

# PUBLIC CONSULTATION IN MALAYSIA: A PRACTICAL APPROACH OF MULTI-MIND ENGAGEMENT



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## Abstrak

Konsultasi atau rundingan awam adalah proses pengolahan input, komunikasi dan pemahaman masyarakat awam mengenai sesuatu perkara atau isu yang dibincangkan secara menyeluruh serta menghasilkan satu output yang boleh dilaksanakan atas dasar kebersamaan dan kesefahaman di antara pihak kerajaan, awam dan pihak lain yang berkepentingan. Matlamat utamanya adalah untuk meningkatkan kecekapan, ketelusan dan penglibatan awam dalam pembangunan projek serta pelaksanaan dasar baharu dan penyediaan draf undang-undang. Bagi meningkatkan keberkesanan proses konsultasi ini, maka penglibatan dan penyertaan pelbagai minda amat digalakkan bagi memberi ruang dan peluang konsultasi secara menyeluruh dari pelbagai dimensi dan ruang lingkup. Makalah ini mempunyai objektif untuk memberi pendedahan kepada semua pihak berkepentingan berkaitan proses konsultasi awam dan penyertaan pelbagai minda yang memberi impak maksimum dalam pelaksanaan konsultasi di Malaysia. Selain itu, catatan khas dibuat mengenai kepentingan dan hikmah surah Al-fatimah dalam memulakan sesi perundingan dan konsultasi ini. Adalah diharapkan agar penulisan ini dapat memberi manfaat kepada semua pihak agar dapat mengadakan proses rundingan yang berkesan dan dapat dijadikan amalan terbaik di semua peringkat jentera kerajaan.

**Keyword:** Public Consultation, Engagement Process, Good Regulatory Practices, Stakeholder, Communication.

## GENERAL OVERVIEW OF PUBLIC CONSULTATION

Public consultation is a regulatory process by which the public's input on matters affecting them is sought. Its main goals are in improving the efficiency, transparency and public involvement in large-scale projects or laws and policies. It is a formal process through which citizens and stakeholders can give feedback on policy analysis, proposals and options presented by the executive branch of government. It can take place at various stages of the policy process, from exploring ideas set out in policy papers to scrutinising drafts of legislation.

According to Haliza (2009), public consultation can be defined as the process by which the public is given the opportunity to leap in that could affect the outcome of a plan or policy, or get

recognition from the government of their involvement in certain issues.<sup>1</sup> According to Canter, he defines public consultation as a two-way communication process that is ongoing. It involves an attempt to give the public an understanding of the processes and mechanisms to investigate and solve the needs and problems of the environment by the relevant government agencies. It also involves the duty to inform the public on the status and progress as well as the implications of the activities being done in their locality.<sup>2</sup>

From the above explanation, public consultation typically involves citizens and stakeholders responding to something presented to them by the government and, as such, is often considered to be a relatively low level form of engagement as it gives citizens limited influence in the policy process. However, its effective use is essential for any and all policy processes as it helps to ensure that decisions are informed by a good understanding of the likely impact of different policy proposals and that those affected by a decision have the opportunity to present their views.

To explore this, an exploratory article based on qualitative methodology has been compiled. The most common sources of data collection in this article is through observation, article and journal analysis as well as review of legal documents and guidelines. This article has the objective of providing exposure to all related stakeholders of the process of public consultation and participation of various minds that would provide the maximum impact in the consultation exercise in Malaysia. In addition, a special note is made of the importance and wisdom of Surah Al-Fatihah at the start of each session of negotiation and consultation. It is hoped that this paper can benefit all parties in order to establish an effective negotiation process and could serve as best practices at all levels of government.

## LEGALITY OF PUBLIC CONSULTATION IN MALAYSIA

The early legal history involving engagement and consultation with the local community in Malaysia was on the environmental issue which is brought to trial in the case of *Woon Tan Kan & Others v Asian Rare Earth Sdn Bhd*.<sup>3</sup> In this case, the people living near the industrial area of Bukit Merah, Perak, in the southern part of Malaysia, had sought a court injunction to prevent Asian Rare Earth Industry (ARE) from continuing their operations on the grounds that it produced gas and radioactive wastes that are hazardous to the health of the local community and poorly impact the environment. The Government initiated a kind of consultation to explain the issue to the locals even though they had to defend the government side from strong opposition by the locals. This incident had also created its own history with the enforcement of the specific legislation and regulation on radioactivity in Malaysia, namely the Atomic Licensing Act 1984 (Act 304).

There were occasions where certain legislation presented before Parliament need to be put on hold on the grounds that these draft legislation have to take into consideration the interest of affected parties. The main concern that has been brought up was that the benefactors of the draft failed to consult the relevant stakeholders or interested parties when the drafting process was undertaken. Should consultation have taken place before the Bills were presented, the Bills would not be under such great criticism which resulted in the postponement. In the case of drafting certain legislation, the policy that underpins the proposal will be formulated and refined by holding discussion and consultation with any interested or affected parties, such as other governmental departments or agencies, experts or non-governmental organisations.

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<sup>1</sup> Haliza Abdul Rahman, Science University of Malaysia, Malaysian Civil Society Participation in Environmental Issues, Science University of Malaysia, Journal of the Masters Volume 24, Number 2, 2009, pp. 49

<sup>2</sup> Canter LW., Environmental Impact Assessment. Oklahoma: McGraw-Hill; 1977.

<sup>3</sup> [1992] 4 CLJ 2299.

According to Noor Hashim (2011), it is commonplace for many jurisdictions, including Malaysia, to carry out consultation with other government departments or agencies when legislative proposals impact the jurisdictions or responsibilities of those departments or agencies. The purpose of holding or carrying out consultation within government departments or agencies is to make sure that the interest of the government is taken into account comprehensively and the stands of the departments or agencies on the proposed subject matter is not contradicting each other. This is however not the case for agencies or parties outside the government. Consultation with those agencies or parties takes place at the discretion of the government. This means that the government can choose whether to consult or not to consult; or who to consult or who not to consult; or to what extent the consultation should be made.<sup>4</sup> This, undoubtedly, shows the importance of consultation with the local community as an acknowledgment to the self-determination of the right not to be deprived of their possession over natural wealth and resources.

The question now is whether the Malaysian legislation acknowledges the participation and consultation of the community in obtaining information and providing any input and views to be taken into account in the decision to be made by the Government. Even though community consultation is not explicitly contained in any law, implicitly, it has been mentioned in various laws enacted in Parliament. One of them can be found in the Malaysian Environmental Quality Act 1974 which states the need for public participation during the implementation of Environmental Impact Assessment (EIA) contained under Section 34A of the Act. Section 9, 12A and 13 of the Malaysian Town and Country Planning Act 1976 also provide that the Local Planning Authority shall make available an element of public participation in the preparation of development plans that will cover the area of reports on inspection, draft structure plan and local plan.

Some Malaysian cases that can be referred to will explain this status in the issues related to the environment. The first case to be referred to is the case of the *Director General of the Department of the Environment & Anor. v KajingTubek & Ors and Other Appeal*.<sup>5</sup> This case was brought by three residents of the longhouse community in Sarawak, one of the Malaysian states on the island of Borneo, which has been asked to be resettled due to the construction of Bakun Hydro Power Generation Project. They claimed that they have the right to comment on the Bakun Environmental Impact Assessment Report issued by the Department of Environment, though this report is governed by the Law on Environmental Quality of Sarawak which restricted any public participation from accessing any important information concerning the environmental impact. The Court of Appeal allowed the appeal of the appellant as stated by Mokhtar Sidin JCA, that;

“Under the Ordinance, which is legislation that applies in this case, there is no need for the respondent (KajingTubek and others) to be given with a copy of the environmental impact assessment. Therefore, dissidents have no cause of action in this appeal. Even when s 34A of the Environmental Quality Act applies, the opponents will only be granted if they ever had requested for the reports. No rights accrue that the report must be distributed to the public without being asked.”

This case demonstrates that the implementers and the legislators are still not accepting the participation from local civilians even though the project will detrimentally affect their lives. In addition, this report shows that under the Law on Environmental Quality restricting public participation from access to important information concerning the environmental impact would be a breach of natural justice and denied the right to a hearing.

However, there are also some issues that have been brought before the court for a decision to allow access to certain critical information. This information may arise from the failure of the

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<sup>4</sup> Noor Hashim, Thesis ‘Consultation: a contribution to efficiency of drafting process in Malaysia’, Institute of Advanced Legal Studies School of Advanced Study University of London, 2011, p 9-10.

<sup>5</sup> [1996] 2 MLJ 388.

authorities to prudently consult the public, intensifying the pressure resulting from external factors and absorbing the impact of future complications such as political and economic factors. In the case of *Abdul Razak Ahmad v Director General of the Ministry of Science, Technology and Environment*,<sup>6</sup> the court ruled that as a citizen and resident of Johor Bahru, the plaintiff has the right to an Environmental Impact Assessment Report for the development of a 'floating city' to be briefed on the true picture of the extent of impact on the environment to the entire population of Johor Bahru. In this case, the court has authorised the declaration that the plaintiff has an interest in this project and has the right to access the Environmental Impact Assessment for the development of the 'floating city'.

Currently, the Malaysian Government has to face public protest against the construction of Lynas Advanced Materials Plant (Lynas). The Lynas plant was built in the east coast of Malaysia located at Gebeng Industrial Estate, Kuantan, Pahang, with an investment valued at RM2.5 billion. They started construction of the factory in 2008 after approval by the Ministry of Trade and Industry (MITI) on 22 January 2008, subject to adherence to the license's condition from the Atomic Energy Licensing Act 1984 and the Environmental Quality Act 1974, and also the approval of its Environmental Impact Assessment (EIA) from the Department of Environment. Once the factory started operation, the plant will then process raw materials of lanthanide concentrates imported from Mount Weld in Western Australia for the production of rare earth oxides and carbonates to be used as the catalyst element in green technology innovation of modern equipment, such as wind turbines, disk drives, and mobile phones.

The fact explained that there has always been an involvement of local community in a clear and organised approach from the initial planning until the approval of the plant construction. Public review on the radiological impact assessment only took place from 3 January 2012 until 26 January 2012 that has received 334 visits and 1,123 reviews and out of these numbers only 200 reviews with technical and legal basis have been assessed by relevant experts and incorporated in the terms of the additional condition for the license.<sup>7</sup>

In addition, according to the reports from the Select Committee on Issue of the Project Lynas Advanced Materials Plant to the Malaysian Parliament, public hearings with representatives of organisations, associations and individuals were officially made at the final stage of the development of the plant on 10 May, 11 May and 21 May 2012, which raised some issues of public concern such as exposure of radiation, safety aspects, environmental aspects, health aspects and management aspects of the residue and other hazardous waste from the factory.

In this case, a group of local residents represented by Zakaria bin Abdullah<sup>8</sup> has asked the court to stop granting a temporary operating license issued by the Atomic Energy Licensing Board for Lynas for the rare earth plant operations. According to the indictment of the residents staying near the Gebeng industrial area, the construction of a plant that is in the range of 2 km from their homes have violated environmental laws as explained under the Environmental Quality Act 1984, and could deprive the constitutional guarantees and rights under Article 5, 8 and 13 of the Malaysian Constitution in approving the TOL. The court of appeals has decided the application for an injunction against the TOL is technical in nature and related to the environmental issues affecting the health of all citizens in general and the people who live in the area, particularly near Lynas. In this case, matter related to the environment and health can be resolved in the appeal process in which the Minister may invite the views of professionals and specialists as needed. Thus, the

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<sup>6</sup> [1994] 2 CLJ 363.

<sup>7</sup> FAQ Lynas Public Display, 26 January 2012, [http://www.aelb.gov.my/aelb/malay/dokumen/lynas/faq/FAQ\\_Lynas-public\\_display3-26Jan2012\\_FINAL.pdf](http://www.aelb.gov.my/aelb/malay/dokumen/lynas/faq/FAQ_Lynas-public_display3-26Jan2012_FINAL.pdf), pg.2

<sup>8</sup> *Zakaria bin Abdullah & Ors v Lembaga Perlesenan Tenaga Atom* [2003] 5 MLJ 206.

statutory remedy is more appropriate to the case and more satisfying in hearing grievances of applicants.

In another related case of *Tan Boon Tet & Ors v Lynas Corporation*<sup>9</sup>, the plaintiffs representing the organisation of Save Malaysia Stop Lynas has asked for a court injunction to stop granting a temporary operating license issued by AELB to Lynas due to the fact they have access right to a Report of Radiological Impact Assessment and Report of Environmental Impact Assessment submitted to the plaintiff. In April 2012, the High Court dismissed the application of the Organisation for permission to seek judicial review of the decision of the Atomic Energy Licensing Board (AELB) to approve the TOL on the ground that any court injunction would interfere with the duties and public duty of AELB as the public officer is protected by Section 29 of the Government Proceedings Act 1956 and the Specific Relief Act 1950. On 18 March 2013, the Federal Court ruled at their discretion to sustain the decision of the Court of Appeal in September 2012.

It is clearly demonstrated that the court has all the discretion in allowing public engagement and to get some access to environmental impact and radiology impact on the justification it will interfere with the task of public servants from discharging their duties and obligations. It is undeniable that the AELB as the regulatory and licensing authority will never compromise on the safety of the public and at the same time adopting equality to all licensees and investors in the radioactive related activity who has invested millions of dollars. AELB has the responsibility of monitoring these industries and licensees to ensure their adherence to the license or to face the repercussion of withdrawal of their license and further closure of the plant operations.

It is a fervent hope that there will be more room for legal acceptance in implementing public consultation in Malaysia. What we have right now are only the guidelines which are non-binding to be implemented. Surely, with more activities in promoting public consultation, it will be accepted as compulsory and regulatory in government and other stakeholders.

#### PERSONAL OBSERVATION DURIANG PUBLIC CONSULTATION PROCESS

Emphasise on the data gathering through observation has been used in a variety of disciplines as a tool for collecting data about people, processes, and cultures in qualitative research. This is particularly throughout my experience of participating in and observing the recent public consultation for the development of National Human Right Action Plan (NHRAP) in Malaysia, previously on the Lynas issue and the ongoing consultation from ministries and stakeholders. As Dewalt and Dewalt (2002), believe that “the goal for design of research using participant observation as a method is to develop a holistic understanding of the phenomena under study that is as objective and accurate as possible given the limitations of the method”.

Based on my observation and analysis, there are several types of public consultation. Firstly; short term consultation which based on the issue. For example, the Lynas issue addresses specific instructional questions or problems, and may be conducted via email and phone as well as in person. Secondly, medium to long term consultation which involved government policy on education, health and environment. For example, the development of National Human Right Action Plan in Malaysia (NHRAP). This is ongoing process whereby the Government had agreed to set up the NHRAP plan as proposed by the Universal Periodic Review (UPR) issued by the Office of the High Commissioner for Human Rights (OHCHR) in 2009 in a continuing effort to ensure improvements in basic human rights. The consultations were held throughout Malaysia to gather input on the issue or problem related to Human Rights, factors that contribute to the problem, as well as opinions on how such rights can be preserved.

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<sup>9</sup> [2013] 3 CLJ.

But all consultations must follow a few processes in order to make in as a complete cycle of public consultation. MPC guideline on Public Consultation Procedures has suggested 4 key processes for public consultation practices. Firstly, there must be a notification to the public on the consultation exercise to take place. Secondly, the consultation team must gear up and prepare themselves with the documentation, knowledge and identifying information for effective consultation. Thirdly, the consultation process itself must involve a two-way process of information flow between the consultation team and the public. The final process would be concluding the findings and discussion from the consultation process. During this stage the details on the consultation process such as mechanism used, consultation period and the consultation results, view of the stakeholders and government feedback will be produced. These reports will then be presented to the stakeholders for further action or another round of public consultation.

It usually involves notification (to publicise the matter to be consulted on), engagement (a two-way flow of information and opinion exchange) as well as participation (involving interest groups in the drafting of policy or legislation). The techniques used to consult or involve people include written responses, crowdsourcing comments on proposed legislation, focus groups, citizens' juries, public meetings, and user panels. However, while many techniques are widely known, the potential and pitfalls of participation in practice are less well understood. The effectiveness of public consultation processes is determined by the quality of the planning that precedes it, especially the planning of how to reach relevant participants, how to handle the results, and how to link the initiative with wider decision-making processes and systems.

According to Staronova and Matheronova (2003), a quality policy process can be achieved by, inter alia, fuller use of consultation with the public and affected groups.<sup>10</sup> In recommending best practices in policy formulation, special emphasis will be at the importance of consultation in the process of policy formulation, in which, if carried out effectively, it will benefit and be useful. However, based on my observation at a few engagement processes that has been attended, there are some observation as follows:

1. Sometimes, the consultation session breaks away from the actual topic of engagement and involve emotion as well as sentiment. Consultants should play a role to bring them back into the real discussion. Ineffective consultations are considered to be cosmetic consultations that were done due to obligation or show and not true participatory decision making. Sometimes, it's only for the sake of presentation of the subject matter to introduce it to the participant; the participant having no prior knowledge on the subject matter. This may result in incomplete engagement with stakeholders and the process of multi-mind engagement is inexistent.
2. The consultation is attended without proper knowledge because prior background has been sent before the engagement process. The organiser must provide background to the participant. The idea is to solicit comments, opinions and views from stakeholders and, therefore, documentation should be prepared to stimulate discussions. It needs to be well-planned to ensure that the outcome is useful for the intended purpose.
3. The consultation team is unprepared. Concerns about consultation include the potential for tokenistic engagement of citizen representatives; the capture of resources and local decision-making by local political and economic elites; the re-creation of existing power relations within new participatory spaces - such as domination by men; and the reluctance of social "inferiors" to publicly challenge someone they rely on for work or housing. Citizen engagement must, therefore, be well designed and sufficiently resourced in order to mitigate these challenges.

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<sup>10</sup> Katarina Staronova and Katarina Matheronova, 'Recommendations for the Improvement of Policy Making Process in Slovakia' at 9.

4. Observation is concerned by the risk of confrontation, since this dynamic has included verbal confrontations between the various groups involved. The explanation of what is a free, prior, and informed consultation was provided in different ways.

It is recommended that all participants should be provided sufficient information about the scope, limits, and implications of the consultation process in a proper, complete, and consistent way for each of the sessions; clear, explicit, and inclusive participation mechanisms must be established; equal conditions for participation should be guaranteed for all attendees; and safety measures must be implemented for all participants in order for the consultation to develop freely and in good faith, without harassment or intimidation. The public consultation process is vibrant with active participation mainly by local residents.

#### PUBLIC CONSULTATION IN MALAYSIA: BEYOND PRACTICALITY

The above discussion demonstrate the need for a constructive consultation and participation in the information society and thus provide insight into the government, especially in dealing with issues and ambiguous information of complications traverse in various fields like science, engineering, law and policy. Stakeholders are effectively consulted and they have an opportunity to participate in the regulatory development process.<sup>11</sup>

Public consultation has been used as a vital tool of engagement in other countries. The process of public consultation is typical to certain Commonwealth countries such as the United Kingdom, Canada, New Zealand and Australia, although most democratic countries have similar systems. In the United States, for example, this process is called “public notice and comment”. In administrative law of the United States, rule-making is the process that executive and independent agencies use to create, or promulgate, regulations. In general, legislatures first set broad policy mandates by passing statutes; then, agencies create more detailed regulations through rulemaking.<sup>12</sup> In Canada, the word “consultation” has a special meaning among some First Nations Groups: “it is the duty of the Crown and third parties to consult with First Nations who have asserted, but not proved, aboriginal rights or title.”

In Finland, consultation with stakeholders has been an established part of Finnish legislative drafting process.<sup>13</sup> It views consultation as promoting effective drafting and decision making, provided that the consultation is well planned and implemented. In the United Kingdom, the Hansard Society also recognised the importance of consultation in policy development of legislation by “providing a check on whether the proposed measure is technically adequate for its purpose, and whether it might have unforeseen and unacceptable side effects.”<sup>14</sup>

As the OECD-APEC Integrated Checklist on Regulatory Reform highlights, regulations should be developed in an open and transparent fashion, with appropriate and well publicised procedures for effective and timely inputs from interested national and foreign parties, such as affected business, trade unions, wider interest groups such as consumer or environmental organisations, or other levels of government.

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<sup>11</sup> National Policy on The Development And Implementation Of Regulations.

<sup>12</sup> The United States Administrative Procedure Act, 5 U.S.C. §551, et seq.

<sup>13</sup> See Ministry of Justice, Finland’s website <http://www.om.fi/en/Etusivu/Parempisaantely/Kuuleminen> accessed 27 July 2011.

<sup>14</sup> Fox and Korris (n1) at 53.

In its 2001 assessment of citizen engagement practices, the Organisation for Economic Cooperation and Development (OECD) reported that, whereas considerable progress had been made in the provision of information, large differences remained between OECD countries when it comes to consultation. On the active participation front, “efforts to engage citizens in policymaking are rare, undertaken on a pilot basis only and confined to a very few OECD countries”.

Notwithstanding the fact that governments’ engagement with citizens has “expanded ... as new techniques have been developed” the situation in many countries remains “a patchwork of initiatives, experiments and established routines”.<sup>15</sup> Again, the OECD’s assessment of engagement practices focused on the consultation practices and outreach efforts of governments, and much less so on the dispositions of citizens to engage and the particular challenges of connecting with marginalised groups.

A declaration was made during the Rio Earth Conference in 1992 to encourage public participation in discussions and access of information related to environmental issues. All responsible parties such as the government departments and other authorities should continue to facilitate the delivery of relevant information to increase the understanding and awareness about any environmental issue. In addition, the Convention on Biological Diversity which has been ratified by Malaysia in 1994 also gave an endorsement for a creation, management and monitoring process of any protected areas with the involvement of a comprehensive, effective approach, and with respect to the local community and indigenous people. Similarly, the convention also urged the involvement of civil society in the process of environmental impact assessment. As in many environmental areas, a demand for public participation in decision making leads to a need for new approaches to engage the stakeholders.

In 2014, Malaysia Productivity Department (MPC) has published the guidelines on public consultation procedures. This guideline will serve as reference for Ministries and Agencies in implementing public consultations. It also clarifies the roles of the stakeholders involved in the consultation process and provides the public with better understanding of the processes involved in developing regulations that will affect them. The guideline also contains information on information technology resources available to government bodies to assist their development and implementation of online public consultations on proposed regulations, particularly across the whole of government.

The guideline can be used as a tool by the government when developing new regulations or amending existing regulations that require regulators to conduct a public consultation process. In addition, this initiative will further support the Good Regulatory Practices (GRP) implementation in Malaysia as public consultation is a core requirement for the development of good regulations.

According to MPC, the guiding principles for public consultation are transparency with accessibility, accountability, commitment of all parties in the process from the top down, and inclusiveness that is equitable, timely and informative, so that people can digest the document and people who are consulted can contribute their opinions with integrity and mutual respect. It must be accessible to all identified stakeholders - so you need to be proactive and, especially with the dormant stakeholder, you will have to make an effort to engage with them.

The idea of public consultation is available for comment and input and finding a solution together with the parties concerned. Public consultation is a core element in the development and implementation of good regulations. It enables the authorities to engage stakeholders, interested parties and the general public in policy decisions, thus reflecting the government’s commitment to transparency and accountability.

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<sup>15</sup> OECD, PUMA Policy Brief No. 10 July 2001, p. 2, viewed 6 December 2010, <http://www.oecd.org/dataoecd/24/34/2384040.pdf>



Public consultation is one of the key tools used to improve transparency, efficiency and effectiveness of regulation and is an important supporting component of Regulatory Impact Analysis (RIA), the consideration of regulatory alternatives and improved accountability arrangements. It is a core element in the development and implementation of good regulations. It enables the authorities to engage stakeholders, interested parties and the general public in policy decisions, thus reflecting the government's commitment to transparency and accountability. As public consultation is a core component in conducting the RIA to develop an adequate Regulatory Impact Statement (RIS) for policy decision, a guideline will provide useful and timely information for Ministries and Agencies in APEC economies that are embarking on preparation of the RIS. A successfully carried out public consultation will not only demonstrate a transparent and democratic process in the development of regulation, it will also achieve a higher degree of acceptance and ownership of the regulation by the stakeholders.

#### MULTI-MIND ENGAGEMENT: A METHOD OF PRACTICAL CONSULTATION

To enhance the effectiveness of this consultation process, the involvement and participation of various minds are strongly encouraged to provide opportunities for extensive consultation of various dimensions and scope. In order to enhance public consultation, a multi-mind engagement should be practiced throughout the consultation process. Mind Engagement is the capability of transmitting information, ideas and attitudes from one person to another, the process of meaningful interaction among human beings, to engage or sense another person's thoughts and communicate with them, with the power to mentally receive or transmit information.

Each of us has many multi-minds that simultaneously process feelings, fantasies, ideas, fixed routines, interpersonal responses and bodily skills. A multi-mind helps explain why our emotions and attitudes are easily swayed, the difficulty of ever really knowing oneself or another person, and how the mental shortcuts we rely on to make snap judgments can harden prejudices. An excellent reminder that we are beyond even our own understanding and that our brains do not evolve as quickly as we'd like, severely limiting what we are actually capable of. Some features of Mind Engagement includes multi-way process, information sharing and understanding, verbal and non-verbal, pervasive activity, continuous process, goal oriented and circular flow.

A meeting, town hall session or a round table discussion also can be considered as a kind of engagement and consultation when there is two-way communication and interaction between the chair and the member of the meeting. It is all about the gathering of views, information and experiences from members of the meeting on the matter which has been discussed at length. The result of the consultation is important to create a good foundation and scrutiny.

Multi-mind engagement is also in line with the Blue Ocean Strategy. In a way it gives room for a collaboration initiative between the stakeholders to undertake certain actions from the engagement outcome. This approach works in conjunction with the Blue Ocean Strategy and other planning activities, as it supports the team's ability to step out of the present and envision new opportunities for the organisation.<sup>16</sup>

The roots of the problems with the short minded approaches are no knowledge on the subject matter, don't know the history, working in silo, always biased in perception and always jumping to conclusion. Short-sightedness refers to failing to foresee consequences or possibly to look beyond a specific set of interests or concerns. I have to put forward my apologies because there might be some errors in my opinion in this article due to the short-sightedness in my approach.

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<sup>16</sup> Kim, W. Chan and Mauborgne, Renee (2005). Blue Ocean Strategy, Harvard Business School Press, Boston, MA.

The assumption in this example is that, this was a snap decision based on emotion, and the many factors one should consider when making a decision this grand were ignored. In short, reasoning was abandoned. There are many times when quick decisions are required, where evidence cannot be fully examined, and in such circumstances we need to come to the best conclusion we can with the resources we have.

How does mind engagement work? Leave no stone unturned is the answer to this. The multi-mind engagement would cover all dimensions and comprehensively cross the boundaries of the issues. Feedback is the main component of Mind Engagement process as it permits the sender to analyse the efficacy of the message. It helps the sender in confirming the correct interpretation of message by the decoder. Feedback may be verbal (through words) or non-verbal (in form of smiles, sighs, etc.). The views, background, approach, skills, competencies, and knowledge of the sender have a great impact on the message.

In our daily life, we have come to the juncture of making a decision which resulted out of mind engagement. Engagement is a comprehensive attempt to get a whole clear picture of what is at stake. The general idea is that if there are more pros than cons, then you go ahead and carry out the proposed action. If there are more cons than pros, then you refrain from carrying it out. If it is a tie, then you can proceed either way.

The consultation members must have the consideration of pros and cons. Of course, sometimes we need to decide quickly. But often it is useful to spend more time thinking carefully about a difficult and important decision. It gives our mind a better understanding of the situation, and helps us come up with a more comprehensive list of pros and cons. In addition, this avoids acting impulsively in a rush. Perhaps some of the cons are very serious. This should be taken into account.

Another rule of thumb for multi-mind engagement is that everybody has to open their mind. Engagement is when many people work together towards a common goal. Effective engagement requires good relationships to be established between people undertaking the work. It is where the behaviour, work habits, culture, management and business goals, and value are all directed to organisational goals. Multi-mind engagement is pertinent in the consultation process because they tend to consider most variables of a problem to be salient. Rather than seeking to simplify a problem as much as possible, they are inclined to seek out alternative views and contradictory data. They are willing to embrace a more complex understanding of how those salient features interconnect and influence one another, a more complex understanding of causality.

#### MULTI-MIND ENGAGEMENT: THE WISDOM OF SURAH AL-FATIHAH

The Islamic perspective of consultation, human engagement and societal relationship is based on the fact that the individual human being cannot secure all the things necessary for his livelihood without cooperation with someone else. We ask Allah to guide us because we do not know whether we are making the right decision in our engagement. That is why, it is indeed a good start of any consultation or engagement should be with the recitation of Al-Fatihah. Al-Fatihah provides room for the members of the engagement or consultation to pray and asking The Almighty Allah for doing the right thing or doing it right.

It is named Al-Fatihah, the Opening, because it opens the Book and by it the recitation in prayer commences. It is also named Umm al-Qur'an, the Mother of the Qur'an, and Umm al-Kitab, the Mother of the Book, according to the opinion of the majority.<sup>17</sup> It reminds one of the purpose, the source of fulfillment of that need, the source of blessings for that action and its final destination.

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<sup>17</sup> Sahih Al-Bukhari (Eng. Trans. 6/1 chpt. 1).

This is the most virtuous way of asking Allah by first praising Him and then asking of Him. Al-Khatib reports from Abu Hurairah (may Allah be pleased with him) that the Messenger of Allah (S.A.W) said: “Every important matter that is not begun with, ‘With the Name of Allah’ is deprived of good.”<sup>18</sup>

One of the 6<sup>th</sup> verse of Al-Fatihah asking us to pray for the right path, “Guide us to the Straight Path”. This is a prayer from a Muslim to purify his heart of stubbornness, ignorance, and misguidance. The word *hidayah*, linguistically meaning direction and guidance is used in two senses in the Qur’an. Firstly, guidance of clarification and direction, not taking into account whether the person to whom it has been clarified traverses the path of guidance or not. Secondly, the specific type of guidance which is Allah bestowing His Grace upon the servant by making him conform to the Way of Truth.

People naturally need one another in interpersonal communication and relationship for their mutual benefit. Human engagement through interpersonal consultation is naturally necessary because people are endowed with different abilities and capabilities, and Allah has made human beings to need one another, and to live in community and society.

But all that has been stated refers to His guidance to the Straight Path that is to be granted in the future, for indeed action in the future is upon knowledge that is not yet attained. And the person is not considered to be one who is guided until he acts according to his knowledge in the future, but it is possible that this knowledge is not there in the future; rather, it could be removed from the heart, and if it is still there it is also possible that it is not acted upon. Therefore all of mankind is in dire need of this supplication, this is why Allah made it obligatory upon them in every prayer and they are not in need of any other supplication as they are of this one. And it is the same wisdom to all of believers asking and praying to the almighty god to guide us in the right path.

## CONCLUSION

Public consultation is a new approach which comprises a comprehensive and intelligent entanglement of all ideas put on the table for a thorough consideration process. This process is new not only in Malaysia but in many countries. Part of this process involves getting multiple views. This is a long term process to build a culture of consultation. Effective engagement by a citizen-centric public service requires political support for the genuine devolution of power and decision-making to frontline public servants and professionals down to the citizens and stakeholders with whom they engage. Ministers and agency heads have a major leadership responsibility here.

As a part of strategic planning, improving the system of public consultation by institutionalising the public consultation and legalising it to the maximum level of citizen engagement in the policy making process. It is important for ensuring that the views of citizens and other stakeholders are present when decisions are made, and that decisions are better informed as a result. With the multi-mind engagement, the consultation team must be able to oversee overall analysis and strategy development for the public communications and stakeholder engagement. Besides, they are also responsible on the overall media relations and strategy and content development, and sustaining various social media platforms for public communications and stakeholder engagement.

Among the activities that can be carried out to improve public consultation is by way of institutionalising it in every organisation, managing periodic national public opinion research on a wide range of cross-cutting issues, and developing and maintaining a public perception index or dashboard on the evolving public opinion. Using multimedia communication should also be encouraged by formulating, producing and updating multimedia contents for the social media

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<sup>18</sup> As-Subki, *Tabaqat ash-Shafi'iyah* (1/6) and others.

platforms based on the strategic and operational communications strategies. Interactive response team could also be established to respond to the public feedback in an effective, timely and factually accurate manner, with input from the communication team. Furthermore, they need to prepare briefing materials, press articles, kits and release, public service announcements, and other initiatives.

Social media may also offer a platform for discussion with or feedback to people with disabilities who find it difficult or unable to attend meetings. But remember that many popular social media platforms are not yet fully accessible. Counter response team is also a vital team to formulate appropriate response on emerging issues through the media, with input from the communication team. They need to monitor and analyse, on a daily basis, local national and international media reports on a wide range of cross-cutting issues as well as public feedback on the social media platforms.

It should be recognised that consultation does not necessarily produce solutions that are acceptable to all parties. Nevertheless, a formal and effective community consultation program during all stages of a project can benefit the project in a number of ways. Consultation improves the quality of rules and programmes and also improves compliance and reduces enforcement costs for both governments and citizens subject to rules. This can be achieved by learning and understanding complex technical and broader energy issues and their correlation with public opinion, and develop appropriate and dynamic, strategic and operational communications strategies to effectively address issues of public concern and optimizing on opportunities for enhancing public communications.

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