ACTIVE REPRESENTATION IN MALAYSIAN BUREAUCRACY: THE CASE FOR CONFLICT MANAGEMENT

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Abstract

Representative bureaucracy theory and research provides that ethnicity, gender, and race of bureaucrats matter to the efficacy of the public services. Representative bureaucracy theory possesses the notion that public workforce representative of all the people in terms of race, ethnicity, gender helps ensure the interests of all groups in the decision making processes. The representation of all the groups in the multi-ethnic states also affects the management of conflicts. In post-cold-war era, intra-state conflicts are the main sources of violent conflict, unlike inter-state conflicts as previously. The policies, actions and/or programs that states introduce to manage those conflicts decide the future of such issues and maintain the ethnic co-existence in the state. The bureaucrats can play a significant role in ethnic conflict management because of their status as policy makers, and as interpreters of laws and policies. This article, thus, looks into the role active representation plays in conflict management with special focus on Malaysia. The ethnic representation in Malaysian bureaucracy with the Malay domination presents an interesting case as the minority demands of proportional representation has been one of the most important issues in the country. The example of ethnic conflict management by Malaysian government and by means of quotas and affirmative action policies will be analyzed to help understand the development and effects of Malay domination in the era of demands of representative bureaucracy worldwide.

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Background to the Malaysian Civil Services

The Malays Administrative Services (MAS) was established by the British in 1910 to gradually transfer the administrative functions to Malays. The officers of these newly administrative services were promoted to senior and already working British-dominated Malayan Civil Service (MCS). Malays in MCS were mostly in generalist categories and posts while technical and professional posts were mainly occupied by non-Malays due to lagging of Malay community in educational field (Lim, 2007). Lim further explains how the British, after noticing the economic backwardness of Malays and their lower representation in senior services ascertained that 'the number of non-Malay Federal Citizens who are admitted into the Malayan Civil Service shall be limited to one for every four Malays admitted into that service in the future' (2007:1507). Therefore, the request of non-Malays for entry into the Malayan Civil Services was rebuffed during the run up to independence. Malays had realized the importance of Malay control of bureaucracy after British has left the country. Hence, Tunku Abdul Rahman, the then leader of UMNO, objected the Chinese demand of equal entry to all communities in the Malayan Civil Services. Thus, in 1957, special rights to Malays became part of the Federal Constitution (Article 153) at independence of the Federation.

Ethnic representation in the Malaysian bureaucracy has been one of the most important and sensitive issues discussed in the country. The federal government of Malaysia reserves positions for Malays and other native ethnic groups in the public sector. The provision of reservation is guaranteed in the Federal Constitution (Lim, 2007). Where representative bureaucracy is advocated world-wide, the Malay domination of Malaysian civil services requires an examination. The effects of ethnic domination are examined here to understand how the transformation from under representation of Malays to over representation have impacted affirmative action policies introduced for ethnic balance in the public sector and how this over representation has helped Malaysian state to manage ethnic differences and ethnic conflict after Race Riots of May 1969. The

Malaysian population is divided into two major categories, one, Bumiputras (literally meaning 'Sons of Soil') and other, non-Bumiputras which is mainly referred to Chinese and Indians. The Bumiputras consist of Malays from all 13 states of Federation of Malaysia including Sabah and Sarawak which joined the Federation of Malaysia (previously known as the Federation of Malaya) in 1963. Singapore separated from the Federation in 1967. Malaysia gained independence in 1957 from British. Since then, the federal government has been controlled by a coalition, formed by three ethnic parties. National Front (previously called the Alliance), although, consist of a dozen of political parties, is most of the time dominated by party of Malays, i.e., United Malays National Organization (UMNO) (Lim, 2007).

The better economic condition of Chinese and Indians owe to their better educational achievements and participation in the country's vibrant private sector. The post-election violence of 1969 compelled Malays to enhance their economic condition by using their political power. The Malay domination of bureaucracy can be understood in the same context. The New Economic Policy (NEP), later replaced with the National Development Plan (NDP) due to end of scheduled 15-year period of NEP, was introduced in 1971 to increase Malays education opportunities and participation in the public and private sector. However, since NEP and then through NDP, the Malays domination has been increasing in various sectors of the country, the need for representative bureaucracy has never been undermined by the public. To rectify imbalance in the Malaysian civil services, 'the Malaysian Public Service Commission has, from time to time, initiated innovations in its recruitment practices to attract more non-Malays job seekers' (Woo, 2015:229).

Three (3) factors are described by Lim (2007) that explain the causes of Malay-dominated bureaucracy, namely; preference or demand for public employment, educational qualifications and selection criteria. The historical and cultural factors and dominance of non-Malays in the private sector have compelled Malays to opt more for public employment. Due perhaps to disadvantage in educational achievements of Malays, as compared to Chinese and Indians, the Malays have been insisting on being accorded 'special rights' (Lim, 2007:1507) that include preferential requirement into the public service.

Taxonomy of Ethnic Conflict Regulation Methods

Ethnic conflict management has been one of the most discussed issues in the present time. Ethnic differences have forced many nations to experience as extreme as genocide. The taxonomy for ethnic conflict regulation proposed by McGarry and O'Leary are applicable in most of the ethnic conflicts around the world. The taxonomy gives eight macro-political forms of eliminating and managing ethnic and national differences (McGarry and O'Leary, 1994). These methods are further divided into two categories; methods for eliminating conflict and methods for managing differences. Methods for eliminating ethnic or national conflicts include genocide; forced mass population transfers; partition and secession (self-determination); and integration/assimilation. For managing ethnic or national differences, authors propose hegemonic control; arbitration of benign third-party intervention; cantonisation and/or federalization; and consociation or power-sharing are the methods implemented by the states (McGarry and O'Leary, 1994).

The genocide, though not favored by authors (McGarry and O'Leary, 2005), is the method that has taken place at different times in history in various parts of the world. Nazis and their allies committed genocide in 1940s, the Turks against the Armenians, Burundi against Hutus, Nigeria against Ibo residents of the North are only but a few examples where groups in power intended to destroy in whole or in part a racial, ethnic or religious group.

Forced mass population transfers is explained as an act by which an ethnic community or set of communities is compelled to leave its home. Germans in Poland, Czechoslovakia and the Baltic region after Second World War, the Greek Cypriots in 1970s by Turkish Army, Asian Community from Uganda by Idi Amin were expelled from their homelands. This method is adopted to achieve several ends. The forced mass population transfers are advocated similarly to genocide for punishing the rebels and create precedence for future rebellions and also 'to establish demographic facts to strengthen territorial claims' (McGarry and O'Leary, 1994:98).

Partition and secession (self-determination) and integration/assimilation are two other methods of eliminating the politically relevant differences within the state.

Unlike genocide and forced mass population transfers, partition/secession allows the right of national and ethnic communities to enjoy self-determination. The divorce of Ireland from United Kingdom, the separation of East Pakistan (now Bangladesh) from Pakistan area examples where ethnic communities sought separation on the basis of their differences with the dominating group. In integration/assimilation, states attempt to 'integrate or assimilate the relevant communities into a new transcendent identity, through nation-building' (McGarry and O'Leary, 1994:102). The states who advocate integration make certain the outlawing of discrimination by means of ensuring that the children of integrating community is going to same school, socialization is taking place and by encouraging public and private housing policies which prevent segregation.
On the other hand, the management of ethnic or national differences is carried out where elimination of ethnic conflicts seems less possible. The avoidance of violent conflict for the time being is sought through methods in the managing ethnic or national differences grid.

Hegemonic control is a method by which states attempt to manage the ethnic differences present in the state. Through hegemonic control imperial or authoritarian regimes sustain their control over ethnic groups by means of coercive domination and elite co-option. Another method as suggested by McGarry and O'Leary is arbitration of benign third party intervention which 'entails the intervention of a neutral, bipartisan or multi-partisan authority. It differs from other methods used to stabilize antagonistic societies because it involves conflict regulation by agents other than the directly contending parties' (McGarry and O'Leary, 1994:108).

The methods of cantonisation and federalization are macro-level approaches for conflict management. These approaches are associated with regional management of ethnic differences. Cantonisation is the process of giving micro-partition where very small political units enjoy political powers and mini-sovereignty. On the other hand, Federalization, a device for regulating multi-ethnic states, has larger provinces than cantons in cantonisation. Federalism, as defined by Adeney, is the 'division of sovereignty between at least two territorially defined levels of government' (Adeney, 2003:18). Adeney further states that federations are analyzed by several authors as 'the institutional configuration of a process of

previously independent states coming together and amalgamating their sovereignty' (2003:18). In federations, therefore, the power is divided between the central and provincial governments. The federalism words where ethnic groups are concentrated geographically. The states where ethnic groups are geographically segregated the tool of federalism as the conflict regulation seems less effective (McGarry and O'Leary, 1994).

Consociation or power-sharing technique of ethnic conflict regulation operates on a level of an entire state. Malaysia also experimented with consociationalism between 1955 and 1969. For consociationalism to be successful three fundamentals are required; first, the contending communities 'must not be unreservedly committed to immediate or medium-term integration or assimilation of others into 'their' nation or to the creation of their own nation-state'. Second, 'successive generations of political leaders must be motivated to engage in conflict regulation and sustain the consociational system'. Third, the political leaders of the relevant ethnic communities must enjoy political autonomy, so that they can make compromise without being accused of treachery; and they can only enjoy such autonomy where there is not extensive intra-ethnic competition as to who best represents the interests of the community', (McGarry and O'Leary, 1994:113-114). Malaysia is regarded as one of the stable federations by Adeney (2003) which has purposively designed multi-ethnic units despite the separation of Singapore in 1965 and consociational and democratic practices being undermined subsequently.

Conflict management in multi-ethnic states having federalism as a system consider true representation of people belonging to all ethnic groups in the federal bureaucracy. By representation of the ethnic groups in federal bureaucracy the interests of the groups receive attention in the institutional forums in the state. The theory of representative bureaucracy as proposed by Donald Kingsley, possesses the notion that a public workforce representative of all the people in terms of race, ethnicity, gender helps ensure the interests of all groups in the decision making process. The representation of all the groups in the multi-ethnic states affects the management of conflict.

Meier and Nigro (2015) opine that public administrators play an important role in resource allocations among competing political forces. Administrative decisions

are political decisions, therefore, in order to achieve control over administrative power the representative bureaucracy is an effective tool. The main idea of representative bureaucracy is 'if the attitudes of administrators are similar to the attitudes held by the general public, the decisions administrators make will in general be responsive to the desires of the public' (Meier and Nigro, 2015:84). A more 'active representation' than merely 'passive representation' is effective in conflict management. The passive representation occurs, Bradburry and Kellough (2011) state, when individuals from specified groups, such as racial or ethnic minorities and women, are included in an organization. In other words, passive representation takes place when the ethnic minorities and women are given representation as per their share in the population. The representation become active when those bureaucrats who are represented at the stage of passive representation emphasize and pursue the interests and desires of those whom they are representing. Thus, passive representation leads to active representation. The active representation, therefore, suggests that the bureaucrats pursue those policies favorable to the group they belong to. The public or the ethnic groups expect integration, domination, power-sharing in normal circumstances and secession in case of confrontation or differences with the state (Esman, 1999).

Public administration facilitate state in managing its ethnic conflict by devising criteria of employment of state bureaucracies that ensures passive representation and by implementing policies and practices that helps determining the fair distribution of resources, benefits and costs of government among members of competing ethnic communities (Esman, 1999). The state establishes and introduces such policies that are acceptable to all contending ethnic parties. The state determines which language or languages should be given the status of national language or which ones are to be given vernacular status. The 'political participation and office holding, employment in government institutions and often in private enterprise, and access to scarce and valuable economic assets such as land, capital and credit' (Esman, 1999:353) are the values that ethnic communities contest and for which the states attempt to set terms of access. These terms of access assist state in managing ethnic conflicts that emerge between the groups and between groups and the state itself. The policies, actions, or programs that state introduces to manage those differences decide the future of such issues and maintain the ethnic co-existence in the society. The bureaucrats can play a

significant role in ethnic conflict management because of their status as policy makers, and as interpreters of laws and policies.

The roles that bureaucrats play range from policy formulation to execution and implementation of governmental policies and law. The bureaucrats or civil servants carry out day to day administration of the state in accordance with the policies, rules, laws, regulations and decisions of the government. Another major function that bureaucrats perform is of provision of advices to the political executives. Public resource allocation requires the services of bureaucrats to decide provision of goods and services to the groups of citizens and consumers (Altay, 1999). The fair distribution of resources is basic requirement of regulation of inter-ethnic and ethnic-state relationship. These relationships are regulated through systematic preferences, individual market-merit processes, or power sharing arrangements (Esman, 1997).

Preferential Policies in the Malaysian Civil Services and Ethnic Balance
Besides, experimenting with Consociationalism, the preferential treatment has been another effort by the Malaysian authorities to manage its multi-ethnic, multi-religious, and multi-racial society. The preferential treatment of Malays began in the British Colonial era in Malaysia. Further, due to New Economic Policy that was introduced and implemented due to racial violence of May 1969, the number of civil servants increased rapidly. 4% of the population of Malaysia is engaged now with civil services sector, i.e. 10% of country's labor force. The number of civil servants recorded in January 2016 stood at 1.6 million. The large size of civil servants and the scope these carry indicate that their performance is major concern to all the stakeholders in the country (Woo, 2017). The achievement of education and public services is considered as birthright of Malays because of being privileged by the title Bumiputras 'sons of soil'. Hence, the preference to Malays has led to increasingly mono-ethnic civil service and thus the recruitment and promotion to the Malays is common knowledge in the public sector.
In 2010, there were about 1.22 million employees in Malaysian Civil Services, out of which only 6% were Chinese. The multi-racial population of Malaysia, according to 2010 census, comprises of 54.6% Malays, 24.6% Chinese, 7.3% Indians, and 12.8% others. At the end of 2009, out of 4.68% of population in civil

services, only 6.0% were Chinese, 4.6% of Indians, 7.3% of other natives compared to 76.2% of Malays (Woo, 2017:2). Due to being mono-ethnic and acknowledgement of importance of representative bureaucracy in the modern democratic states world-wide, the public concern of quality of public human resource and performance of civil services rises in the multi-ethnic state of Malaysia. The guarantee that representative bureaucracy ensures regarding better performance of the public sector expects the bureaucracy to be responsive to the need of various social groups in a diverse society (Woo, 2017).

Malaysian Bureaucrats and Ethnic Coexistence

There are several multiethnic states in the world; however, Malaysia is a unique case which, although, being ethnically diverse society, has stayed free from severe conflict based on race, religion, or ethnicity. Haque states that 'Malaysia is a classic case that represents the co-existence of some major ethnic groups with distinct racial, linguistic, religious, and cultural identities and perceptions, and it has used wide-ranging state policies and rules in various sectors to address critical problem and issues related to ethnicity' (2003:242). He further asserts that most of the policies that are introduced in Malaysia since 1960s have been based on ethnicity. These policies cover policies on language, education, government, employment, business, licenses, immigration, internal security, and foreign policy. However, most of the policies are implemented in favor of the ethnic majority group in the Federation i.e. Malays. Due to ethnic preference to Malays, the Malaysian state is characterized as 'ethnocratic state' and her political system is regarded as 'ethnic democracy' or 'consociational democracy'. This ethicized political approach reflects the model of consociationalism as articulated by Arend Lijphart (Haque, 2003:242).

Consociational democracy is 'a government by elite cartel designed to turn a democracy with a fragmented political culture into a stable democracy' (Lijphart, 1969:216). There are four features that are necessary requirement for the consociational democracy to be successful; (i) that the elites have the ability to accommodate the divergent interests and demands of the subcultures, (ii) this requires that they have the ability to transcend cleavages and to join in a common effort with the elites of rival subcultures, (iii) this in turn depends on their

commitment to the maintenance of the system and to the improvements of its cohesion and stability, (iv) finally, all of the above requirements are based on the assumption that the elites understand the perils of political fragmentation. The further conditions for successful consociational democracy, the inter-subcultural relations at elite level, inter-subcultural relations at mass level, and elite-mass relations within each of sub-cultures are necessary conditions (Lijphart, 1969). In short, there are four (4) major elements that are prerequisite for consociational democracy, i.e. grand coalition, proportionality, cultural autonomy and minority veto. In case of Malaysia, Mauzy (cited in Noh, 2010) describes Malaysian system as coercive consociationalism, whereas Brown and Stafford (both cited in Noh, 2010) depicts it as an ethnic democracy and as a consociational variety respectively.

Despite all the efforts by successive governments and practicing consociational political system, Haque believes that 'Malaysia remains a deeply divided society with intensive socio-racial cleavages' (2009:242). Soomro and Memon (2013) point out in their article that the ethnic communities in Malaysia seem to live together but the careful analysis of Malaysian society reveal that ethnic communities are institutionally separate. The authors further indicate towards the fact that Malays, Chinese and Indians retain their identities in terms of language, culture and tradition. This tradition of retaining of identities by ethnic groups makes Malaysian society together but separate. Nevertheless, the ethnic co-existence is maintained by means of this attitude of retaining their identity, making Malaysian society into one of the colorful, energetic and harmonious model of coexistence, not only in the region but in the world as a whole (Soomro and Memon, 2013).

Besides efforts by the Governments to maintain ethnic co-existence, the efforts have also been taken by Malaysian Public Service Commission (PSC) to attract more non-Malay applicants. In 2009, to increase the number of non-Malay civil servants, especially Chinese, the PSC came into agreement with non-Malay non-Governmental Organizations (NGOs) such as the Federation of Chinese Association Malaysia to recruit Chinese into Civil Services. The example of such agreement between NGOs and the PSC is rarely found in other multi-ethnic,

multi-racial states. This joint venture for recruitment of non-Malays in Civil Services was initiated on the bases of multi-ethnic community's needs and expectations. This attempt involves deliberate efforts to bring more representative bureaucracy in the state (Woo, 2015).

The number of Chinese, Indians and other natives is very low, as compared to Malays, the efforts by PSC has brought positive result in the form on increase of non-Malay representation from 4.4% and 4.5% respectively of Chinese and Indian civil services in 2008 to 5.2% and 4.7% of Chinese and Indian in 2009. The ratio even increased in 2011 with Chinese at 8.0% and Indians at 5.4% in the Civil Services. The percentage of Chinese and Indians in management and professional groups, which require university graduation, had increased for Chinese from 9.4% to 10.7% whereas it had remained same for Indians in years 2009 and 2010 that is 5.1% (Woo, 2015). This type of incremental innovation, Woo explains, should continue to rectify 'the current extreme ethnic imbalance' (Woo, 2015:238). This increase in the number of non-Malays and especially Chinese Malaysian was also result of the 1Malaysia project brought forth by Najib Razak after he assumed leadership of UMNO party and the federal government. Although there has been criticism on 1Malaysia Project propounded by Najib Razak that says it is an attempt by the Barisan Nasional government to recover the support it had lost since the March 2008 election. The PM Najib's inclusive policies are criticized by those right-wing national groupings that continue to harp on Malay ethno-religious dominance in the country. The intention behind 1Malaysia Project was to foster national unity and integration (Noor, 2012).

Conclusion
The ethnic preferential policies in favor of majority group – Malays with a formula of 4:1 agreed upon between Malays and non-Malays had led to the possession of most senior political and administrative positions by Malays. Thus, Malay dominance is quite visible in major institutions of the state that include cabinet, defense, the legislature, judiciary, police and the bureaucracy. The dominance of majority in major institutions in the multi-ethnic states causes intra-state conflicts.

Most of the intra-state conflicts involve mobilized ethnic communities. The ethnic communities are collective identities based on language, religion, or the common descent. The state is a critical factor in most of such conflicts. The states play a major role in resolving such conflicts by introducing policies, actions and programs. Such programs maintain the ethnic co-existence in the state. The bureaucrats complement state in ethnic conflict management by playing their role of policy making. In case of Malaysia, the dominance of Chinese and Indians in economic sphere and educational achievements, the government took steps to redress the grievances of majority group of Malays vis-à-vis minority groups by introducing preferential policies that guaranteed representation of Malays in business, educational institutions and state machinery to avoid ethnic, racial and religious conflict in the Federation.

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