including those aligned with ethnic-based ideologies of representativeness and economic development models opposed by NGOs. NGO activists also advanced various democratic and technocratic rationales for local representation, indicating a complex ideological mix underlying their reform push. The study highlights intertwined structural and ideational factors likely to more generally constrain the capacity of middle-class NGOs to play a vanguard role in democratically transforming Malaysian political culture.

Keywords: political representation; political institutions; local government; ethnicity; political culture; middle class; ideology; parties

Introduction

According to Gershanik: “Civil society can initiate a democratic transition; but only parties, with the help of civil society, can consolidate a democratic system and institutionalize a democratic political process.” Frequently, though, civil society activism embodies political ideologies sceptical of, or hostile to, political parties. This has been especially noticeable in Latin America and East and Central Europe, and the tendency is also evident in Indonesia, Thailand, and the Philippines, where cohesive social and political movements to consolidate democratization have failed to develop.

In Malaysia, authoritarian rule faces mounting challenges amidst increases in both civil society mobilization and electoral gains by opposition parties. What sort of relationship is emerging between civil society and party-political forces, then, and what might it mean for democratization prospects? In particular, can civil society activists help steer opposition parties down more enduring paths of collaboration towards democratic consolidation?

These are not just questions about what shapes the nature and role of civil societies, but also about how this relates to the directions of political institutions. Carothers’ declaration over a decade ago that the transition paradigm was dead, while not heeded by all, effectively conceded that various non-democratic institutional paths often accompany expanded civil societies. In Southeast Asia, new social forces across authoritarian and post-authoritarian regimes have been incorporated into a range of democratic and non-democratic institutions accomodating political expressions, associations, policy deliberations, and decision-making. Civil society forces are often divided about who should be represented in such political processes, how, and on what issues.

Approaches to explaining divergent institutional paths vary. The approach here emphasizes structural and historical contexts of civil society expansion, how this influences coalitions and ideologies forming in support of or opposition to different institutions of political representation, and the implications for democratic transitions. Luebbert observed that in Western Europe “the institutions of the modern state, of the economy, and of the party system were projects of mass movements; they were institutions that reflected the balance of interests those movements contained.” Yet in Malaysia and much of Southeast Asia, legacies of colonial rule and Cold War suppression of civil societies as well as the social and political impacts of economic globalization exert a pervasive influence. Cohesive and sustainable social and political movements have thus been rare and political fragmentation widespread, even as civil societies expand. Conspicuously absent are intermediary organizations linking working and middle classes in social democratic and other reform agendas – historically important to earlier liberal democracies.

Ideology’s role in mediating struggles over institutions is also important and underexplored. Especially where civil societies have previously been suppressed, elites have often promoted non-democratic ideologies reinforcing political fragmentation among regime opponents. These include ideologies of representation emphasizing the political rights of discrete communities and identities based, for example, on ethnicity, race, geography, and religion as well as ideologies emphasizing technocratic capacity. These and other non-democratic ideologies exert differing degrees of influence among civil society and party-political actors in Southeast Asia.
However, foundations of political opposition and dissent are rarely static, not least because economic and social transformations associated with capitalist development can generate conditions under which new conflicts and alliances over political institutions and ideologies are forged. Malaysia is such a case, where urbanization, rising material inequalities, and cost of living increases coincide with intensified calls for governance reforms to arrest corruption, judicial, and other abuses of state power.

Crucially, ethnic ideologies – integral to the prevailing model of capitalism and authoritarianism – appear to face unprecedented challenge. Mobilizations involving civil society and party-political forces as well as major vote gains by opposition parties in the 2008 and 2013 general elections have been widely interpreted as reflecting new patterns in multi-ethnic and reformist politics.

The struggle over ethnic politics is complex and fluid, but democratic optimism might be drawn from Weiss’ observation that “coalitional capital” has been developing over the last decade. According to Weiss, processes of “negotiating, building trust, and setting rules among diverse elements of opposition are helped by the participation of the sort of politically engaged, pre-democracy, ideologically communal CSAs [civil society agents] that have been evolving in Malaysia.” These actors are seen as central to prospects of transforming established political norms and expanding political imagination within and beyond institutional politics. Many within the predominantly middle-class NGOs involved also embrace this idea of their vanguard role.

This article questions such a prospect. It focuses on NGO attempts to reform political representation through the reintroduction of local government elections, abandoned under authoritarian rule and replaced by appointed councils. Middle-class activists view this reform as pivotal to transcending ethnic politics and fostering new forms of accountability. Local representation was also advocated in various opposition manifestos during the 2008 election campaign.

The article principally examines developments in two states where these NGOs are overwhelmingly concentrated – Penang and Selangor – and which have been under the control of Barisan National (BN) opponents since 2008, the Pakatan Rakyat (PR). It shows that urban-based NGO activists were to advance democratic and technocratic rationales for local representation, indicating a complex ideological mix underlying their reform push. Resistance to local elections from within the PR also draws on technocratic as well as ethnic political ideologies.

Without substantial social and organizational bases, middle-class NGOs were unable to effectively pressure parties to their reform agendas. They were outflanked by more powerful interests inside and outside PR parties, including those aligned with ethnic-based ideologies of representation and economic development models opposed by NGOs. This highlights limits to existing NGO coalitional capital and the depth of structural and ideological influence of BN rule and associated political economy relationships on their party-political opponents. Despite, or because of, modest social and organizational bases and the difficulty of forging ideological coalitions across PR parties, middle-class NGO

reform advocacy on local representation was often grounded in moral claims championing autonomous non-party-political civil society space. Some activists appear, in effect, to be creatively invoking Dryzek’s and Niemeyer’s concept of discursive representation, which posits that democracy “can entail the representation of discourse as well as groups”. These authors argue that sometimes – especially in international settings lacking a well-defined political community – this representation may be more feasible for promoting deliberative democracy.

Yet it is not so much the feasibility of people being represented within a defined political community that is the issue here as of NGOs playing that representative role. With or without local elections, precisely because of their limited independent social and organizational bases, it is no less challenging a goal for middle-class NGOs to exert a transformative influence over political party culture.

Foundations and dynamics of NGO–party relations

Colonial capitalism’s division of labour tended to draw indigenous ethnic Malay communities and immigrant ethnic Chinese and Indian communities into different roles in labour and capital markets. However, as Khoo observes, from the colonial to the post-colonial period, Malaysian political economy was “Javanese-like: its ethnic aspect constantly exposed while its class aspect was hidden. Thus, the structure of political economy and the inequalities they bore were susceptible to political mobilization that seized upon real and ‘perceived’ ethnic differences.” Colonial authorities’ recognition and promotion of ethnic elites and associated organizations in political engagement contributed to this – not least in brokering a deal leading to the Federation of Malaysia in 1948 and Malaysian independence in 1957.

Consequently, the Alliance coalition of parties comprising the United Malays National Organization (UMNO), the Malay Chinese Association (MCA), and the Malay Indian Congress (MIC) that ruled from 1957 until 1969 adopted a political framework of ethnic representation and power sharing. Through interethnic elite bargains and compromises on behalf of their respective communities, or conso- nialism, the Alliance aimed to reconcile improvements in the conditions of Malays while simultaneously managing internal political competition.

To be sure, the nationalist movement included class-based and ethnic-based organizations. The British supported local elections too as part of its strategy to undermine the attraction of the Malayan Communist Party (MCP). This created opportunities for social democratic and socialist political parties seeking to transcend communal politics and forge links with working-class and peasant organizations. However, precisely because of the initial progress and potential of this project, the Labour Party in particular, and the Socialist Front (SF) generally, subsequently suffered at the hands of authorities under the Alliance government. The communist boycott provided the rationale for systematic dismantling of union and party leaderships under the Internal Security Act and other repressive laws.
Nevertheless, the Alliance found it hard to replicate its federal and state electoral successes at local government level—especially in areas with ethnic Chinese concentrations. Thus elections scheduled for 1965 and 1966 were suspended, necessitated according to the federal government by confrontation with Indonesia following the formation of Malaysia. Subsequently, 20 councils were abolished and taken over by state governments.

However, heavy reliance on market solutions to address contradictions of an ethnic division of labour constrained the Alliance’s capacity to satisfy the expectations of impoverished Malays or to contain wider social and political conflicts. Many 1969 general election results thus dented the Alliance’s electoral position. This was the precursor to social riots, a state of emergency from 1969 until 1971, the New Economic Policy (NEP), and the Alliance’s successor coalition, the BN, formed in 1973. The NEP’s primary objectives to “eradicate poverty irrespective of race” and “restructure society to abolish the identification of race with economic functions” marked a new state-interventionist phase in the Malaysian political economy. This included promotion of a Malay bourgeoisie and related state bureaucratic power increases in new forms of economic regulation and social engineering.

In ensuing decades, curbs on independent civil society organizations were consolidated. Meanwhile, ethnic and racial-based systems of control and distribution of economic and social resources were ideologically and structurally promoted, including through the Local Government Act (LGA) 1976, under which appointment of councillors became central to political patronage dispensed by the ruling coalition and a means by which federal and state bureaucracies and political parties exerted control locally.

Various ethnic, religious, and professional NGOs nevertheless existed, some of which had significant membership bases and ties with BN or opposition parties. Yet the NGO sector generally mirrored the ethnically segmented party system with most secular NGOs consisting of Indians and Chinese, while Malays located in predominantly rural-based Muslim organizations. Furthermore, state and ruling coalition coverage of developmental activities “crowded out” genuinely independent Malaysian NGOs from rural areas—a sphere core to activists elsewhere in Southeast Asia.

Beginning in the 1980s, though, middle-class NGOs based in Kuala Lumpur and Penang emerged to play an increasing and distinct political role. These small, issue-oriented advocacy NGOs championed human rights, social justice, environmental, feminist, governance, and other causes that elements of Malaysia’s expanding middle class embraced. The 1987 Operation Lalang security sweep temporarily stunted such expansion. However, NGOs had proliferated by the late 1990s when financial crisis precipitated an intra-elitist power struggle and Malay Anwar supporters exited BN to form Parti Keadilan Nasional (PKN). What followed included the Barisan Alternatif (BA) opposition electoral alliance, some movement of NGO activists into party-politics in 1999, and an attempted Reformasi.
leaders for their local municipalities." PAS's manifesto made no reference to local elections, however it joined the DAP and PKR in endorsing The People's Declaration penned by civil society actors which included demands that government: "Re-introduce elections for local government so that leaders can be made accountable."42

In the 2008 elections, the BN's popular vote share dropped to just over 50%, the opposition also took five of the 13 state governments.43 Moreover, for Maznah, there were "signs that ethnic interests are being decoupled from the ethnic identity of their advocates".44 Weiss also argued that the scope and scale of civil society and opposition party collaboration was different from anything before, "less tied to communal interests, more participatory and open, and more critically self-reflective."45 In the 2013 elections, the BN's vote share dropped to just 47.4% - its lowest in the country's 13 elections - and only acute malapportionment saved it from defeat.

The BN's political formula was clearly under strain. The 2013 election results did, however, reveal uneven transformations in ethnic political identity, with class and geography apparently affecting Malaysia's 'preparedness to embrace a new politics. BN communist rhetoric led both to record Chinese votes for the opposition and strengthened BN support from working-class Malays and from rural communities. Meanwhile, middle-class support across ethnic categories consolidated in major cities and towns, especially in Peninsula Malaysia where Malays were core participants in pre-election rallies and demonstrations combining party and civil society activism.46

Contrasting local government reform agendas
Following huge gains at the 2008 polls by the BN's opponents, formation of PR coalition governments in Penang and Selangor seemed a perfect opportunity for NGO-party cooperation on local representation reform. Instead, it became evident that the attractions for reform were not identical between political parties and NGOs. Who local governments should be accountable to and precisely what checks and balances were required to achieve this proved contentious. This was reflected not just in differing sensibilities about local elections and strategies for achieving them, but also in the role of party-political versus civil society actors in accountability processes.

Malaysia's evolving and complex federalism sets an important context within which state governments and political parties adopt positions on how local government councillors are determined. Under the BN, there has been increasing centralization of power by federal authorities at the expense of state governments, whose tax bases are generally narrow and principally linked to land.47 Meanwhile, development funds have gravitated towards local authorities charged with administering basic services delivery, some of which is the result of privatizations enacted by the federal government. Consequently, some local authority budgets constitute a substantial component of total state government budgets and commercial contracts awarded.48 Relations with local government therefore significantly mediate access to, and control over, resources by state governments and component parties. Understandably, for PR state governments, then, the complexion of local councils would be crucial both to curtailing corruption and to implementing development plans and policies.

For middle-class NGOs, though, the primary aim was to subject governance reforms and development plans to wider societal accountability and influence, wherein they would play a critical role. According to Bersih steering committee member Maria Chin Abdullah: "... by not having elected councillors, this effectively takes away the right of the citizen to have some form of local check and balance".49 Significantly, she elaborated that: "Election is only a form towards accountability but the substantive change will really depend on how effectively civil society remains the eyes and ears of council."50 Accordingly, claims about the importance of non-party-political and so-called independent actors at local government level were to become central to NGO criticisms of the PR's handling of local government reform. Not only did NGOs see themselves as transcending ethnic-based notions of political representation, but also as best placed to scrutinize party orthodoxies on development to ensure a decisive break from the BN. For NGOs, party-political appointments to local councils could all too easily equal cadre control.

A possible PR post-election reappraisal of local government reform was signalled in its Common Policy Platform (CPP) in December 2009. There was no specific mention of elections but of the need to: "Strengthen local government democracy and democratically enhance the competency and effectiveness of the delivery system and guarantee transparency at all levels."51 A subsequent policy direction statement on priorities should PR eventually secure federal power also avoided explicit reference to local elections.52

However, if the apparent watering down of the PR's position on local elections reflected differences within the coalition nationally, this did not necessarily mean state governments in Penang and Selangor could not act more concertedly. In 2008, for instance, the Selangor government commissioned the Coalition for Good Governance (CGG), aligned to 48 NGOs, to investigate and advise on how local elections could be implemented. The report was submitted in June 2009.53 Penang State Executive Councillor responsible for local government elections, Chow Kon Yeow, also established the Local Government Elections Working Group (LGEWG) for a similar purpose, membership of which included an activist from the human rights and social justice NGO, Suara Rakyat Malaysia (SUARAM), and whose report was completed by April 2009.54

However, these reports were neither swiftly nor comprehensively acted on. Instead, the Penang and Selangor governments became involved in a protracted legal dispute that would continue beyond the 2013 general election over whether the federal Election Commission (EC) could be required to conduct local elections in these states.55 Meanwhile, the EC maintained that while it could not be involved in local elections, how state governments select councillors was up to them.56
Advocates of local elections wondered why so much faith was placed in the legal route. One Malaysianian contributor reflected how many in civil society felt: “We are tired of your lame excuses. If the Election Commission (EC) cannot help to organize these elections, then go and get some other people to monitor it. There are so many other independent watchdogs around the world.”

While the legal process took its course, PR governments in Penang and Selangor nevertheless embarked on landmark decisions to break from BN tradition and include NGOs and professionals among its appointments in 2008 and beyond. However, NGO expectations were for a greater dilution of party-political appointments than PR governments considered reasonable or desirable. Furthermore, as the following examination of the struggle over the nature and extent of interim reform measures reveals, these NGOs lacked the capacity to mobilize pressure on the parties in government. Their arguments for arresting party-political dominance of local councils also at times betrayed technocratic ideologies of representation.

Penang

Given that the DAP has the longest history of advocating for the reintroduction of local elections and it accounted for 19 of the 20 seats in the PR Penang state government formed in 2008, motivation and opportunity to implement local government reform seemed especially strong in Penang. Moreover, referring NGOs supported campaigns of PR component parties at the 2008 polls that declared social and civil participation was part of their goal of “reinventing government.” Yet tension quickly emerged over the level and complexity of appointments to Penang’s two councils — the Municipal Council of Penang Island (MPPP) and the Municipal Council of Seberang Perai (MPS) — and the processes by which they were arrived at.

NGOs in Penang proposed that council appointments should be equally split between the two categories of NGOs, professionals, and politicians. Although this was an ambitious claim, the government indicated that 10 NGO representatives would be included in the first appointments in April 2008. By the government’s own reckoning, it subsequently made just seven NGO appointments across the two councils. However, this included representatives from various chambers of commerce. Indeed, all three MPS NGO appointments were in this category.

The CCG denounced the appointments as “undemocratic and non-transparent, and lacking public consultation.” It not only contended that the qualifications of partisan political appointments were unclear, but “Further, among the small contingent of seven non-partisan representatives, the over-representation of commercial interests (five members) vis-à-vis non-commercial non-governmental organisations (two members) is completely unacceptable.” A Penang NGO, the Coalition for Local Government Elections, also expressed dismay at the “over representation” of chambers of commerce. The 2009 appointments were no less disappointing for NGOs. SUARAM lamented that the PR government had reduced rather than increased the “participation of local, independent people” and missed an opportunity to implement a “transparent system of appointment of councillors.”

As early as April 2008, a coalition of more than 40 Penang-based NGOs formed to engage the PR government over attempts to foster principles of popular political participation, transparency, accountability, sustainability, and social justice. Following disappointing council appointment rounds, the group held the Penang Forum 3 in November 2010. This involved a mock election for Penang residents to vote for 10 civil society nominees to serve as councillors in MPPP and MPS for 2011, a process that involved a modest 284 voters. Significantly, eligibility required each candidate declare that they neither held office in a political party nor in a chamber of commerce.

However, the 21 new faces and reappointments for the two municipal councils in January 2011 included just two of the 10 successful Penang Forum nominees whose names had been submitted to Chief Minister Lim Guan Eng. Meanwhile, party-political appointments accounted for 20 of the 24 appointees in MPPP and 21 of the 24 in MPS. Five of the seven NGO appointments continued to go to business representatives. Questioned about the failure to appoint more Penang Forum nominees, State Executive Councillor Chow Koy Yew responded: “We tried, at least we maintained one for MPP and for MPS from the recommendations of the forum.” Chow had earlier alluded to differences within PR on the NGO representation: “It is not that I do not want to fulfil the quota, but you must know that I do not run the government alone.” Internal government debate was likely not just to have reflected differences to consolidate or extend party-political appointments, but also which non-party-political appointments made most strategic sense for economic development plans.

This was precisely what concerned many NGO activists. According to a former NGO representative on the MPPP council, academic Francis Loh, by this time local developers had become critical of the DAP for “pusshoeing” with NGOs. In this context, the emphasis on “independence” as a defining characteristic of NGOs assured even greater rhetorical and tactical importance. Thus, lawyer Lim Kah Cheng, Penang’s longest serving councillor considered a genuine NGO representative (appointed in 2008 and reappointed in 2010), dismissed the chambers of commerce as special interest groups not serving wider common interests. According to Lim: “PR wasn’t trying to block NGOs but they share the same economic vision of what they want for the state... same framework and ideology as business when it comes to development.”

Concern about the shared development model of the government and business interests in Penang was thematic among containsts’ manifestos in the Penang Forum 3 mock election. It was also the focus of the December 2011 Penang Forum 4, the programme for which stated: “We will be looking at the impact of property-centric development at the local level in particular the problems of high-density development, congestion, transport, environment and land reclamation.”
Yet growing NGO criticism and scrutiny inside and outside council regarding development projects did not lead the Penang government to revive the logic and character of its NGO appointments. On the contrary, Chief Minister Lim responded by questioning claims to political independence by some NGOs. Meanwhile, Chow’s view that nobody has a “monopoly as to what an NGO is” was elaborated on:

NGOs represent also a segment of society, probably the environment group… but to say other segments of society wouldn’t deserve to be called NGOs, don’t deserve to be part of civil society, because they represent business interests, that’s what I find issue with them… They represent an important sector of society.”

Significantly, public debate did not extend to more extensive scrutiny of what specific issues or social segments might be best served through particular NGOs on councils or local government. This would be relevant for evaluating NGO claims to authentic representation of wider interests. English-educated middle-class actors dominated the NGOs debating Chow and others in government. But what issues mattered to members of the many Chinese-educated associations of the working class and to petty bourgeois elements in Penang society? Did they simply mirror the concerns raised at the Penang Forum? This was more difficult to know. Asked about the importance of local elections to these communities, councillor Lim, for instance, admitted to not having any real sense about it: “We live in two different worlds.”

It was this separation of NGO demands from such social bases that limited its capacity to effectively counter the influence of either intra-party or private business interests on the complex of local government appointments.

The Penang government’s failure to introduce the Independent Panel for the Selection of Councillors (IPSC) recommended by the LGEG in 2009 was also defended by Chow. The IPSC would involve between five and nine citizens of good reputation to evaluate all council nominations— including party-political appointments. Nevertheless, at Chow’s initiative, MPPP councillors Loh and Lim were invited in 2009 to participate in the process of selecting DAP council appointments forwarded to the Chief Minister: “Can you imagine a political party asking some individual outside to help us choose our candidates? And we did it!” Chow exclaimed. The underlying assumption of the IPSC was that local government reform was to a large extent about reducing the dominance of party politics— something difficult for the Penang government to embrace given its desire to move swiftly on other governance reforms and development policies.

Interestingly, re-introducing local elections would necessarily complicate and other advantages of political parties over NGOs. According to MPPP councillor Loh, Chief Minister Lim asserted during the representation controversy: “The racists are demanding full time councillors who will be available to take care of their everyday needs. If you could all that kind of work then I can increase the numbers of representation.” Loh considered this “fair comment,” adding that his time in council had made him “more appreciative of the limitations of NGOs.”

Loh also reflected that the most valuable role of NGOs was in “highlighting issues,” many of which can only be addressed at federal and state rather than municipal levels.

In effect, the NGO pitch was for a role in discursive representation. It also seemed unlikely that civil society actors in Penang would soon look to substantially deeper relations with political parties. As MPPP councillor and NGO activist Lim explained, if local elections were formally introduced, NGOs may break independent: “Because party brings with it a lot of baggage which many of us don’t want or have the time to deal with. I for one would never be in a party because the aim of a party is power… If it calls for it, we would probably have our own candidates for election.” Yet it was a search for power to influence political parties that middle-class NGOs were seeking, but their limited social bases and independent organizational capacity denied them this.

Selangor

In Selangor, the PR government committed to a 25% NGOs and professionals quota for its 288 appointments to 12 local authorities. However, from the NGO perspective, this target proved increasingly illusory. According to Tan Jo Hanoi, chairman of the Coalition of Non-Governmental Organizations and Professional Appointed Councillors (CONPAC) formed in November 2009, there 17 NGO representatives were appointed councillors in the first term (2008–2009), rather than the expected 72, falling to just 10 in the subsequent term.

Such was the disappointment with the process that in July 2010 CONPAC publicly handed Selangor’s Mentri Besar (MB, or Chief Minister), Khalid Ibrahim, a memo describing the level of NGO/professional appointments as a “far cry” from the promised quota. Overlap between party membership and some degree of connection with an NGO, however marginal, accounted for the majority of contentions. According to CONPAC’s Chairman, Jeffrey Phang: “If we do not respect this NGO quota, what we are really saying is that we are taking this voice of conscience out of the council. There will be no person that is independent inside it.” The underlying premise was that party-political appointments are less likely to look at issues on merit.

However, space for NGO seats was necessarily conditioned by what State Executive Councillor for Local Government, Research and Development, Ronnie Liu, explained as the broad formula by which his government allocated council seats among component parties. This considered: the proportion of state seats won by the DAP, PAS, and PKR, gender representation, and ethnic composition of appointments. CONPAC’s Tan Jo Hanoi noted that: “political parties are under a lot of pressure from grassroots leaders who are suggesting their people for positions and threatening to withdraw their support otherwise.” In this context, the “parties cannot touch each other’s quotas so they dig into the NGO quota.” Given their limited social bases, NGOs were not well placed to issue counterbalancing threats.
Instead, civil society actors maneuvered the LGA 1976 to their own ends. Petaling Jaya City Councillor and CONPAC committee member, Derek Fernandez, pointed out that the Act makes no mention of political party eligibility. Specified instead are: experience in local government affairs; having achieved distinction in any profession, commerce, or industry; or demonstrated ability to represent the interests of local communities. Indeed, Fernandez argued that local government problems stemmed mainly from a lack of professionals such as accountants, engineers, lawyers, and others capable of scrutinizing decisions and giving independent judgment guided by professional ethics. Petaling Jaya City councillor and Transparency International Malaysia activist, Richard Yeoh, also complained that eligibility requirements of the LGA 1976 and associated emphasis on meritocracy were being bypassed.

Thus, some NGO activists advanced technocratic or instrumentalist arguments to support their case for different representation. Whether this was a tactical or ideological claim is not clear, but it was expertise to ensure effective governance rather than political authority derived from constituencies' endorsement to act on their behalf that was being advocated. In any case, from Liu's perspective, such arguments open a Pandora's box of unsustainable expectations: "If you insisted there must be an NGO there, then how about the lawyers, how about the doctors, how about the architects? No end to it."

As in Penang, NGO complaints extended to councilor appointment processes. CGG recommendations on how the Selangor government could bypass the EC to hold elections emphasized a "people-oriented selection process." It was envisaged that a Selangor Local Government Selection Committee (SLGSC) would be established, comprising academics and non-partisan civil society activists, as a temporary step ahead of full council elections. This never materialized. A July 2016 memo to MB Khalid from CONPAC demanding that CGG be officially represented on the selection committee for appointing candidates was also not acted on. This would have institutionalized an inevitable battle between the CGG's exclusivist definition of NGO/professional candidates and the government's broader definition that permitted overlap with party-political status.

Ill-fated attempts to have trial elections in both Selangor and Penang further undermined reluctance within the respective PR governments to any dilution of party control over council appointments. Apprehension about elections — trial or otherwise — was greatest amongst PAS, where concerns about the implications for ethnic representation compound anxieties over party patronage issues. Irrespective of the interests within some PR parties benefiting from existing systems of political patronage and ethnic-based representation, once in office PR parties more acutely appreciated how limited the power and resources of state governments are in the absence of effective control over local government. Complicating or risking that control by acceding to civil society mock elections and/or greater proportions of NGO appointments without party-political links never seemed an attractive proposition to PR leaders. Critically, NGOs had not established themselves as pivotal to organizing "vote-banks" for PR parties, nor could they draw on any wider networks of organizational power to more effectively shape PR thinking.

### Kelantan and Kedah

PAS-dominated PR governments in the predominately Malay rural states of Kelantan and Kedah, where middle-class NGOs were less prominent, were not engaged in anything like the controversies in Selangor and Penang over local elections during 2008–2013. NGOs were active, but not on this issue, and many were more closely aligned to political parties than in Selangor and Penang. PAS had been in office since 1990 in Kelantan without displaying interest in local elections. Indeed, some in PAS pointed to Kelantan as a demonstration that local elections were not crucial to good government in Selangor. NGO pressure on the Kelantan government following the 2008 elections was mostly from pro-BN groups who mobilized around water management, housing, civil service employment priorities, religious laws, and land administration.

Meanwhile, the new Kedah government’s MB Azizul Razak explained that: "I do not see the need to restore local council elections. It's easier to get things done as councillors are our own people." To the extent this government faced significant NGO advocacy, it centred on environmental issues culminating in the formation of the Friends of Ulu Muda rainforest coalition that included the Malaysian Nature Society Kedah, Perlisbunan Musafakat Warga Desa (Rural Citizens Negeri Kedah), and environmental NGOs from other states. According to PKR federal MP for Kluang Kedah, Azman Ismail, when the local elections issue is raised within the Kedah government, "we are told Umno used to do this, there were quotas for MIC and MCA etc. We are too scared to do this (old politics)."

PAS sensitivity to local elections reform within and beyond Kedah helps explain why the PR's 2013 election manifesto contained no reference to it. Nevertheless, in June 2013, Selangor executive councillor in charge of local government, Teng Chang Khin, vowed that Selangor will start phasing in local elections by the end of 2014, adding: "If I am unable to do so, I'll have to give an answer by then." However, PAS central committee member Khalid Saradu maintains that any move to bring back local polls must address the issue of Malay and non-Malay councillors. "I do not agree with racial politics but this will be the area that Barisan will attack us. There are many possible mechanisms to consider." Given the loss of votes in 2013 by PAS to BN in various electorates, Teng faces challenges in persuading PAS leaders in Selangor, while movement from PAS colleagues in rural states will likely be an even greater challenge for reformers.

### Conclusion

Middle-class NGOs will continue to play a valuable role in reform movements and in galvanizing forces committed to removing the BN from office. Nowhere is this more evident than in the Bersih movement. Yet this role should not be overstated.
By far the largest mass mobilization — the 12 January 2013 Himpunan Kebangkitan Rakyat, or Gathering of the People’s Rising — was principally organized by opposition parties, chiefly PAS, in protest at a range of BN policies. It is when the memberships and support bases of these parties are fully harnessed that mobilization of civil society forces is most formidable — within and beyond Bersih.

Such mobilizations suggest Malaysia’s political culture is not beamed down the acutely polarized paths between civil society forces and political parties evident in some parts of Latin America and Eastern Europe. However, while BN opponents collectively share interests in clean and fair federal and state elections and other reforms, the importance and purpose attached to local government representation reform is shared less among the same social and political forces.

For state governments in Penang and Selangor, precisely because BN ideologies of ethnic representation remain subject to varying degrees of acceptance and rejection within PR, related structures were not without their utility for power-sharing arrangements. Similarly, these governments had to contend with the pervasive effects of a political economy defined by decades of BN federal rule. This is reflected, among other things, in the sorts of interests dominating the private sector and consequent ideas and pressures shaping state government development plans. Thus, notwithstanding political opportunities availed by increasing tensions inherent in the BN political economy model, ideological and structural legacies are likely to influence their party-political opponents for a while yet.

Limited social and organizational power — directly or through links with other groups — denied NGOs leverage over PR party officials in Penang and Selangor on local representation during 2008–2013. Indeed, middle-class activists appeared not to counteract the linking of their preferred reforms to the substantive needs and aspirations of the masses, or to engage and enlist active supporters from representative organizations beyond the middle class. They relied heavily on the power of argument and maintained a sense of entitlement to shape reform. NGO reform vocabularies also included technocratic notions of appropriate local representation. Even within activist ranks, it is not clear that shared opposition to ethnic-based representation and associated systems of political patronage is inspired by an agreed democratic alternative.

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Notes


References

5. See the various essays in Rodan and Jayasuriya, “Beyond Hybrid Regimes.”
9. For more details see Rodan, “Competing Ideologies.”
15. Ibid., 19.
17. The issue was less contentious in the other PR-controlled states of Kelantan and Kedah where middle-class NGOs are less active.
19. Hereafter, the terms Malay, Indian, and Chinese refer to ethnicity, not nationality.
21. Later these roles changed to the Malaysian Chinese Association and Malaysian Indian Congress, both of which were part of the Alliance’s successor coalition the Barisan Nasional (BN) formed in 1973.
31. Ibid., 110; Glendros and Croissant, “Civil Society,” 11–12.
33. This comprised the DAP, Parti Keadilan Rakyat (PKR), PAS, and Malaysian People’s Party (MPP).
34. Weiss, Protest and Possibilities, 127–43.
37. Ibid., 9.
38. Welsh, “Malaysia in 2004.”
42. Centre for Public Policy Studies, “Elections 08 Policy Fact Sheet.”
43. The five states were Penang, Selangor, Kelantan, Perak, and Kedah. However, in February 2009, defections controversially harked government back to BN in Perak.
44. Mammah, “Malaysia–Democracy,” 455. Others detected mounting strains on the BN’s communal politics. See, for example, Ufen, “Political Party Opposition."
46. Welch, "Malaysia’s Elections," 145. See also Saravanan, ‘GE13 Outcome.’
47. Ghaz, “De-centralisation or Re-centralization?”
50. ibid., 6.
52. Pakatan Rakyat, Change Now, Save Malaysia! See also Wong, “PR’s Spin on Local Elections."
56. Himanu, “Penang and Selangor.”
57. MalaysiaKini, “Local Polities.”
58. Tan, “CAT the Key.”
59. These council initials derive from their Malay titles: Majlis Perbandaran Pulau Pinang (MPPP); Majlis Perbandaran Seberang Perai (MSPS).
60. Netto, “Powerful Corporate Interests.”
61. The Star, “Group Flits Out.”
62. ibid.
63. New Straits Times, “Chinise Chamber Happy.”
64. SUARAM, SUARAM urge State Government."
65. Tan, “Historic Pies.”
66. Hector, “People Vote.”
67. The Star, “Almost Half of MPPP.”
68. Loone, “Political Appointees Dominate.”
69. Loones, “10 ‘Elected’.”
70. Interview with Francis Lok, Penang, 6 February 2012.
71. ibid.
72. Tan, “Historic Pies.”
73. Interview Lim Kah Cheng, Penang, 7 February 2012.
74. Aliran, “Expectations of the Elected.”
75. Aliran, “Penang Forum 4.”
76. Loones, “10 ‘Elected’.”
77. Interview with Chew Kun Yow, Penang, 6 February 2012.
78. Interview with Lim Kah Cheng, Penang, 7 February 2012.
80. Interview with Chew Kun Yow, Penang, 6 February 2012.
81. Interview with Francis Lok, Penang, 6 February 2012.
82. ibid.
83. ibid.
84. Dryzek and Niemeyer, “Discursive Representation.”
85. Interview with Lim Kah Cheng, Penang, 7 February 2012.
86. Henry, “NGO Reps in Selangor.”
87. Tan, “Letter from CONPAC.”
89. Pasul Komas, “CGG & CONPAC.”
90. Interview with Ronzie Liu, Kuala Lumpur, 16 February 2012.
92. ibid.
93. Pasul Komas, “CGG & CONPAC.”
94. ibid.
95. Interview with Richard Yes, Kuala Lumpur, 28 January 2011.
96. Interview with Ronzie Liu, Kuala Lumpur, 16 February 2012.
98. ibid., 23–4.
100. Interviews with Tan Jo Ham, Kuala Lumpur, 10 February 2012 and Chew Kun Yow, Penang, 6 February 2012.
102. Chan, “PAS Leaders.”
104. New Straits Times, “Kedah Says No.”
106. Adda, “Delegates Fling.”

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