



Reforming Higher Education in Malaysia: Combating Entrenched Patronage and Racial Politics ¹

Nearly a month after the historic victory that ended Barisan Nasional's (BN) 61 years in power, Education Minister Dr Maszlee Malik gave the assurance above that there would not be any political interference in universities. That promise was in line with the Pakatan Harapan (PH) manifesto, which pledged to restore the authority and independence of institutions of higher learning, encompassing autonomy in governance and guarantees of academic freedom and freedom of speech.²

Reflecting this spirit of reform, Maszlee had in June 2018 met with representatives of Gerak, which has been at the forefront of advocating for reforms in institutions of higher learning for the last two decades. He seemed supportive of Gerak's ten demands for the reform of institutions of higher education. These demands include putting a stop to political appointments to top university management and leadership posts and replacing political appointees with respected, independent-minded, and accountable academicians, Gerak's proposed restructuring of university administration is significant, with the underlying premise of changing the entrenched feudal academic culture of hierarchy and subordination to a political master to an academic culture based on mutual respect, critical engagement and academic freedom. In the interim, Gerak recommended the establishment of a National Search Committee comprising eminent scholars, representatives from civil society, corporate leaders, and officials from the Ministry of Education to appoint new university top management.

Maszlee terminated the services of the heads of five universities, all BN political appointees: Zaki Azmi of Universiti Malaysia Sabah (UMS), Noorul Ainur Mohd Noor of Universiti Sains Malaysia (USM), Anuar Ali of Universiti Putra Malaysia (UPM), Sufri Mohd Zin of Universiti Tun Hussein Onn (UTHM), and Kamaruddin Hussin of Universiti Sultan Zainal Abidin (UPSI) (Adnan 2018). However, political patronage is still deeply entrenched in the system. Significantly, Maszlee reneged on the PH Manifesto in making political appointments, including Mohd Nizam Morad, his political secretary, to the board of directors of Universiti Utara Malaysia (UUM) and of Muhammad Nur Manuty, PH chairperson, to head the board of directors of Universiti Sultan Zainal Abidin (UniSZA). In addition, Dr Mohd Ghazali Abas, the secretary general of the Education Ministry as of June 2018, is also a member of the board of directors of Universiti Kebangsaan Malaysia (UKM), contradicting the PH manifesto's commitment to upholding university autonomy. This political interference in the governance of institutions of higher education culminated with Education Minister Maszlee's own appointment as president of the International Islamic University Malaysia on 5 September 2018. Both Gerak and student activists were highly critical and called for his resignation from the post (Malay Mail, 2018).

1) This chapter is based on an article written by a Gerak member, Lai Suat Yan, originally published in *New Mandala*. See "Reforming higher education in Malaysia: Combating entrenched patronage and racial politics, 20 June 2019. <https://www.newmandala.org/ph-education-reform/>

2) This relates to promise number 50 of *Pakatan Harapan's Buku Harapan: Rebuilding Our Nation, Fulfilling Our Hopes*. The manifesto comprises 5 pillars, 10 promises in 100 days, 60 promises in 5 years, and 5 special pledges. It was released and distributed to the public on 8 March 2018. See <https://www.malaymail.com/news/malaysia/2018/03/10/what-you-need-to-know-about-pakatans-ge14-manifesto/1594915> for a detailed report about its release See also [https://i.dapmalaysia.org/repository/Manifesto PH EN.pdf](https://i.dapmalaysia.org/repository/Manifesto_PH_EN.pdf) for full access to all 150 pages of the manifesto.

Maszlee was initially reluctant to resign, stating that he would lead changes from within until the university became the "Oxford of Muslim nations" (Chin 2018). In what appeared to be an attempt to sidestep the issue of political appointment, he also painted himself as a benevolent leader who would work towards such a goal without any extra pay. Clearly, patronage politics is still the preferred mode of governance.

Amidst sustained protest by student activists, Dr Maszlee resigned as President of IIUM in early January 2019 (Lee 2018). At one stage, four student activists staged a sit-in demonstration in front of the Ministry of Education building. Two of them were arrested. In expressing his sadness over the students' arrest and apologising³ for having been unable to meet with them, Maszlee nevertheless insisted that their arrest was beyond his control, as the police are not under his jurisdiction. Interestingly, Maszlee's use of imagery of a father who needs to listen to his children's (the students) complaints while showing a caring side also suggested a paternalistic dimension, in which authority resides with him, the father.

As many of the comments following YouTube coverage of the demonstration demonstrate, those protesting were described as lazy, ungrateful, and deserving of expulsion from university, and were generally chastised for not focusing on their studies. This is because student protest is not mainstream in Malaysia (Weiss 2011). Student activists themselves have shared that they have had a hard time in university due to negative perceptions of their participation in the sit-in protest. This anti-activist culture suggests that the repeal of various acts that constrain academic freedom will not suffice to free minds conditioned and shackled for decades to respect and defer to authority rather than to pursue critical or independent thinking (Loh 2024).

Maszlee met with students and appointed a student representative to the committee to reform the Universities and University Colleges Act (UUCA)⁵ 1971, only after the protest, indicating

that even these concessions were hard-won. In contrast, representatives from the academic staff had already been appointed to the committee to reform the UUCA. What has transpired suggests that vigilance is key, as the political culture of academic freedom and university autonomy has not taken root yet in the minds of the powers that be.

Facing pressure to abolish the UUCA, Deputy Minister of Education Teo Nie Ching had, in August 2018, given a time frame of five years, purportedly due to the need for consultation with concerned stakeholders. However, the backlash that Maszlee's appointment as president of IUM and his initial reluctance to resign generated helped to fast-forward legal reform. On 10 December 2018 (incidentally) the date chosen to honour human rights globally-Parliament passed amendments to the UUCA, the Private Higher Educational Institutions Act (PHEIA) 1996, and the Educational Institutions (Discipline) Act (BIDA) 1976. These amendments enable students in both public and private institutions to participate in political activities on campus. Significantly, ongoing disciplinary actions that were instituted against students for their political activities within campus grounds were also suspended.

Nonetheless, the amendment of only Section 15(2)(e) of the UUCA, which barred students from participating in political party activities on campus, falls short of what student activists had demanded: To repeal Sections 15 and 16 entirely. In other words, students' academic freedom and right to organise are still not guaranteed, given existing provisions of Sections 13 and 16:

Section 15 (2) (a) bars students from becoming members of any unlawful political organisations, societies or groups; Section 15 (2) (b) bars students from becoming members of any societies, organisations, or groups, excluding political parties, that the University Board deems to be "unsuitable to the interests and well-being of the students or the University" Sections 15A (1 and 3) bar students from promoting and/ or collecting donations; Section 16 (1) empowers the vice-chancellor to suspend or dissolve any student organisations or groups, and Section 16 (b) (1) provides for the vice-chancellor to be the disciplinary authority in relation to student of University.

3) Maszlee held a press conference on 13 September 2018, after meeting student activists at a restaurant near Universiti Malaya, the previous day. During the meeting, students gave Maszlee seven days to resign. See <https://www.youtube.com/watch?v=DSWLJr5aKdl> and <https://www.malaysiakini.com/news/442838> for details.

4) The Universities and University Colleges Act 1971, widely known as (the dread Auku, also as UUCA or as Act 30, is a general legislation for the establishment of government supported universities. See <https://Gerak-akademik.org/2022/03/23/about-aukuuniversities-and-university-colleges-act-1971-act-30/> for details.

For advocates, the call for the repeal of Sections 15 and 16 is both substantive and symbolic, as these sections were introduced in the 1975 amendments that quelled the vibrant student activism for social justice that started in the 1960s. (Ali, 2018). However, Maszlee has indicated that the UUCA will be abolished ⁵ by 2020. The contention that regulations regarding the establishment, governance, structure, and administration of universities and university colleges need to be put in place before the UUCA is abolished is understandable. Even so, the failure to repeal Sections 15 and 16 was a huge disappointment to advocates for academic freedom and freedom of association for students. Clearly, the present government is still steeped in a controlling mindset rather than trusting and freeing young-adult students to think critically and manage for themselves.

Other than the UUCA, Gerak's ten points also highlight a slew of acts that curtail academic freedom and call for their abolishment or exemption. Chief among these are Act 605, Statutory Bodies (Discipline and Surcharge), which governs the conduct of statutory bodies, including academic staff in public universities; administrative requirements such as the pledge of loyalty required of academic staff in public universities, which makes it possible to interpret being critical as being disloyal; and the Sedition Act ⁶ On the other hand, the PH government has attempted to repeal the Anti-Fake News Act 2018, which was introduced just before the last general election. This law bears heavily on freedom of speech, including academic freedom. Its repeal passed in the House of Representatives (Dewan Rakyat) but was rejected by an opposition-dominated Senate (Dewan Negara).

However, reconsideration of the repeal is only delayed for a year, during which time, the composition of the Senate is bound to change, as some senators' terms expire (Lim 2020).⁷

5) Maszlee mentioned this in response to an online news columnist's cynical remark about the Ministry of Education embarking merely on amendments to the Act, leaving just as "cruel" and threatening. See

<https://www.freemalaysiatoday.com/category/nation/2018/11/17/uuca-will-be-abolished-assures-maszlee/>

6) The Sedition Act was first introduced in Malaysia in 1948 by the British, who used it as part of a set of legal restrictions designed to silence dissent against colonialism and British rule. The crime of sedition has its roots in an era when statesmen and political leaders were considered to be largely above reproach by the common man, and when the institutions of government were far more parlous than at present. Sedition as a concept is largely antithetical to the underlying premises of modern democracy. As a result, sedition laws in

many countries have either been repealed or have fallen into disuse for some time. For an in-depth discussion see Article 19's Memorandum on the Malaysian Sedition Act 1948, <https://www.article19.org/data/files/pdfs/analysis/malaysia-sedit.03.pdf>.

7) For an informative discussion on Gabrielle Lim's research into the "life and death" of Malaysia's Fake News Act, listen to The Lawfare Podcast here:

<https://shows.acast.com/60518a52f69aa815d2dba41c/60518a63bd84d92f9a7e5640>.

The ultimate promise the PH government made in its election manifesto was to rebuild the nation based on five pillars, one of which—Pillar 5—is to "create a Malaysia that is inclusive, moderate and respected globally". Pillar 5 offers a critique of the previous BN government and, specifically, the United Malays National Organisation (Umno), the dominant partner in the coalition, which has "long-played the racial and religious card, pitting one race against the other for the sake of short-term political expediency". Instead, the manifesto pledges to implement policies that bring about a united and inclusive nation⁸ — one that is a "global model of inter-racial and inter-religious harmony" (Zaidi et al 2019).

Indeed, Dr Mahathir Mohamad, the current⁹ Prime Minister, steadfastly followed through with his decision to appoint Tommy Thomas, a non-Malay and non-Muslim, as attorney general, raised hopes that the new Malaysia would indeed break with the racial politics of the past. Significantly, the opposition to Thomas's appointment was on the basis of race and religion. Mahathir did not waver, even in the face of an impasse with the palace. The appointment is significant, as it suggests an emerging change to racial narratives; Malaysia's last non-Malay, non-Muslim attorney general was in 1970-74. Similarly, Lim Guan Eng is the first non-Malay, non-Muslim Minister of Finance since 1974. Prior to his recent retirement, Richard Malanjum, a non-Muslim, also became the first Sabahan to be appointed as Chief Justice, under the present PH government.

8) On the issue of inclusivity, see Faris Zaidi, Ewanina Effandie, and James Chin (2019) *Projek Pantau: Report Card #3* https://www.ideas.org.my/wp-content/uploads/2021/04/PantauProjek_No.3_V5-1.pdf. This is a critique of the PH Manifesto, especially Pillar 5, from the perspective of the Borneo states, Sabah and Sarawak and the Malaysia Agreement 63. The discussion includes critical arguments about the dominance of Malayan "politicking" despite PH's call for inclusivity.

9) Mahathir Mohammad was Prime Minister for the second time, from 2018-2020.

However, deeper analysis in the context of higher education suggests this narrative of being inclusive and abandoning use of the racial and religious card is anomalous, mere tokenism, or the result of certain political configurations rather than a general emerging pattern.

Part of the PH manifesto's plan to restore the authority and independence of public universities and institutions of higher learning is an undertaking "to recognise the UEC (Unified Examination Certificate) to enter public institutions of higher learning", provided these students have a credit in the Malay language. The UEC is a standardised examination that students in Chinese independent schools in Malaysia take; leading universities worldwide and private institutions of higher learning in Malaysia recognise the UEC for admission to bachelor's degree programmes. However, PH has backpedalled, amidst concerns that recognising the UEC will threaten nation-building and compromise the status of the Malay language as the national language (Ang 2015). Yet, surprisingly, such a "severe threat" of undermining national unity and compromising the national language did not cross the minds of leaders of either the PH or BN, both of which coalitions included this promise in their manifestos for the 14th general election. The PH manifesto's commitment to being inclusive rings hollow, given the way events have unfolded. Nevertheless, the government has set up a task force to study the issue; its findings are expected in July.¹⁰

More broadly, the inclusive agenda becomes even more distant in light of the matriculation programme, which Prime Minister Mahathir describes as a pre-university "backdoor" programme, with a quota of 90 per cent for Bumiputera (sons of the soil, including both indigenous peoples and Malays) and 10 per cent for others. In contrast, the main route to public higher education for those considered non-Bumiputera, for example, Chinese and Indians, is through the tougher Malaysian Higher Education Certificate (STPM) system, which is also open to Bumiputera. Dr Maszlee caused a furore when he justified continuing the matriculation programme on the basis that the job market discriminates against Malays because they cannot speak Mandarin and that non-Malays are well-off and can send their children for private education. He was rightly criticised for his failure to see that Mandarin is a skill-set and for homogenising non-Malays as affluent. The narrative of inclusion and meritocracy is glaringly missing. Even as the Gerak reform document recognises the need for affirmative action, it recommends a different model. Point four of Gerak's reform document calls for upholding meritocracy over "kultocracy" (in terms of skin colour) for student enrolment or faculty recruitment. Specifically, criteria for admission would be based on merit alongside an affirmative preference for those who are economically disadvantaged or have special needs, and for reflecting the diversity of Malaysian society.

While changes have been slow and uneven, the PH government has been relatively receptive to public criticism. ¹¹ Mahathir withdrew himself from the Education portfolio initially, due to

public censure and pressure to uphold the PH manifesto, which pledges that the prime minister will not hold any other ministerial posts. Similarly, Dr Maszlee had to resign from the presidency of IIUM to honour the PH manifestos promise to end political appointments. This opening of space has further provided leverage to advocate for various practices that negatively impact academic excellence and/or integrity. Examples include the awarding of grants for research based on patronage and seniority rather than the merit of the research proposal, the institutional practice in public universities of requiring postgraduate students to co-publish with their supervisors to improve a university's ranking, and the ineffective or inadequate redress of sexual harassment in institutions of higher education.

Nonetheless, to the extent that reform of institutions of higher education requires changing mindsets entrenched in patronage politics and feudal culture, reform will be a painstakingly slow and gradual process (Maaruf 2014). For now, political appointments and racial politics are still being practised. And as most political parties are still race-based, even within the PH coalition itself, we can expect racial politics to be a main staple for a long time to come, with higher educational institutions persisting in its grip.

10) To date no report has been submitted by the Unified Examination Certificate (UEC) Policy Task Force. See various reports on the matter here

<https://www.thestar.com.my/news/nation/2023/03/17/fadhlin-uec-policy-task-force-failed-to-submit-report-to-ministry>

11) An Amnesty International news item claimed that, since May 2018 Malaysia saw some promising improvements in terms of freedom of expression. However, it also claimed that the PH coalition did not live up to its manifesto commitments to reform legislation including the Sedition Act 1948, Communications and Multimedia Act 1998, Printing Presses and Publications Act 1984, and Peaceful Assembly Act 2012. The news item also claimed that authorities had used these laws to continue to investigate, harass, and prosecute individuals including human rights defenders, activists, and journalists. See the news link here: <https://www.amnesty.org/en/latest/news/2018/08/malaysia-100-days-in-power-government-still-has-much-to-do-on-human-rights/>.