

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** MYS23080  
**Country:** Malaysia  
**Date:** 25 August 2003

Keywords: Malaysia – Buddhists – Chinese – Education – Employment – Housing

This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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**Questions**

- 1. Please provide information on the treatment of Buddhists in Malaysia.**
- 2. Please provide information on the treatment of the Chinese minority in Malaysia with specific reference to opportunities in education, employment and housing.**

**RESPONSE**

**1. Please provide information on the treatment of Buddhists in Malaysia.**

According to the US Department of State's annual report on religious freedom in Malaysia for 2002, Buddhists are a religious minority in Malaysia. Government census figures indicate that in the year 2000, approximately 19.2 per cent of Malaysians practiced Buddhism. It is stated in the US Department of State's report that:

The Constitution provides for freedom of religion; however, the Government places some restrictions on this right. Islam is the official religion; however, the practice of Islamic beliefs other than Sunni Islam is restricted significantly.

... Religious minorities generally worship freely although with some restrictions. The Government enforces some restrictions on the establishment of non-Muslim places of worship and on the activities of political opponents in mosques.

The generally amicable relationship among believers in various religions in society contributed to religious freedom (US Department of State 2002, *International Religious Freedom Report – Malaysia*, October, Introduction – Attachment 1).

An article by Yeap Tor Hor and Kerry Trembath provides information on the history and activities of various strands of Buddhism in Malaysia. It is stated in the article that "Although Islam is the State religion of Malaysia and the religion of the Malay people who constitute the majority of the population, Malaysian Buddhists have enjoyed the freedom to practise their religion" (Trembath, Kerry and Yeap, Tor Hor (undated), 'An outline of the history and contemporary status of Buddhism in Malaysia', World Buddhism web site

<http://www.geocities.com/nguyentang/malaysia.html> – Accessed 14 August 2003 – Attachment 2).

The Buddhist Wesak Day religious holiday is recognised as an official holiday in Malaysia (US Department of State 2002, *International Religious Freedom Report – Malaysia*, October, Section II – Attachment 1), and an annual float procession is held to celebrate the event (Kaur, Jasmine 2002, 'Bright expression of Buddhist faith', *New Straits Times*, 12 June – Attachment 3).

An early RRT Research Response dated 20 December 1993 provides information on the situation of Chinese Buddhists in Malaysia (RRT Country Research 1993, *Research Response 93Y1220MYS*, 20 December – Attachment 4). An article dated 31 August 1994 indicates that "In Malaysia religion is identified with race – Malays are Muslims, Chinese are Buddhists, Indians are Hindus and Sikhs" (Sheridan, Greg 1994, 'Malaysia: Islam Chases an Identity', *The Australian*, 31 August – Attachment 5). However, a further article indicates that "Unlike the Malays who are Muslims, Chinese Malaysians are followers of different faiths, although many do not identify themselves with any particular religion." According to the 1991 census, 68.3 per cent of Malaysian Chinese are Buddhists (Tan, Chee-Beng, 'Socio-cultural Diversities and Identities' in Lee, Kam Hing and Tan, Chee-Beng (eds) 2000, *The Chinese in Malaysia*, Oxford University Press, Malaysia, p. 60 – Attachment 6).

Although written in relation to the Chinese in Malaysia, another article by Tan Chee-Beng notes that "Malaysia is really a meeting point of different Buddhist traditions." As well as Chinese Mahayana Buddhism, there are followers of various Theravada Buddhist traditions, Thai Buddhism, Tibetan Buddhism and Japanese Buddhism. The article also refers to:

... a revitalization of Buddhism in Malaysia. Academicians should not be too quick to attribute this to a reaction to ethnic tension and Islamic revival. The educated Chinese have long been advocating the intelligentsia's religious views, that is to emphasize teachings rather than rituals. This concern with a more organized system of religious teaching is a reason why some young Chinese, not happy with the 'magical' Chinese Religion, find Christianity attractive; nowadays, a small number find Islam meaningful too. For most Chinese, a more organized Buddhism is the answer (Tan, Chee-Beng, 'The Religions of the Chinese in Malaysia' in Lee, Kam Hing and Tan, Chee-Beng (eds) 2000, *The Chinese in Malaysia*, Oxford University Press, Malaysia, pp 298-299 – Attachment 6).

Tan also notes that:

Within the country, there is freedom of belief in Malaysia. Non-Muslims are free to observe their religions. However, there has been some 'deviations' in the implementation of government policies, especially in the 1980's. Non-Muslim religious groups find it difficult to get approval to acquire land for building temples or churches as well as for burial sites... Non-Muslim religious groups felt the need to work together to urge the government to rectify the unfair implementation practices as well as to have dialogues with Muslim groups. Thus in 1983, the Malaysian Consultative Council of Buddhism, Christianity, Hinduism and Sikhism (MCCBCHS) was established. As Muslim groups do not participate in this council, it has become an organization for the non-Muslim religious groups to articulate their common interests in dealing with the state. It also promotes inter-religious dialogues. Significantly, in 1984, it organized a major inter-faith seminar in which all major religions in the country, including Islam, were represented (Tan, Chee-Beng, 'The Religions of the Chinese in Malaysia' in Lee, Kam Hing and Tan, Chee-Beng (eds) 2000, *The Chinese in Malaysia*, Oxford University Press, Malaysia, p. 310 – Attachment 6).

According to the US Department of State's report on religious freedom in Malaysia for 2002, in 1999, the MCCBCHS protested against planned minimum population guidelines governing the establishment of non-Muslim places of worship. The guidelines, which included requirements that did not apply to Muslim places of worship, were "relaxed somewhat" in August 2000. It was also announced that State Islamic Council approval for construction of non-Muslim religious institutions was no longer required. "However, it is not known whether this change always is reflected in state policies and local decisions" (US Department of State 2002, *International Religious Freedom Report – Malaysia*, October, Section II – Attachment 1). The Report also notes that in April 2002, representatives of the MCCBCHS were amongst participants in an inter-faith dialogue initiated by the Human Rights Commission to promote better understanding and respect amongst Malaysia's religious groups (US Department of State 2002, *International Religious Freedom Report – Malaysia*, October, Section 1 – Attachment 1).

An article dated 17 September 2002 notes that Malaysia's Prime Minister Dr Mahathir Mohamad had been criticised for comments that he initially made in September 2001, that Malaysia was an Islamic state ('Malaysia's Mahathir defends 'Islamic state' declaration' 2002, *Agence France-Presse*, 17 September – Attachment 7). Another article dated 19 May 2003 refers to comments made by Dr Mahathir to the Malaysian Buddhist Association's appreciation dinner. It is stated in the article that Dr Mahathir said that "although Malaysia was an Islamic country, the Government, predominantly Muslim, tolerated people of other religions because this was part of the teachings of Islam" and that "fortunately in Malaysia, Muslims, Buddhists, Christians and Hindus lived peacefully although there were some extremists who interpreted religion for their own interest" (Megan, M.K. 2003, 'Religious tolerance important for peace', *New Straits Times*, 19 May – Attachment 8).

However, an article dated 22 December 2002 refers to comments by a community leader of Thai Buddhists in Malaysia that "Thai Buddhists who were born in Malaysia were treated as second-class citizens." It is stated that "Buddhists working in the Malaysian bureaucracy rarely got promoted and most were junior officials." There were also limits on the right to buy land as Muslims were not allowed by the Malaysian government "to sell land to Thai Buddhists or to people from other nationalities" (Charoenpo, Anucha 2002, 'Mobile Cabinet Meeting – Buddhists say they suffer discrimination in Malaysia', *Bangkok Post*, 22 December – Attachment 9).

## **2. Please provide information on the treatment of the Chinese minority in Malaysia with specific reference to opportunities in education, employment and housing.**

An RRT Research Response dated 25 June 2002 provides information on the level of legal and social discrimination against Chinese Malaysians, including in education and employment, and whether Malaysian Chinese were not treated fairly by the Malaysian legal system (RRT Country Research 2002, *Research Response MYS15236*, 25 June – Attachment 10). The previously mentioned RRT Research Response dated 20 December 1993 also looks at 'positive discrimination' in favour of Malays (RRT Country Research 1993, *Research Response 93Y1220MYS*, 20 December – Attachment 4). An extract on Malaysia in *The Chinese of Southeast Asia* dated November 1992 includes relevant information on the treatment of the Chinese in Malaysia (Heidhues, Mary Somers 1992, 'Malaysia' in *The Chinese of Southeast Asia*, Minority Rights Group (ed), Manchester Free Press, London, pp12-14 – Attachment 11). A REFINFO Response to Information Request dated 21 August 2002 provides information on discrimination against Malaysians of Chinese descent (Immigration and Refugee Board of

Canada 2002, MYS39562.E – *Malaysia: Update to MYS24409.E of 27 June 1996 concerning discrimination against Malaysians of Chinese descent (1997-2002)*, 21 August – Attachment 12).

It is stated in an article by Deepa Khosla that Malaysia's Chinese are "economically advantaged in relation to the Malay majority population and also to the Indian minority." Malaysia's laws guaranteed equal protection for all minorities. "But the Chinese also are subject to restrictive political and cultural policies whose aim is to minimize intercommunal conflict and, not incidentally, to ensure continued Malay dominance of the state and society." According to Khosla, "The result is a trade-off in which prosperity and stability have been achieved for Malaysia as a whole but at some cost to the political rights and cultural interests of the Chinese minority" (Khosla, Deepa, 'Chinese in Malaysia, Balancing Communal Inequalities' in Gurr, Ted Robert 2000, *People versus States, Minorities at Risk in the New Century*, United States Institute of Peace Press, Washington DC, p.133 – Attachment 13).

An article on Malaysia's Chinese in a book by Chin Ung Ho notes that in Malaysia, the ethnic Malays and other indigenous ethnic groups are categorised as bumiputera, whilst all other ethnic groups, including the Chinese, are deemed to be immigrants and categorised as non-bumiputera. An official discriminatory system favouring the bumiputera was imposed in Malaysia under the New Economic Policy (NEP) (1971 to 1990), and its successor, the New Development Policy (NDP). This was justified on the basis "that the non-bumiputera (read Chinese) were more commercially advanced than the bumiputera (read Malay)" and it was argued that the wealth gap "would lead to political instability." It was also justified on the basis that before independence, the Chinese had "allegedly accepted the notion of Malay 'special rights' in exchange for citizenship based on jus soli (place of birth)". If this bargain existed, the Malay and Chinese political elite had negotiated it without consultation with their communities. According to Chin Ung Ho:

The problem for the Chinese community is that they cannot re-visit the issue of the 'constitutional bargain'. Under the Constitution, matters of citizenship and Malay 'special rights' cannot be questioned or discussed, even in parliament. Ethnic relations are officially deemed 'sensitive issues' and cannot be discussed openly without contravening the Sedition Act or the Internal Security Act (ISA). Chinese activists and opposition politicians have been jailed or detained for questioning Malay special rights and discrimination against the Chinese community ('Malaysia' in Chin, Ung Ho 2000, *The Chinese of South-East Asia*, Minority Rights Group International, United Kingdom – Attachment 14).

The US Department of State's *Country Reports on Human Rights Practices for 2002 - Malaysia* also includes information regarding preferential programs for the Malay majority in Malaysia. It is stated in the Department of State report that:

The Government implemented extensive preferential programs designed to boost the economic position of the Malay majority, which remained poorer on average than the Chinese minority. Such preferential programs and policies limited opportunities for non-Malays in higher education, government employment, business permits and licenses, and ownership of land ...

Public questioning of the preference rights of ethnic Malays was a sensitive issue. In 2000 a group of youth members of UMNO became unruly at a rally held outside a Chinese assembly hall in the wake of public comments by a Chinese association that allegedly questioned the granting of special rights and privileges for Malays. Some of the demonstrators threatened to burn down the hall. Chinese groups in the ruling coalition demanded action against the perpetrators. The Government had taken no action by year's end (US Department of State

According to an article dated 26 January 2001, “a growing number of community leaders and politicians, including some in the government, are voicing out loud the previously unthinkable: that it is time to overhaul the NEP.” The concerns had been raised by groups such as members of the Chinese community and those who believed Malaysia should become a meritocracy. The article indicates that many Malays were concerned that the NEP seemed to have become a means to reward crony businessmen. Malaysia’s Prime Minister Dr Mahathir faced a dilemma, as he wanted “a modern, secular and multicultural Malaysia”, but worked against this by broadening “ethnic divides by raising the bogey of ambitious Chinese seeking to challenge the Malay birthright” and alienating Malays through cronyism with business friends (Ahmed, Munshi 2001, ‘Mahathir’s dilemma’, *Asiaweek*, 26 January – Attachment 16).

In relation to political restrictions on the Chinese, it is stated in the article by Deepa Kholsa that:

The Chinese are active participants in Malaysia’s limited multiparty democracy, but their political influence has been circumscribed due to the dominance of Malay-majority, National Front governments and the various legal restrictions those governments have adopted, ostensibly to promote interethnic harmony. Primary among these are restrictions on the freedom of expression and the occasional use of preventive detention, measures that have limited the ability of the Chinese-dominated political parties, the Democratic Action Party (DAP) and the Malaysian Chinese Association (MCA), to press more vigorously for the protection of Chinese economic and cultural interests (Khosla, Deepa, ‘Chinese in Malaysia, Balancing Communal Inequalities’ in Gurr, Ted Robert 2000, *People versus States, Minorities at Risk in the New Century*, United States Institute of Peace Press, Washington DC, p.135 – Attachment 13).

An article dated 18 November 2002 notes that Chinese votes helped the National Front government to victory in the 1999 election after Malay support was lost to the opposition (Ng, Eileen 2002, ‘Chinese-Malaysians fear for mother tongue’s future amid language row’, *Agence France-Presse*, 18 November – Attachment 17). A further article dated 21 January 2001 indicates that the Chinese had voted for the ruling Barisan Nasional in the 1999 general election after the DAP party had allied itself with the fundamentalist Party Islam SeMalaysia (PAS) and the jailed Anwar Ibrahim’s Parti Keadilan Nasional to form the Barisan Alternatif (BA) coalition. According to the article, “With the Malay vote now split between Umno and the opposition Malay parties, the Chinese vote – though representing less than one-third of the total electorate in Malaysia – is of crucial importance. That was clearly demonstrated at last November’s Lunas by-election when the Chinese swing to the opposition resulted in a surprising defeat for BN” (Lau, Leslie 2001, ‘DAP turns to Chinese roots for revival’, *Straits Times*, 21 January – Attachment 18).

## **Education**

The previously mentioned article by Chin Ung Ho indicates that access to tertiary education and vernacular education were issues for the Chinese in Malaysia. There was an official entry quota of 55 per cent bumiputera and 45 per cent non-bumiputera for state-funded universities, although in reality, more than 70 per cent of tertiary students were bumiputera. Many Chinese students had to travel abroad to obtain their tertiary education. Private universities and other tertiary institutions were set up from the mid-1990s, providing increased opportunities for

Chinese students in tertiary education ('Malaysia' in Chin, Ung Ho 2000, *The Chinese of South-East Asia*, Minority Rights Group International, United Kingdom – Attachment 14). However, the previously mentioned RRT Research Response dated 25 June 2002 (RRT Country Research 2002, *Research Response MYS15236*, 25 June – Attachment 10), refers to an article dated 25 May 2002 which indicates that a new merit system had replaced the quota system for admission to state tertiary institutions in 2002 (Pereira, Brendan 2002, 'Malaysia varsities' merit admission a loaded system', *Straits Times*, 25 May – Attachment 19). A further article dated 10 May 2002 notes that the Umno Supreme Council had endorsed the Education Ministry discarding the quota system for a merit system for government university admissions ('Govt varsity entrance will continue to be based on merit' 2002, *Bernama Daily Malaysian News*, 10 May – Attachment 20).

Another article dated 18 July 2001 indicates that the Malaysian government had approved the establishment of a private university, to be operated under the governance of the Malaysian Chinese Association (Cohen, David 2001, 'Private university gets go ahead in Malaysia', *The Guardian*, 18 July <http://education.guardian.co.uk/print/0,3858,4223828,00.html> – Accessed 14 August 2003 – Attachment 21).

In relation to vernacular education, an article dated 26 December 2002 notes that:

Most parents in Malaysia enrol their children in a national school system in which the Malay language is the main medium of instruction and Islam is part of the curriculum for all Muslims. If they wish, they can instead send their children to an Islamic religious school, a Chinese school (in which Mandarin is the medium of instruction), a Tamil school or any one of a variety of private schools. All nonprivate schools are supported to some degree by government funding; private Islamic schools also receive some funding (Jayasankaran, S 2002, 'A plan to end extremism', *Far Eastern Economic Review*, 26 December – Attachment 22).

According to an article on Malaysia's Chinese schools, which continue to instruct mainly in Mandarin and teach predominantly Chinese children, the Chinese schools have "survived both by being absorbed within the national school system as well as by providing a significant alternative outside the national system." Chinese primary schools instructing in Mandarin were part of the national system and received state funds. At secondary level, there were Independent Chinese Secondary Schools which taught mainly in Mandarin, were not in the national system and did not receive state funding. There were also former Chinese secondary schools which taught in Malay, taught Chinese as a language in the curriculum and were in the national system (Tan, Liok Ee, 'Chinese Schools in Malaysia: A Case of Cultural Resilience' in Lee, Kam Hing and Tan, Chee-Beng (eds) 2000, *The Chinese in Malaysia*, Oxford University Press, Malaysia, pp 228-229 – Attachment 6).

A previously mentioned article by Tan Chee Beng notes that "Education poses a dilemma to Chinese Malaysians. Bahasa Malaysia, the national language, is important and a compulsory pass is required for school certificates at government schools, as well as for getting government jobs and for admission to state-run colleges and universities." English was also important and most Chinese wanted their children to learn Mandarin. Government schools were regarded as providing better chances for upward mobility because of state policy emphasising the national language. According to the article, many Chinese parents enrolled their children in Chinese primary schools to ensure they learned Mandarin and then sent them to Malay-medium secondary schools to obtain state-recognised certificates to allow for better upward mobility (Tan, Chee-Beng, 'Socio-cultural Diversities and Identities' in Lee, Kam Hing and Tan, Chee-

Beng (eds) 2000, *The Chinese in Malaysia*, Oxford University Press, Malaysia, p. 57 – Attachment 6).

The article by Chin Ung Ho notes that Bahasa Malaysia is the official language and the language of tuition in government schools and this meant that the government did not recognise certificates from independent Chinese schools and other vernacular schools. Many independent Chinese schools taught a dual curriculum, which included preparing students for government public examinations. The article indicates that many universities around the world accepted certificates issued by Chinese schools as meeting matriculation requirements ('Malaysia' in Chin, Ung Ho 2000, *The Chinese of South-East Asia*, Minority Rights Group International, United Kingdom – Attachment 14).

A further article dated 1 March 2002 indicates that Malaysia's Inspector of Schools had visited top Chinese schools with the aim of finding out how they produced high performing students. The Chinese schools visited had produced students who did well in government examinations even though "Chinese school students use Mandarin at the primary level and start using Malay only at the secondary level." Students from Chinese schools consistently outperformed national school students. The article further notes that "More than 60,000 non-Chinese pupils attend Chinese schools now, many of them from the Malay community" (Lau, Leslie 2002, 'KL keen to find out how Chinese schools do so well', *Straits Times*, 1 March – Attachment 23).

Other articles indicate that the Malaysian government was looking at changes to the education system to promote multi-ethnic education in the national school system. An article dated 16 April 2002 notes that Malaysia was to open two "vision schools" in June. The schools were to house Malay, Chinese and Indian classes on one campus. However, participating ethnic-based schools were to be allowed to "maintain their own teachers, classrooms, curriculums and administrative systems, while sharing out-of-class facilities with other schools on campus." The system was "meant to boost racial integration, but the plan has stirred fears about the survival of schools administered by ethnic minorities." While Malaysia's Prime Minister had said that Malaysia did not plan to close Chinese-language schools, he "added the government's objective was to have a single national school system for all students regardless of race" (Yoong, Sean 2002, 'Malaysia sets up new schools to promote racial integration', *Associated Press Newswires*, 16 April – Attachment 24).

A further article dated 18 November 2002 indicates that members of Malaysia's Chinese minority feared that government plans for English to be used to teach mathematics and science in Malaysia could endanger mother tongue teaching (Ng, Eileen 2002, 'Chinese-Malaysians fear for mother tongue's future amid language row', *Agence France-Presse*, 18 November – Attachment 17).

The previously mentioned article dated 26 December 2002 indicates that Malaysia's Prime Minister Mahathir Mohamed was backing several initiatives to address what he saw as the biggest threats to Malaysia, being an increase in Islamic extremism and the racial polarisation of Malaysia's youth. The initiatives included the regulation of private Islamic education and the revamping of education to bring non-Malays back to national schools. According to the article:

An indication of the growing ethnic divide: In 1964, 98% of ethnic Chinese children went to Malaysia's national schools; today the number is 5%, the remainder opting for Chinese or

private education. The shift was due in part to a perceived decline in the quality of national education, and in part to the switch to the Malay language as a medium of instruction, from English.

... The disappearance of Chinese from national schools has created a cleaving of the races that begins in primary school. National schools have now become overwhelmingly Malay...

The Brain Trust Report, according to government officials, recommends sweeping change, from more rigorous qualifications for teachers to a return to meritocracy and the creation of "elite" schools, which had been de-emphasized to accommodate a decades-long affirmative action plan for Malays, who had previously found it difficult to get into top schools (Jayasankaran, S 2002, 'A plan to end extremism', *Far Eastern Economic Review*, 26 December – Attachment 22).

## Employment

According to Deepa Khosla, following inter-ethnic riots in 1969 in Malaysia:

In order to reduce tensions and grievances between the Malay and Chinese communities, the next year the government instituted its New Economic Policy (NEP). Its provisions included subsidies to establish businesses owned by bumiputra (groups indigenous to Malaysia), job quotas, and requirements that large new ventures include non-Chinese directors or partners. The net effect was to tilt the economic playing field against the Chinese. Although the NEP and its successor, the 1990 National Development Plan, were established to redress the disadvantages of all bumiputra, in effect, they have provided remedial advantages only to Malays. In 1998, Malays, who constitute over half the population, were reported to have achieved the NEP target of 30 percent ownership in the corporate sector, a significant improvement from their status at the establishment of the NEP, when the Malay share of corporate wealth was only 2.4 percent.

... The urban Chinese still maintain their dominance of Malaysia's economy; however, the rise of a new Malay business and professional elite, who are actively supported by the government, can potentially undermine the long-term economic standing of the Chinese community (Khosla, Deepa, 'Chinese in Malaysia, Balancing Communal Inequalities' in Gurr, Ted Robert 2000, *People versus States, Minorities at Risk in the New Century*, United States Institute of Peace Press, Washington DC, p.134 – Attachment 13).

An article which includes information regarding the role of the Chinese in the economic and occupational structure of Malaysia over a number of years indicates that:

Before the launching of the New Economic Policy (NEP) in 1971, the Chinese were the main employees in five main sectors, namely, mining and quarrying (66 per cent), manufacturing (66 per cent), construction (72 per cent), wholesale and retail trade, hotels and restaurants (67 per cent), and finance, insurance, real estate, and business services (53 per cent). With more rapid growth in the bumiputra population as well as various measures implemented by the Government under the NEP, the Chinese share in almost all sectors declined while the bumiputra share increased. By 1990 the bumiputras were dominant in all sectors except the construction, commercial, and financial sectors where the Chinese still had a small lead over the bumiputras. This pattern remained unchanged in 1995. The public utilities, government, and other services sectors have remained the stronghold of the bumiputras who have maintained a share of at least 66 per cent since 1985, whereas the Chinese have consistently accounted for not more than one-quarter of the total employment in these sectors.

Throughout the whole period of study, the Chinese contribution to total employment in the country has always been slightly above their share of the labour force and their unemployment



rate has always been lower than the national rate (Phang, Hooi Eng, 'The Economic Role of the Chinese in Malaysia' in Lee, Kam Hing and Tan, Chee-Beng (eds) 2000, *The Chinese in Malaysia*, Oxford University Press, Malaysia, p 103 – Attachment 6).

Chin Ung Ho also notes that the Chinese in Malaysia have been mainly employed in the private sector. They were effectively excluded from the public service by the bumiputera-first policy. It is also stated in his article that:

While the larger Chinese business concerns can withstand the government's discriminatory policies, and in some cases thrive by using Malay fronts for their business activities, small to medium Chinese traders have been seriously hurt by the NEP and the NDP. Many believe that Chinese business would have expanded much faster if the policies had not been in place. Overall, Chinese business has suffered because of the government's bias towards Malay business.

Despite the restrictions, the Chinese share of the economy was estimated at 40-50 per cent at the end of the NEP in 1990. Presently, the Malay share of the economy is estimated to be in the region of 20-30 per cent. The rest is owned by foreign interests.

One area where the Chinese community was seriously hurt was employment. Large companies were required to have a minimum of 30 per cent of their staff from the bumiputera community. This rule was not applied in reverse. Malay companies could have a 100 per cent bumiputera staff. Many government-owned companies and statutory bodies have bumiputera-first hiring policies resulting in more than 90 per cent of their staff being bumiputera ('Malaysia' in Chin, Ung Ho 2000, *The Chinese of South-East Asia*, Minority Rights Group International, United Kingdom – Attachment 14).

The REFINFO Response to Information Request dated 21 August 2002 refers to an article in *The Star* newspaper dated 9 April 2002 which indicated that in Malaysia, the Chinese had done well economically and they controlled the bulk of the listed companies on the stock markets in the region. Chinese companies had continued to do well despite the government's discriminatory policies against them (Immigration and Refugee Board of Canada 2002, *MYS39562.E – Malaysia: Update to MYS24409.E of 27 June 1996 concerning discrimination against Malaysians of Chinese descent (1997-2002)*, 21 August – Attachment 12).

An article dated 30 April 2003 notes that prominent Malaysian citizens were worried that Malaysia's racial unity could be compromised by the lack of non-Malays in the police force, armed forces and the civil service. The trend of non-Malays being employed in the private sector and Malays in the public sector needed to be addressed since the gap was increasing. It was also noted in the article that the government was trying to recruit more non-Malays for the above mentioned services ('Lack of non-Malays in key services 'a worrying trend'' 2003, *The Straits Times*, 30 April – Attachment 25).

## **Housing**

An article dated 10 March 2001 notes that since the Malaysian government introduced the New Economic Policy in 1971, the government had stood by policies that favoured ethnic Malays "in jobs, housing, bank loans and, especially, education" ('Old tensions linger in Malaysia' 2001, *South China Morning Post*, 10 March – Attachment 26).

The US Department of State's *Country Reports on Human Rights Practices for 2002 - Malaysia* notes that the Malaysian government's preferential programs for Malays included

limiting opportunities for non-Malays in ownership of land and giving ethnic Malays preferences in housing and home ownership (US Department of State 2003, *Country Reports on Human Rights Practices for 2002 – Malaysia*, March, Section 5 – Attachment 15).

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UNHCR

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Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, U.S. Department of State <i>Country Reports on Human Rights Practices</i> .
RRT Library	<i>FIRST</i>	RRT Library Catalogue

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