

Malaysia's democracy

Anwar Ibrahim's trial will be a crucial moment not only for his opposition party, but also the government, writes **Chris Wright**.

When Anwar Ibrahim walks into the Kuala Lumpur High Court today, he will at least know what to expect. Anwar, Malaysia's one-time deputy prime minister and now de facto leader of the first credible opposition in Malaysia's independent history, is facing the third incarceration of his life. The first was a 22-month detention while a student leader in the 1970s; the second a six-year stint in 1998 for sodomy (overturned in 2004) and corruption, during the administration of his one-time mentor, Mahathir Mohamad. Now, he faces another sodomy charge and the potential of 20 years in jail.

Locally, the press are calling it Sodomy II, like a sequel. "They use the same script," Anwar tells *The Australian Financial Review* in an interview in his Kuala Lumpur offices. "I'll leave it to the lawyers. I don't have any trust in the system."

That's no surprise. Anwar's trial represents an enormously significant moment for Malaysia, because it could make or break the opposition movement at a time of intense racial tension on a scale the country hasn't seen since the race riots of the 1960s.

Malaysia, though a sometimes uneasy patchwork of a Malay Muslim majority and significant Chinese and Indian minorities, has for decades been among the most moderate and peaceful of Muslim nations. Yet in recent months it has become a place where churches are firebombed over the right of Christians to use the word, Allah, and where cows' heads are kicked around outside Hindu temples.

Some feel these forces have been inflamed by the country's UMNO party, which leads the ruling Barisan Nasional (National Front) coalition, seeking to secure its hold on the Malay vote; Anwar calls it "desperate measures to frustrate this peaceful transition". But at the same time Anwar's rise, with his multiracial coalition securing one-third of the votes and five out of 13 states in landmark elections in 2008, has become something of a catalyst for this expression of tension.

"Yes, of course that is true," he says. "You can see the press, controlled by UMNO, blaming me for causing this, for giving courage to non-Malays to express themselves. But I think the contrary: we are giving that right of expression to all. There is a new generation of Malays who are asserting themselves with greater confidence."

Another jail term for Anwar could do one of two things. It could wreck his coalition, which, despite its 2008 performance, has widely been viewed as fragile: it unites a party formed by his wife, Wan Azizah Wan Ismail, during Anwar's 1998 jail term, with a sometimes hard-line Islamic party and another whose key constituency is overseas Chinese. Lacking a charismatic leader to glue it together, the alliance could fail well before the next elections, due in 2013, although Anwar insists detailed contingency plans are in place among the three parties.

"There is already an agreement what to do in the event — the unlikely event — I am convicted, yet again" he says. "The coalition will stay, with or without Anwar."

Alternatively, another conviction could unite opposition behind a cause and give it renewed momentum. It is also not likely to go down well overseas, where doubts over Anwar's earlier conviction are widespread; public figures who have voiced their concern for him range from Al Gore to former US Supreme Court Justice Sandra Day O'Connor and, right up to his death in December, former Indonesian president Abdurrahman Wahid.

The uncertainty is not helping Malaysia, where foreign direct investment numbers are flagging, even after accounting for recession: from \$62.8 billion (\$20.9 billion) in 2008 to \$12.6 billion in the first nine months of 2009.

"Foreign investors are asking me about Anwar and the firebombings all the time," says one foreign banker in Kuala Lumpur who deals with major foreign investors. "If Anwar ends up back in the slammer it's going to have major negative consequences on

Malaysia's de facto opposition leader, Anwar Ibrahim, is fighting against his third incarceration. Photo: AFP PHOTO/NOEL CELIS



Malaysia. Whether or not it will mean riots on the streets I don't know, but it will certainly harm the government."

Anwar is an appropriate figurehead for his country's painful change. It's easy to forget it now, but he was once the chosen one to succeed Mahathir: he was deputy leader and finance minister through the Asian financial crisis and was trusted so implicitly he was made acting prime minister for two months in 1997 when Mahathir took a holiday.

But he wanted reform in governance and institutions and when he started linking Mahathir with improper contracts and bail-outs for family members and cronies, his time in the sun came quickly and brutally to an end.

His 1998 trial raised concerns worldwide; Amnesty International considered him a prisoner of conscience, and the injuries incurred in jail cause him back pain to this day.

Because Anwar's corruption conviction was never overturned, he was banned from politics until April 2008, and took to teaching in the US. Malaysia's then prime minister, Abdullah Badawi, timed the 2008 elections to be just one month before Anwar's ban expired, fearing his popular voice, but it didn't work: Anwar simply canvassed for his wife's party and when his ban expired she surrendered her seat and he won it in a bye-election.

For a time his momentum seemed unstoppable: by September 2008 he was claiming to have secured 30 parliamentary defections that would give his coalition a majority. He demanded a vote of no confidence.

But then things stalled. First, he couldn't force that vote and he says he couldn't expect his converts to declare themselves until the moment of truth on the parliament floor. Consequently, there's no proof he ever had the numbers at all.

"In any democratic country we would have taken over by now, because we had the numbers, but there's no way to go about it," he says. "In this climate of fear and repression

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you can't expect people to declare openly now except for the critical moment when the motion is tabled." By this he is referring to the string of opposition figures, including a number of state leaders, who have been comprehensively investigated by federal institutions since the election.

Momentum was further derailed when in June 2008 a new sodomy charge, from a young aide called Saiful Bukhari Azlan, appeared with a convenience of timing that many have found deeply troubling: the taint of sodomy, illegal in this Muslim country, is considered a death knell to an aspiring politician.

Whether people believe the charge or not, defending it has been time-consuming and helped take the wind out of the challenger's sails. And many events in the build-up to the case — the commandos sent to arrest Anwar when he was on his way to the police station to make a statement, the dispute over whether the prosecution should have to let the defence see evidence prior to the trial, confirmation that Saiful visited prime minister Najib Razak's residence days before filing his police report — seem to bode badly for him.

But while Anwar is under pressure in court, it's the government, and in particular the UMNO party at its heart, that is struggling, and not just with election results. Even in a country with a largely compliant mainstream press (but a vibrant alternative media), the government and the country's other key institutions have found themselves mired in scandal.

There was the death of opposition political aide Teo Beng Hock, who fell from a 14th floor window during questioning by the Malaysian Anti-Corruption Commission (MACC). Then there's the murder of the Mongolian model Altantuya Shaariibuu, the mistress of Najib's foreign policy adviser, who prosecutors claim was killed by government commandos in 2006 and whose body was destroyed by C4 explosives. There have been scandals over contracts for French