Malaysia

In the grip of the government

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I began to see the Malaysian journalist as one of the saddest creatures in the nation. Our readers dismissed us as lapdogs of the government; the government considered us instruments of policy. But the truth was that Malaysian journalism was replete with people of intelligence and integrity, good and honourable Malaysians, who were finding that their careers demanded enormous efforts of conscience...Malaysia's journalists would be among those most personally damaged by the Mahathir years, and their tragedy was that it was their idealism that kept so many of them going as long as they did (Rashid 1993).

The Malaysian media, like the nation itself, has evolved a great deal since independence in 1957. In the immediate post-war years, the media was predominantly comprised of privately owned newspapers, while the state had a monopoly on radio and television that was broken only in 1983 when the first private television channel was established. Malaysia has experienced fairly rapid growth since independence, and the media industry's expansion has been a close reflection of this. The media's commercial growth has been matched by the progressive introduction of stricter legislation controlling its output, with most of the media owned by interests close to the government. These conditions have led to more censorship and shrinking democratic space for the media.

The decade between 1987 and 1997 has been the most tumultuous period so far for the Malaysian media. In 1987, four newspapers were closed down in a crackdown on dissent. By 1997, an unprecedented decade of strong economic growth had transformed the media business, as new money and newer technology flooded a newly middle-class market eager

for fresh media. Newspapers, magazines and terrestrial and satellite television stations were established, hiring media workers at previously unheard-of wages. But the brief moments of heady optimism among journalists and readers alike soon faded, as Southeast Asia's economic crisis swept through Malaysia in 1997. Compounding the media's economic bruising of the past two years has been the political crisis brought on by the sacking and arrest of former deputy Prime Minister Anwar Ibrahim. As a consequence, the Malaysian media business has retreated and regrouped, its brief flirtation with an expansive optimism—reflected in new investment and a tolerance of liberal elements—was soon discarded as growing ownership paranoia and shrinking revenues took hold. Senior editorial management linked to Anwar Ibrahim resigned or were ousted, while biased reporting and editorial attacks against dissenters appeared more regularly in print and on the airwaves. Recent crises experienced by neighbours such as Thailand and Indonesia may have given rise to new independent media and a diversity of voices, but it has not been a feature of Malaysia's mainstream media.

Why this has been the case is a question best answered by examining the mix of legislation, licensing and ownership that has helped stifle the media's culture. It is also important to consider how the practice of Malaysian journalism in recent times has been marked by expensive lawsuits, a culture of self-censorship and fear, and a decline of professionalism. Moreover, the past year has seen the marked rise in the mainstream media's role as a propaganda tool for the establishment; it has also witnessed an information battle waged by opposition forces using new technologies such as the Internet and video CDs.

Growing authoritarian culture

After 42 years of independence from British colonisation, Malaysia has effectively wiped out poverty for most of the population, successfully raising standards of work and employment, healthcare, education and social security. For a younger generation of Malaysians who have come to expect such material well-being as a fact of life, the quest for broader political participation and a stronger civil society has become more apparent. Rubbing up against these desires has been the state, dominated

since independence by a coalition government known as *Barisan Nasional* (or the National Front).

The BN, as the coalition is known, is dominated by its biggest party, the United Malays National Organisation (UMNO), whose leader is the Prime Minister, while the coalition's multi-ethnic composition includes the Malaysian Chinese Association (MCA) and the Malaysian Indian Congress (MIC), along with a variety of smaller parties. The coalition has held power since independence, and Dr Mahathir Mohamad became the fourth Prime Minister in 1981. After 18 years in power, he is now the longest-serving Prime Minister of Malaysia. Dr Mahathir has overseen the growth of a burgeoning middle-class, an essential part of the urban areas where more than half of Malaysia's population now lives (Malaysian Department of Statistics 1991).

At the same time, he has nurtured a foreign policy that proposes a theme of 'Asian values'. The Prime Minister has pushed for a new global agenda that speaks on behalf of a poor south against the rich developed countries of the north; within this debate, Dr Mahathir has argued against the universality of the concept of human rights and the fundamental freedoms it contains. Specifically, he has questioned the Universal Declaration of Human Rights and the general understanding of article 19, which guarantees the right to freedom of opinion and expression. He has argued instead the importance of framing the concept of human rights around economic and social rights rather than basing it on civil and political rights.

As lawyer and human rights activist R. Sivarasa once noted, Malaysia has a constitution guaranteeing freedom of speech, 'but not freedom after speech' (Sivarasa 1995). The constitution allows the government to impose restrictions, as it deems necessary, to protect national security. Under such provisions, Dr Mahathir's government has passed and amended laws in parliament that severely curb freedom of expression.

An authoritarian political culture has developed both pervasively and deeply. Not surprisingly, the media in Malaysia reflects the culture of 'soft authoritarianism'—where the institutions of a democratic state and the division of its powers may exist in principle but have been made ineffective or absent in practice. 'In spite of fairly regular multi-party elections and some other features requiring accountability of the regime', write Edmund

Losing control

Terence Gomez and K.S. Jomo in *Malaysia's Political Economy* (1997), 'the Malaysian state has been authoritarian since the colonial period, though analysts have characterised the political system as semi-authoritarian, semi-democratic, or quasi-democratic...some features of authoritarianism have been pronounced since Mahathir Mohamad became Prime Minister in 1981'. Malaysia's rapid development has revealed a basic contradiction, as these political economists explain—the authoritarian style of Dr Mahathir's government has on the one hand enhanced economic growth and material well-being while on the other hand led to abuses of power and a shrinking of democratic space.

The Malaysian Human Rights Report, published in 1998 by the human rights group *Suaram*, describes Malaysia as a severely restricted democracy, where the government maintains its control with a 'sophisticated combination of draconian laws, controls on civil liberties, with social and economic policies favouring élite and middle-class sectors' (1998).

The media as an institution has been particularly vulnerable to such a culture; its independence as an institution has largely disappeared in the past two decades of legislative and licensing control. Mixed in with this has been the corporate manoeuvring of media assets and management further consolidating this control.

Using the laws to stoke fear

For most Malaysian journalists, the Printing, Presses and Publications Act (PPPA) of 1984 presents the frontline threat to free and critical reporting. The Act provides the Home Minister—until recently, a portfolio held by Dr Mahathir—the right to suspend or revoke publishing and printing permits. The threat of these laws to media organisations is very real, as was demonstrated in 1987 when four newspapers including the dailies *The Star* and *Sin Chew Jit Poh* had their permits revoked under the PPPA. Although no journalists were arrested, several were interrogated by the police.

Two months after the closures, the PPPA was further amended by Dr Mahathir's government, with parliament approving changes that removed the right of judicial review. As a result, the amended Act declared that the Minister's decision to revoke or suspend a licence or permit 'shall be final and shall not be called in question by any court on any ground

whatsoever'. The Prime Minister said at the time that such rights of review were based on notions inherited from the British and thus alien to Malaysian life. The Act also requires annual applications from printers and publishers for licences and permits, with stiff penalties mandated for editors, journalists, publishers or printers if found guilty of 'maliciously publishing false news'. Not surprisingly, establishing a media or printing business in Malaysia is a particularly risky investment. The PPPA has served as an effective deterrent to a culture of independent journalism, especially since 1987.

The PPPA has also been used in two well known cases against opposition activists: the Democratic Action Party (DAP) deputy leader Lim Guan Eng was released recently after a year in prison. He was convicted of 'maliciously publishing false news' after producing a pamphlet questioning the handling of a rape case involving a senior government leader and a young girl from his constituency. As a result of his sentence, he automatically lost his parliamentary seat and has been barred from running for election again.

The PPPA is being used against Irene Fernandez in a similar way. Ms Fernandez's organisation, *Tenaganita*, campaigns for workers' rights and as a result of research, issued a memorandum in August 1995 detailing allegations of deaths in the detention camps of migrant workers and calling for an independent investigation into these reports. But since March 1996, when Ms Fernandez was arrested and charged under the PPPA for 'maliciously publishing false news', her trial has been ongoing, making it the longest running in Malaysia's legal history.

Many journalists have therefore adopted a policy of 'don't rock the boat'. This common sentiment may be challenged if a petition by Malaysian journalists is sustained. On World Press Freedom Day on 3 May 1999, a memorandum calling for the repeal of the PPPA was signed by 581 journalists and handed over to the Home Minister and deputy Prime Minister Abdullah Badawi. The memorandum drew attention to the various powers under the Act, including closing down publications and 'arrest without a warrant any person found committing any offence under the Act'. Despite the number of signatories, a key initiator of the memorandum (journalist Shaila Koshy) acknowledged that there had been much resistance among journalists to sign, with many expressing fears for their careers. In some newsrooms, senior journalists discouraged their

colleagues from signing, arguing that it was disloyal to the government. Few journalists from the Malay-language newspapers and the *New Straits Times* signed, suggesting a media culture divided not only along language, but also ownership, lines.

Broadcasting is completely regulated by the Broadcasting Act of 1988. The Act requires licensing for radio and television stations. The Minister of Information has wide control over what goes on the air. Not surprisingly, the electronic media comprises only the state-owned Radio Television Malaysia (RTM1 and 2) and a handful of politically linked private stations.

The other tool of official control is the Internal Security Act (ISA). It has been used to suppress political criticism in the media as well as in civil society. The most notorious use of the ISA was the crackdown against dissent in October 1987, dubbed Operation Lallang (*lallang* means weed), when 106 people were detained, including most of the Opposition. Recently, the ISA has been used against Anwar Ibrahim and his supporters.

The ISA was originally introduced by the British colonial government as a means of containing the communist insurgency of the post-war years. The law was retained and enhanced after independence in 1957, with the declared objective of controlling internal subversion threatening the security of the state. Since independence however, thousands of Malaysians have been detained without trial under the ISA, many of whom have been social and religious activists and members of political parties.

The ISA allows for detention by the police for up to 60 days for interrogation of any person suspected of acting against the 'security' of Malaysia. After the initial 60 days though, the Home Minister can extend the detention for up to two years with no right of appeal by the detainee. Not only are detainees held but they are often at risk of ill-treatment—a risk that became most apparent when Anwar Ibrahim appeared in court after over two weeks in ISA detention, suffering from serious assault by the police while in custody. Other accounts of psychological and physical torture in detention have been documented in books by former detainees such as Dr Syed Husin Ali of the People's Party (1996), and former member of Parliament Dr Kua Kia Soong (1998). Though the government indicated its intention of reviewing the ISA in early 1996, the use of the Act since that time has actually increased in the wake of the political crisis in 1999. No journalist has been detained under the ISA, but its threat to the media is evident.

The Official Secrets Act (OSA) of 1972 is also a colonial legacy based on the British OSA of 1911, originally intended to stop information flows (to foreigners) that might endanger national security. But Malaysia's 1972 Act gave the authorities broad powers to restrict the unauthorised publication of any information held by the government, regardless of its insignificance or the fact that it is in the public domain. As the Act doesn't contain definitions of what constitutes an 'official secret', a compliant judiciary can distort the process of natural justice and logic.

Three cases in 1985 featured the use of the OSA against the media and in all three cases, hefty fines were imposed—the first for a story by *New Straits Times* journalist Sabry Sharif alleging irregularities in military aircraft purchases; the second for the investigations taken by two *Asian Wall Street Journal* foreign reporters (one of whom was expelled from Malaysia after being fined); and the third for the citing of an allegedly confidential government document by a *Far Eastern Economic Review* foreign correspondent (the essence of which had already been publicised by the Prime Minister at an earlier press conference). The government passed amendments to the Act in 1986, adding provisions for mandatory prison terms. Although the OSA has rarely been applied since, its intimidatory effects on civil society and the media have been highlighted by occasional threats of prosecution against journalists in 1992 and 1995.

The use of contempt of court and defamation laws to discourage debate and silence critics of the establishment have been a more recent phenomenon when compared with the use of laws such as the ISA and PPPA. The costs of defending and paying damages in defamation suits have become particularly onerous.

There are several cases involving the media and freedom of expression now before the Malaysian courts. The oldest of these related cases involves the veteran freelance journalist M.G.G. Pillai, who was ordered to pay damages of RM2 million (at the time, US\$800,000) after being found guilty in 1994 of defaming and libelling the reputation of Vincent Tan, one of the Prime Minister's closest business associates. He is awaiting the outcome of his appeal.

In November 1995, a foreign journal, *International Commercial Litigation*, published an article that discussed the issue of the Malaysian judiciary's independence and its conduct in a civil suit in unflattering terms. Several large companies and Mr Tan filed libel suits against the journal and the

people quoted in the article. Among those sued were the then secretary of the Bar Council Tommy Thomas and all the partners of his firm; the UN Commission on Human Rights Special Rapporteur on the independence of judges and lawyers, Param Cumaraswamy; and the *Asian Wall Street Journal*'s Southeast Asia correspondent Raphael Pura, who is based in Kuala Lumpur. A total of 15 suits were filed, seeking nearly US\$200 million in damages.

The case against Mr Pura began with an ongoing dispute over the filing of additional defence documents. These documents allegedly substantiate the claims of complicity between top judges and lawyers representing the companies and Mr Tan. In a related case, the UN Special Rapporteur Mr Param is facing four defamation suits seeking damages totalling US\$108 million; the suits against him are for his comments used in the same journal, detailing his investigations into allegations of corporate interference with the Malaysian judiciary. The Malaysian government refused to advise the court of Mr Cumaraswamy's immunity, a matter that came before the International Court of Justice. In a 14–1 decision, the Court held that the Special Rapporteur is entitled to immunity from legal process as maintained by the UN Secretary-General. The Court held 'that the Government of Malaysia should have informed the courts of the finding of the Secretary-General...and now had the obligation to communicate the Court's Advisory Opinion to the Malaysian courts' (International Court of Justice 1999). The Malaysian government has not yet undertaken the action required.

'Scandalising the court'

The media's most recent brush with the law resulted in the jailing of Canadian journalist Murray Hiebert. Mr Hiebert had written an article about the Malaysian judicial process in the *Far Eastern Economic Review* (1997). An action was brought against him by the wife of a judge whose case Mr Hiebert had mentioned in the article. When sentencing Mr Hiebert for 'scandalising the court', Justice Low Hop Bing warned the media not to disrespect Malaysia's courts and its justice system. The Court of Appeal upheld this conviction though it halved the sentence to six weeks; Mr Hiebert was released after four weeks for good behaviour. His lawyers are appealing his conviction to the highest court, the Federal Court.

Unsurprisingly, Mr Hiebert's jailing for contempt of court raised many protests worldwide, the first time in 50 years that a journalist has been jailed for contempt of court in a Commonwealth country. A statement from US President Bill Clinton expressed deep concern about the jailing and the undermining of press freedoms. International journalists' organisations such as the US-based Committee to Protect Journalists and the Paris-based Reporteurs San Frontières (RSF) protested and said the decision by the courts represented 'a dramatic step back for press freedom in Malaysia, where local journalists are already pushed to self-censorship because of drastic laws' (press statements, CPJ and RSF, 14 September 1999).

A sister publication of Mr Hiebert's magazine, the *Asian Wall Street Journal*, warned that 'the Hiebert decision may presage other, even more draconian, uses of contempt' in Malaysia (13 September 1999). After the upholding of the conviction, the head of the Malaysian Bar, R.R. Chelvarajah, noted that Malaysian courts had drawn criticism in a number of recent cases, stressing that 'these comments should not be brushed aside' (1999).

'What happened to me is a shot across the bows for other journalists', said Mr Hiebert in Hong Kong, two days after his release from prison. 'It's a warning that in Malaysia, it's difficult for journalists to function ... Most countries in Asia are moving towards a more open press but Malaysia seems to be moving in the opposite direction' (Agence Presse France, 14 October 1999).

But none of this has blunted Prime Minister Dr Mahathir's defence of Malaysia's judiciary and due process. He has countered the criticisms in typical style, pointing out that he does not 'interfere' with the courts despite western pressures to do so in cases like Mr Hiebert's. He claims the condemnation of Malaysia for the jailing is because Mr Hiebert is a western journalist, not because the protests have been about media freedoms in the country; the inconsistent human rights records of the United States and other western countries are then lambasted, with Dr Mahathir lamenting in international fora the 'very distorted perception of right and wrong'.

His government's special envoy to the United Nations, Abdullah Ahmad, has already stated in a recent newspaper article the whispered part of the government's argument: 'The question is would they have taken as much trouble if S. Jayasankaran (Mr Hiebert's Malaysian colleague in the bureau) instead of Murray was jailed? The implication is

clear. Don't touch white journalists but the Malaysian court can sentence a Malaysian, coloured, Asian or Senegalese journalist' (1999).

It has become apparent through these cases that the right to freedoms of speech and expression is severely curtailed when threatened with such legal suits. It has had a 'chilling effect' on the freedom of expression and 'needs to be curbed,' advises Abid Hussain, the UN Special Rapporteur on the freedom of opinion and expression in a report on Malaysia (1998). The cases of Mr Pura, Mr Param and Mr Hiebert have all added to the culture of fear and intimidation apparent in the media in Malaysia.

These cases also reveal the intricate relationships the corporate élite has with the Prime Minister and his government, amidst allegations of judicial impropriety and a corruption of due process. The increasing use of the courts to resolve such disputes and the propensity to award extraordinarily large sums for damages echo the trend first noticed in Singapore, where opposition politicians have been bankrupted as a result of judgments against them.

In the broader politics, there has been a deepening cynicism and distrust amongst the public of the judicial process and its alleged use against the government's enemies. This has been highlighted in the past year by the trial and subsequent conviction of former deputy Prime Minister Anwar Ibrahim for corruption. This does not bode well for the media, already hamstrung by laws that contain mandatory jail terms and do not provide for judicial review.

The politics of the newspaper business

The media tradition in Malaysia has long been centred on a task of informing and educating its audience from a partisan position. This was apparent before independence, when Malay-language and Chinese-language newspapers featured nationalist campaigns against the British, whereas English-language newspapers such as *The Straits Times* were identified as journals of the colonialists. While the newsroom at *The Straits Times* continued to host British editors several years after Malaysia's independence, editors such as Said Zahari and Samad Ismail of the Malay-language *Utusan Melayu* and *Berita Harian* newspapers were jailed for their Malayan nationalist efforts. The Malay-language media supported

an UMNO-led coalition for independence, and this continued after independence as the coalition won at successive general elections.

For the most part, the Malaysian media did not question the government's economic agenda for the country. But the disparities of wealth that had become defined according to ethnicity soon resulted in the tragedy of the 1969 race riots. One explanation of the media's close alignment with the government after 1969 was that the riots, its casualties and the political aftermath had traumatised the media. Abdullah Ahmad, who was special assistant to the Prime Minister at the time, Tun Abdul Razak, argued that Malaysian media's traditions 'were in fact more westernised than many people might suspect. Something happened before and after 1969'. An 'excessive self-censorship' culture developed within the media. By the 1970s, the media participated in government efforts of 'nation-building', elaborating on concepts of 'developmental journalism' that were hailed as politically progressive and in tune with the Third World's agenda for change.

These themes worked in well with the moves by the dominant political party UMNO to gain control of the media. From around 1972, UMNO's investment vehicle Fleet Holdings began buying up a substantial share of Malaysia's biggest media company, the New Straits Times Press Bhd (NSTP); the company's assets included the Malay and English-language broadsheets, *Berita Harian* and the *New Straits Times*, as well as several tabloids and a magazine publishing division. The initial goal was to wrest control of the media-newspaper company from its traditional Singapore and British owners. By 1984, the party through its investment vehicles owned almost 76 per cent of the NSTP. It was also through this media company that Malaysia's first licence for a commercial television broadcaster (TV3) was secured.

The 1990s have proven somewhat more complicated, as the ownership of this media organisation has followed the course of the bitter split in UMNO which saw the ouster of Anwar Ibrahim. The 1993 management buy-out of the NSTP by a company called Realmild featured four senior editors of the group; three of whom were seen as close associates of the then deputy Prime Minister Anwar Ibrahim. Realmild is the main shareholder in the NSTP group and TV3 through the heavily indebted conglomerate MRCB. In a sweeping ownership and management shake-

up announced in July, the control of Realmild is now in the hands of Abdul Rahman Maidin, a little known businessman favoured by the political leadership. The only survivor of the original four editor-owners is Abdul Kadir Jasin, a Mahathir loyalist who as group editor-in-chief now oversees all of the group's media; this adds to the widely-held view of the NSTP's control being wrested away from Anwar Ibrahim's associates by Dr Mahathir's supporters.

The best-selling English-language newspaper in Malaysia, *The Star* is the centrepiece of Star Publications (M) Bhd, one of the most profitable companies listed on the Kuala Lumpur Stock Exchange. Through a complex web of holdings, the newspaper and its sister publications such as *Day&Night* magazine are indirectly owned by the investment arm of the MCA political party, a senior partner of the ruling coalition. Originally a small regional newspaper founded in Penang, *The Star's* migration to the capital and to a national audience was complete by the early 1980s. Although it lost its licence in the 1987 crackdown, the daily returned the following year and has charted a commercially successful course over the past decade. The company's listing on the stock exchange two years ago was a success, and its shares now trade at good premiums. *The Star* has the greatest share of print advertising in the country and its staff—with six-month bonuses and stock options—are the best paid in the mainstream media.

The top-selling Malay-language newspaper *Utusan Malaysia* is the lead product of Utusan Melayu (M) Bhd, a profitable listed company on the stock exchange. The majority controlling stake is held by the dominant party in the ruling coalition, UMNO. This shareholding was disclosed when the company listed on the stock exchange in August 1994.

The newest member of this exclusive club of licensed newspapers is *The Sun*, an English-language daily tabloid. Established at the height of the economic boom in 1993, the daily relaunched itself the following year with a series of modernisations that improved wages and introduced new editorial and advertising styles across the industry. The newspaper is mostly owned by Vincent Tan through one of his private companies. He has a reputation in Malaysia's business world as an active corporate player through his listed conglomerate, the Berjaya Group. This conglomerate has interests in everything from telecommunications, transportation, gaming companies to stock brokerages; it also holds or has held rare

licences and exclusive contracts in lucrative sectors such as the lotteries, cellular and long-distance telecoms, and the national sewerage system.

The two best-selling Chinese-language newspapers, *Sin Chew Jit Poh* and *Nanyang Siang Pau*, are also owned by corporate figures close to the political leadership. The latter newspaper has suffered circulation losses since the political crisis because of perceived imbalanced reporting of the crisis (see below). Like the NSTP group, the Nanyang Press group has been part of a politically approved corporate play during the 1990s: after a few change of hands by UMNO-linked businessmen such as Wan Azmi Wan Hamzah and his brother Wan Ariff, the media group was bought through a series of complicated transactions by the Hong Leong Group, an ethnic Chinese-controlled conglomerate led by Quek Leng Chan. Although Mr Quek has been perceived in the political crisis as an associate of Anwar Ibrahim, the newspaper has generally not reflected this partiality to the former deputy Prime Minister. The newspaper's market share has slid since the crisis began last year, and the gap has grown against the Chinese-language market leader, *Sin Chew Jit Poh*, which claims recent readership figures of over 300,000.

According to *Sin Chew Jit Poh*, the publication is alone among the mainstream dailies in all languages to have posted an improved circulation over the past two quarters (AC Nielsen readership polls). Especially significant are the drops in circulation of up to 20 per cent for newspapers identified with UMNO's interests, such as the *New Straits Times*, *Berita Harian* and *Utusan Malaysia*. The Chinese-language market leader is owned by Rimbunan Hijau, a regionally focused Sarawak company founded by low-profile timber tycoon Tiong. *Sin Chew Jit Poh* has had a relatively independent editorial management and it has probably benefited in sales because of this perception. Moreover, the Prime Minister has used this perception to counter allegations of a lack of media freedom in Malaysia (Chanda, Hiebert and Jayasankaran 1999; Jamaludin and Ahmad 1999).

TV as a government information service

The electronic media, however, has rarely been guilty of such sins, even though those in opposition to the government has often complained of its sins of omission. Parliamentary Opposition Leader, Lim Kit Siang, who has held this position for nearly 20 years, has not enjoyed 'a full minute

on television at any time during that period' (Suaram 1998). Much of this bias can be blamed on its ownership and the working culture that dominates television and radio, where the typical career progresses from the state-owned Radio Televisyen Malaysia (RTM) to one of the four newer electronic media organisations of TV3, MetroVision, NTV7 or satellite service Astro.

The state's RTM broadcasts nationally on two television channels, RTM1 and RTM2 (often known as TV1 and TV2) and six radio services, mostly in Malay. All news and information is supplied from a centralised newsroom, with a great reliance on the state-owned news agency Bernama, for hourly news bulletins. Financed partly by the public through taxes and the annual licence fee, RTM also takes in advertising. Because of its comprehensive national reach and its status as the first national broadcaster, it remains popular with advertisers. Although commercial broadcaster TV3 has for several years taken the lion's share of total advertising spending, RTM's TV2 has been runner-up in the race by screening popular American programming to attract the wealthier, urban-oriented audience needed by advertisers.

In 1998, in spite of new competition and the economic crisis, TV2 and TV1 took the second and third-largest share of advertising after TV3, collectively taking in RM118.1 million (US\$31 million) or nearly 40 per cent of market share (AC Nielsen Adex Service). With a mandate to inform, educate and entertain, RTM has long been seen as a tool of government, with its senior management appointees of the minister of information—under Dr Mahathir's Prime Ministership, this portfolio is usually held by his party's propaganda chief and political whip. RTM's television and radio stations also commission and broadcast regular long-form advertisements and jingles promoting government campaigns of the day; in the past year, this has included campaigns for information technology, patriotism against foreigners, and unity in the face of economic adversity.

The Minister of Information and UMNO's Secretary-General, Khalil Yaacob, declared in June that RTM's airwaves were the sole preserve of the government, explaining that this was why the broadcaster would not be featuring any opposition voices in its news and other programs. This brought a storm of protest from the opposition and civil society. Social reform organisation Aliran accused the information minister of 'total ignorance', stressing that RTM was public property:

RTM can be used to explain government policies but the people also have a right to know what others, including opposition parties and non-governmental organisations, think about those policies. It cannot be used to broadcast propaganda only from the ruling party while denying access to opposition parties (Aliran 1999).

But as Dr Farish Noor of the social justice organisation JUST pointed out, the ruling coalition's claim on RTM 'would rob RTM of what little credibility it has left and as such deprive the government of one more channel of communication to the public' (Noor 1999). He added that the implications of this RTM ban on the opposition and its supporters is far-reaching and serious, as it demonstrates how 'the democratic culture of the Malaysian constitutional model is being eroded on a daily basis'.

This was illustrated in 1999 with two separate features on RTM's television channels. One was a multi-part dramatised series on the life and struggles of Prime Minister Dr Mahathir, offering an obvious propaganda tool in the run-up to the next general elections. The other, running throughout the week at prime time, involved multi-lingual and slickly produced long-form advertisements contrasting Malaysia's stable government and social conditions with riots, deaths and property destruction in neighbouring Indonesia—the voiceover message clearly urged viewers to support the ruling coalition.

The most successful broadcaster is the commercial station TV3 whose parent company Sistem Televisyen Malaysia Bhd (STM) has been part of a major corporate overhaul as a result of heavy debts and political realignment in the wake of Anwar Ibrahim's ouster from government. It has been a lucrative broadcaster for the political leadership to control, in terms of both audiences and revenue. In 1998, TV3 regularly captured upwards of two-thirds of the viewing audience and took in RM151million (US\$40 million), or half of all TV advertising spending. The first to be issued a commercial television license in 1983, STM's TV3 was part of a selective privatisation exercise by the government to politically linked corporate interests—its controlling shareholder then and now remains interests linked to Dr Mahathir's party UMNO. Aside from a first year loss the company has reported that pre-tax profits rose nearly fifteen-fold in five years. Unsurprisingly, the rise of Anwar Ibrahim as deputy Prime Minister in 1994 coincided with his business associates at listed conglomerate MRCB taking control of TV3 (Gomez and Jomo 1997). It is

Losing control

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ironic then to witness how quickly TV3 has changed soon after the quiet resignations in August 1998 of various editorial managers seen as Mr Anwar's appointees. News programs became more overt in their editorial line against Mr Anwar's economic rescue plans, a month before his sacking as deputy Prime Minister and Finance Minister. Since Mr Anwar's sacking and conviction, TV3's prime-time news has run disparaging and often inaccurate reports on the opposition and its supporters.

The new kids on the broadcasting block, MetroVision and NTV7, were launched in 1993 and 1998 respectively. Both have suffered badly in the economic crisis as a result of expensive borrowings by their owners in the boom years, and have also struggled to reach audiences as a result of their allocations on the UHF broadcast band. As a result of cost cutting, ministerial criticism of its broadcasts and management turmoil, MetroVision abandoned its newsroom altogether and has been rebroadcasting the various language news bulletins of RTM2 for over a year. With its mix of new and rerun seasons of mostly commercial US programming, MetroVision has not been producing any local programming of note since the economic crisis.

NTV7 has also faced reduced circumstances and has similarly adopted the target of a mostly urban, middle-class audience demanded by advertisers. Owned by the family interests of Effendi Norwawi, a Sarawak tycoon with interests in banking, education and property who is close to that state's premier and the Prime Minister, NTV7 was originally destined to be the Sarawak 'window' for other Malaysians. The broadcaster established a newsroom that introduced a more contemporary, American feel to its news bulletins, partly as a result of consultants' advice from Los Angeles and the hiring of key editorial staff from Europe and Australia—NTV7 billed itself as the 'intellectual news provider'. Unfortunately, while the form has changed for the better, the content remains much the same albeit with a slightly different running order than TV3 and RTM—the Prime Minister's events for the day do not always lead NTV7 news, unlike rival bulletins.

According to current and former staffers, substantial pressure has been brought to bear on daily editors of the news programs since the political crisis erupted. There is close scrutiny of productions for mentions and images of the opposition, and in-house 'political controllers' have been

installed to vet assignments and eventual output. In a brief flourish at the start of this year, NTV7 news and current affairs department produced a controversial discussion program called *Dateline*, hosted by youthful supporters of the government (one now an aide of the deputy Prime Minister and home minister, Abdullah Badawi, who licenses the media). For the first time on Malaysian television, the weekly prerecorded program featured opposition party members and non-government organisations that were critical of the ruling coalition, debating current issues such as whether the opposition is denied mass media access. Several of the program's discussants complained after broadcast that their views were selectively edited, taken out of context and effectively misrepresented.

Finally, the smallest electronic media organisation in terms of audience (but not of investment) is the satellite television service Astro, which last year captured 2.7 per cent of viewing audiences. With 25 channels and its five radio broadcasts it is part of Binariang Sdn Bhd, a RM3.5 billion (about US\$1 billion) satellite project launched in 1996. Binariang is part of the corporate empire of another of the Prime Minister's close business associates, Ananda Krishnan; Mr Ananda's interests have included shipping, petroleum, property and a series of lucrative gaming licences that have helped bankroll a media empire. In 1992, *The Star* estimated the net worth of Mr Ananda's corporate assets at about RM1.8 billion. Malaysians are only allowed to buy and use satellite dishes of the Astro service, which is subscriber-based and mostly a relay for foreign services such as CNN, CNBC and Bloomberg News. Astro produces one channel, RIA, which features only Malay-language entertainment and no news programming. The radio stations rewrite and broadcast news feeds from RTM and the Bernama news agency. At the height of the demonstrations in support of Anwar Ibrahim throughout 1999, reports on Malaysia run on CNN and CNBC feeds were censored for Malaysians with in-house advertising and promotional items. There have been reports of CNN's feeds being delayed by one hour to allow censorship while foreign media reports on Malaysia are rarely ever allowed to run. Satellite feeds of reports of Malaysian demonstrations in September by the BBC, the ABC and TVNZ were jammed for several hours, according to staff of the BBC; the Information Minister announced three days later that the facilities were not to be used for news reports.

Different languages, differing perspectives

The question of media freedom in Malaysia must also take into account the different languages of the media, a demarcation which has traditionally reflected ethnicity and class. For most of the 20th century, English was the language of the colonial ruling class, while Malay was the language of the majority Malay rural population. The two major Chinese-language dailies, on the other hand, were established earlier the 20th century to cater for the mass immigration of workers from China to the peninsular.

Today, these factors still bear some influence in perceptions of political and economic power. English is widely used in urban areas but this is not the case in the suburbs and beyond, where Malay, Chinese and Indian dialects are still more common. For example, the advertising industry's research reveals that while the biggest-selling news dailies in Malaysia have long been the Malay-language *Berita Harian* and *Utusan Malaysia*, and the Chinese-language *Sin Chew Jit Poh*, advertisers prefer to reach the mostly urban audience that reads English-language publications such as *The Star* and the *New Straits Times* newspapers. Similarly, the magazine publishing boom of the early 1990s was driven by new English-language consumer magazines competing for both affluent urban readers and product advertisers such as watch companies, computer and car manufacturers.

The Malay, English and Chinese-language media each put their own spin on thorny political issues. In late 1999, a list of election demands calling for greater liberalisation was endorsed by a large coalition of ethnic Chinese organisations. Over a two-week period, the Malay-language newspapers ran daily commentaries and reports attacking the integrity and loyalties of these organisations and amplified the Prime Minister's dismissal of these demands. The tone of the reports was antagonistic, appealing to racial sentiment and traditional resentments against the Chinese community; longer articles even revived long-retired political foes in order to condemn the organisations along racial lines; there was little or no discussion of the contents of the list. The English-language newspapers, however, adopted a more removed position, detailing the list's contents but sceptical of the organisations' motives. The criticisms of the demands were muted, on the one hand reflecting the Prime Minister's displeasure while on the other, still aware of its mostly urban

and discriminating readership. The Chinese-language newspapers generally reported the endorsement of the list's demands by parties in the ruling coalition; there was also discussion and examination of the specific demands for greater liberalisation.

Where to from here?

While a raft of restrictive legislation has played an important role in stunting the growth of a media culture of inquiry and debate, it is clear that the ownership of media organisations has played a critical part in curbing media freedoms. Both these constraints of legislation and ownership are the reasons commonly given by senior Malaysian journalists as to why there is hesitation (and some reluctance) to report on events deemed 'sensitive' by the authorities.

Responding to criticisms in the *New Straits Times*, sociologist and opposition politician Dr Chandra Muzaffar questioned the journalistic integrity of the mainstream media. He asserted that 'the NST has made Dr Mahathir into a sacred icon, beyond reproach and beyond criticism...the interrogation of power is, after all, the essence of democratic accountability. The NST cannot rationalise its subservient attitude to the Prime Minister in the name of press laws and media ownership.' He went on to point out that 'wealth, culture and social stability have conspired to thwart the emergence of such courageous and principled journalists in this country' (Muzaffar 1998). The relatively comfortable wages that allow for car and house ownership, annual bonuses of up to six months' wages and a broader social mobility for Malaysian journalists into the middle-class have indeed helped in obscuring journalism's ideals—the freedom to shop remains more attractive than the freedom to investigate the trading practices of such a shop.

At the 1998 Commonwealth Press Union conference, the editor-in-chief of the NSTP group, Abdul Kadir Jasin, said 'although the three (main) media organisations are independent and owned by publicly listed companies, they want to continue supporting the government. The government may not be too perfect, but it is not too bad either' (1998). His colleague at the best-selling English-language newspaper, *The Star*, shared this attitude and elaborated further at the same conference. According to news editor Wong Chun Wai, 'the responsibilities of the

local media are to help the country and its people develop by providing positive information which would keep the peace' (1998).

Throughout the 1980s, *The Star* captured a growing middle-class readership interested in and sympathetic to its relatively balanced news policy and populist verve. Its masthead continues to declare itself 'The People's Paper'. But by October 1987, this apparent popularity with the people went horribly wrong when it lost its printing and publishing licence along with its Sunday edition. *The Star* and two other newspapers were all casualties of Operation Lallang. *The Star's* attempts at journalistic balance, especially in its coverage of the bitter political contest between Dr Mahathir and a former finance minister Tengku Razaleigh Hamzah, was a clear lesson to its owners and the staff.

Virtually overnight, a tentative culture of inquiry was cowed and eventually disappeared, as a generation of journalists left the trade taking their skills and experience with them. And not all of them were from banned newspapers; there were also refugees from other dailies like the *New Straits Times*. Rehman Rashid, embarked on his 'years of (self-imposed) exile' after the sacking of the Lord President (Chief Justice) and two other Supreme Court judges in 1988. 'Until then, I had doggedly kept believing we might recover from the rapid-fire concatenation of calamities that had assailed us...I could see causes and effects, and I could still rationalise what had happened...But when the Supreme Court got its head blown off, I gave up' (Rashid 1993:241).

The 'quiet resignations' of the two editors of Malaysia's best-selling newspapers, the Malay-language *Utusan Malaysia* and *Berita Harian*, in July 1998 suggest the media's fundamental problems of control and ownership have not gone away in the decade or so since Operation Lallang. It was the first media salvo in the political war between the Prime Minister's forces and Anwar Ibrahim's. Media commentator and academic Zaharom Nain was forthright at the time.

Calling these resignations 'a crackdown on the media' does appear a trifle overstated, primarily because there wasn't anything much to crack down on in the first place. Such assertions merely reinforce the myth of an independent Malaysian media. Malaysian media's role in shaping public opinion cannot be understated: most rural Malays glean information about what's happening in the country from state-

controlled television and radio stations—and from *Utusan* and *Berita Harian*' (Nain 1998).

Another commentator, Dr Mustafa Anuar of social reform group Aliran, added 'most of the local media are ready to 'co-operate' with the leadership under the concept of 'development journalism' so much so they practise self-censorship (quoted in Netto 1999).

The constraints of legislation and ownership have nurtured a media culture that reflects the wider society, where some freedoms and democratic rights have been traded away for promises of economic prosperity. There has been a process of socialising Malaysians to 'accept and even appreciate authoritarian rule, norms and institutions' (Gomez and Jomo 1997). Inadvertently confirming this view, the editor-in-chief of the state-owned Bernama news agency Syed Jamil Jaafar defended the mainstream media's self-censorship while acknowledging the culture: 'You can't blame the press for that. Because of the atmosphere you operate in, you tend to play safe. You follow the banker's maxim—err on the side of prudence' (*The Sun*, 1 July 1999).

But the traditional media's audience seems tired of playing safe, especially since September 1998. The political crisis has spawned new and unlicensed phenomena such as the Internet, full of Malaysian opinion, rumours and sometimes inaccurate news savaging Dr Mahathir and his government. There is also the cottage industry outside the realm of licensing, in the sales of cassettes, videos and video CDs featuring reports not found on domestic television—for example, at demonstrations and elsewhere, the consumer camcorder has played a popular role in documenting police brutality for audiences outside Kuala Lumpur.

The government's vociferous attacks on the Internet's news credibility and bias have not slowed the numbers of Malaysians surfing the web for alternative news and points of view; one result, suggests a journalist whose newspaper is affected, was a marked decline in mainstream newspapers' readerships in 1999. Another is the proliferation of cybercafes with cheap access (RM2 or US0.50 cents an hour) in even small towns across the country. Articles from such websites are also reprinted and copied for further distribution.

The *Bernama* chief Syed Jamil Jaafar has argued that media freedom will come about once the government realises the inevitable change

brought on by technology and the Internet: 'In other words, governments can no longer suppress information... they might as well open up... unless the mainstream media open up, the public would rather turn to the alternative media,' he told *The Sun*. There are now three Internet service providers, more than half a million subscribers and many more thousands with free Internet access through work and education centres.

The foreign media have been similarly difficult for the government to control. While its reach is generally not as deep nor wide when compared with Malay or Chinese-language news reports, it has a substantial audience in urban areas. The regional news weeklies *Asiaweek* and the *Far Eastern Economic Review* have substantial markets in Malaysia. Malaysia has also attracted newspapers such as the *Asian Wall Street Journal* and the *International Herald Tribune*, both of which print there. It is fair to say that foreign media such as CNN, CNBC, the BBC's World Service radio as well as print remain, despite the government efforts, a small though influential part of the Malaysian media diet.

Finance Minister Daim Zainuddin claims the foreign media has played a large role in 'strenuously painting a negative picture of the Malaysian economy, politics and local leaders'. His solution to the 'negative' reporting was to establish a public relations team that has been more successful than previous attempts at putting out 'positive spins' to counter 'misinformation' on Malaysia (Reuters, 26 August 1999).

The political crisis has witnessed the booming sales of opposition newspapers such as *Harakah*, a members-only publication produced by the Islamist party PAS. The biweekly's sales have swelled from 40,000 a week to a peak of 200,000, a circulation much larger than that of most of the mainstream newspapers. It has done so illegally, as its publishing licence only allows for sales to its members yet there is evidence that suggests many non-Muslim and non-members are buying *Harakah* for its version of political events. While PAS has a substantial membership and controls the state government of Kelantan, smaller non-party organisations like Aliran have a much harder time with the authorities. Facing serious 'unofficial' hurdles—printers do not want to print the magazine after being pressured not to do so. As printers also require licensing under the PPPA, this hurdle of *Aliran Monthly* is another example of covert censorship; the organisation has again called for the repeal of the PPPA as the law

discourages honest journalism and 'retards the growth of a free and just society'.

In Malaysia, media freedom and sense of responsibilities have been historically determined by the wider society's tolerance of anti-democratic measures by the state. If the democratic process involves the scrutiny of the state, ensuring accountability of an elected government, the defence of an independent judiciary and the free flow of information, then the Malaysian media has often failed in serving this process. It can only be hoped that the present political crisis will give way to a more democratic and a larger civil society, so that the media can assume a critical role in dialogue and debate.

Media websites

Berita Harian, www.jaring.my/bharian/

Daily Express, www.infosabah.com.my/daily_express/