Understanding Political Contestation in Malaysia

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[*Abstract*]

This paper argues and shows how ethnic dimension is still very important in understanding political contestations in Malaysia. To do this, the paper reviews the political as well as population demography to back its assertion. And it is not necessarily improper to continue to use this ethnic lens, although the continued use of this approach has come under heavy criticism both within and from outside Malaysia. Raging debates in Malaysia and by Malaysians are still very much shaped by ethnicity and increasing regional differences. This is further compounded by other factors such as religion, language, and education. In fact, these tools have been more intensely used of late compared to any period before in history as they easily politicize and attract followers.

Keywords: Malaysia, ethnic relations, regionalism, national integration

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Ⅰ. Introduction

For more than fifty years, the ethnic lens has continued to be important in understanding and deciphering contestation in Malaysia's politics and society. It has steadily intensified. As a matter of fact, this approach of explaining political antagonism propagated by insecure elements within Malaysian society is rising whether or not the latter concern is founded or otherwise. In the last 10 years, increasing ethnic tension have been flaring up and many sides do not appear too keen to a resolution; instead, parties ride on these divisions to further popularity within their respective communities.[1)]

To explore further what is stated above, this paper will first discuss the basis of power relations between competing groups that are based along ethnic and religious lines. While this may provide the first layer of understanding in unraveling Malaysia's politics, there are also constructed alliances between ethnic communities and regions negotiated in 1948/1957 and 1963 respectively. However, they do not always take center stage in the analysis of competing ethnic demands. Nevertheless they remain the basis by which Malayan and later Malaysian nation-state was formed and therefore should also be understood. Then, this paper will explore the constructed axis of power between ethnic groups that gave birth to the social contract between Peninsular Malays and Chinese in particular, and the Malaysia Agreement that brought together four

1) Public display of increasing ethnic divides can be seen in ethnic clashes in the urban settlement of Kampong (village/ settlement) Medan in 2001 that involved Indians and Malays. Since the 1969 ethnic riots, many potential ethnic clashes have been successfully averted through swift and firm action by authorities. But lately, this leadership appears to have waned and thus what previously would have been merely wars of words have come out to be open conflicts and confrontation. In 2015 alone, several clashes that are ethnic in character have been reported: the Taman Medan incidents in April 2015 revolving around a protest by Malays/Muslims against the public display of a cross in a church building; the ethnic clashes between Malays and Chinese in the Low Yat (shopping complex) in July 2015, and the Kota Raya (shopping complex) incident in December 2015. All later incidents are well documented/ reported and could be easily accessed on the web. All these have also happened in the Peninsular region and in the capital, Kuala Lumpur.

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formerly disparate regions into the larger Federation of Malaysia in 1963[2]. After which, this paper will discuss how the nurturing of the 1 Malaysia concept by Prime Minister Mohd. Najib might be promoted against the rise of ethnic separatism and the seeming sidelining of the basis of nation-state building that was laid down by the founding fathers of Malaya/Malaysia. The paper will conclude with the argument that "when the storm passes, calm returns" and that all these inter-ethnic and regional contestations will give way to long term peace and stability through the return of moderation that has characterized plural Malaya/Malaysia.

Ⅱ. Traditional Basis of Power

Politics is a numbers game. Malaysian politicians have proven that they understand this and are quite adept at using it to their political advantage. Strange as it may sound, it is in Malaysia that the majority needs to be protected and not the other way around. How did this come about? How did Malaysia justify this odd logic when in many countries, it is the minorities that needed protection from being overwhelmed by the majority?[3]

Malaysia comprises the following main ethnic groups, namely Malay, Chinese, Indian and the aborigines (or the Orang Asli) in the Peninsular, and the Indigenous of Sabah and Sarawak (Table 1). In the latter two states, indigenous peoples number to about forty in each state but the more common ethnic classifications referred to or used in the two states are as follows: in Sabah, the Kadazan/Dusun, Bajau, Murut, Chinese, Malay and other bumiputera[4] (to represent

2) Federation of Malaya, British colonies of Sabah and Sarawak, and the Straits Settlement of Singapore.

3) In the United States, the increasing need of this could be seen in the promotion of the diversity policies that spell out how institutions would be required to promote and sustain diversities by ensuring that racial/ ethnic minorities are included in all phases of life in an organization. Diversity is a program that must be cascaded in institutions such as universities.

4) Literally, "bumi" is earth (land) and "putera" is prince; hence, prince (i.e. sons) of the soil; indigenous. The term "bumiputera" was obviously used to refer to the indigenous of Sabah and Sarawak in order that they enjoy the same privilege of the Malay with regards to the latter's special position in the Malayan Constitution.

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and classify much smaller ethnic groups), and in Sarawak, the Dayak or sometimes separately, the Iban, Bidayuh, and Orang Ulu,[5] Malay/ Melanau and Chinese.

Table 1: Population & Parliament Seats

Ethnic / Regions	**Population (2012)***		**Parliament (2008)****	
	'000	**%**	**N**	**%**
Peninsular Malay	14,322	53	126	57
Peninsular Chinese	6,340	23	39	17
Peninsular Indian	1,925	9	0	0
Sarawak	2,214	7	31	14
Sabah	2,317	8	26	12
TOTAL	27,118	100	222	100

Sources: Rounded and adjusted from *(Malaysia 2013: 13 & 24) and **(Elections Commission, various reports) & local newspapers, 2008.

The *2012 Statistics Yearbook Malaysia* reported that Malaysia's population was 26.6 million (Malaysia 2013: 24). In the Peninsular region, the population break down may be seen in Table 1.

In the Peninsular area, Malays comprise the majority. They make up about 53% of the total citizenry, while the Chinese comprised about 23%, and the Indians, 9%. A very small percentage comprises the Orang Asli and many other smaller ethnic minorities such as the Baba/Nyonya, Portuguese, and Siamese communities. While the population composition of Malaysia may seem to be diverse, they are not all reflected in the federal legislative structure. Of 165 parliamentary constituencies based in the Peninsula, 126 have been voted in by Malays as majority voters while the remaining 39 have been elected by the Chinese. The smaller ethnic minorities mentioned earlier do not present themselves as electorally important, except perhaps in the case of Indians in few constituencies where they may have become a deciding bloc in cases where a split have to be made between Malay and Chinese voters.

As bumiputera, the non-Malays of Sabah and Sarawak are extended the Malay's "special position" first codified in the Constitution of Malay and later of Malaysia.

5) Literally, "interior people" or "upriver people" (i.e. ulu = upriver or interior; orang = people).

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Sarawak and Sabah national legislative numbers are comparable to the Peninsular Malay and Chinese blocs as the two states are seen as electoral blocs, though not always voting as a bloc (Table 1). Nevertheless, their political inclinations do not always follow the peninsular pattern and are thus sometimes considered as shaping factors in national politics. Furthermore, the diverse and radically plural character of Sarawak and Sabah set the two states part from 11 states in the Peninsula.[6)]

The demographic profile of Sarawak is presented in Table 2. From the population distribution, it may be seen as a truly plural state in that no one ethnic community dominates, as is the case in the Peninsula where Malays form absolute majority both in terms of their population as well as in the federal legislative structure, the parliament. In Sarawak, the largest ethnic group is the Iban, which forms about 32% of the state population.[7)] Together with the Bidayuh which forms about 9% and the Orang Ulu, which comprises 7%, these three ethnic groups form the largest ethnic community of about 48%; collectively these ethnic are also known as the Dayak group.

The Malay/Melanau comprise 26% of the total population. The classification of these two ethnic groups as one is not founded on any strong basis other than the fact that half of the Melanau are Muslims and that prominent Muslim Melanau have risen to be important political figures in the early days of Sarawak and Malaysia's formation.[8)] In fact, in colonial history, Melanau has also

6) In the Peninsula, there are the nine Malay Sultanates plus the former straits settlements of Penang and Melaka. With the exception of Penang, all 10 are Malay majority states where Malay population outnumber Chinese and Indian populations combined. In some states such as Kelantan and Terengganu, Malays numbers may be as high as 90%. Penang on the other hand is the only state where the numbers of Malay and Chinese are about the same.

7) Percentage total of the state's citizen population.

8) There are some who have argued that the Muslim Melanau aligned themselves to the Malay group to strengthen their claim to the state leadership where together they form 26% of the state population. With favorable federal Muslim leadership on their side, the Muslim Melanau stood a good chance to sustain their grip over the state. Melanau Muslim dominated the state leadership from 1970 to 2013, through the chief ministerships of Abdul Rahman Yacob (19790-1981) and Abdul Taib Mahmud (1981-2013).

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been classified within the Dayak group.[9] The Chinese comprises about 26%.

Table 2: Sarawak: Population, Parliament & State Seats

Ethnic	**Population 2012**		**Parliament 2015**		**State Seats 2011**			
					2011		**2015**	
	'000	**%**	**N**	**%**	**N**	**%**	**N**	**%**
Iban	713	32	10	32	21	30	24	29
Bidayuh	199	9	3	10	6	8	8	10
O/Ulu	156	7	3	10	4	6	6	7
Malay/Melanau	568	26	9	29	27	38	30	37
Chinese	578	26	6	19	13	18	14	17
TOTAL	**2,214**	**100**	**31**	**100**	**71**	**100**	**82**	**100**

Sources: Sarawak (2012); (Malaysia, Election Commission, various reports); & various issues of local newspapers between 2011 & 2015.

In the Malaysian parliament, Sarawak has 31 seats (14%). The distribution of these seats based on the composition of voters by ethnic background is shown in Table 2. The size of the parliamentary seats may not be indicating the dominant role that Sarawak plays in national politics. But clearly, the character of local politics at the state level will influence how these 31 state seats may be used to pursue the state's interests in national level political processes. Numerically, it is clear that political contestation boils down to two large indigenous groups, namely the Dayak and the Muslim Malay/Melanau. The Dayak comprising the Iban, Bidayuh, and Orang Ulu have 31 seats out of the 71 seats in state assembly. In contrast, the Malay/Melanau has 27. But the Malay/Melanau[10] is

9) In Sarawak, the classifications of ethnic communities are rather fluid; outsiders could be easily confused as the following dichotomies have been used: (a) Iban*, Bidayuh*, Orang Ulu*, Malay /Melanau and Chinese; (b) Dayak*, Malay/Melanau and Chinese; (c) Muslim bumiputera, non-Muslim bumiputera, and Chinese; (d) bumiputera and non-bumiputera. See Jayum Jawan (1987).

10) The Muslim Melanau and the Malay are politically dominant because they have been unwavering in their unity, unlike the Dayak which only appears monolithically united like the Iban, Bidayuh, or Orang Ulu. Iban, the largest population in the state, is further divided into membership in various political parties. This reduces their claim to numerical dominance that remains merely

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the largest single number for any ethnic group, surpassing even the Iban's by six, although the latter's population is much bigger than the former. In such a situation, the Chinese reaped the political advantage of being the "kingmaker" as it did in 1970 when political contestation for the state leadership boiled down to the Dayak versus Malay/Melanau; the Chinese support had determined the winner.[11)]

In Sabah, a more complex classification exists because the diverse groups are a lot smaller in number than those in Sarawak. For example, the largest indigenous groups are the Kadazan/Dusun, which has a population of about 25% of the state (Table 3). This is followed by the Bajau at about 19%, the Chinese at about 13%, and the Malay at about 8%. The seemingly large group is the "Other indigenous" or "other bumiputera"[12)] which is a summation of many smaller ethnic minorities comprising the largest at 28%. However, this is a statistically convenient lumping together into a category rather than as an ethnic group; although they may share some similarities in certain socio-cultural characteristics as category "Orang Ulu" for the many small ethnic groups of Sarawak.

In Sabah, the appearance of political dominance follows the classification used to further re-categorize the many ethnic groups. For example, it is common to see these ethnic groups in terms of the religious and ethnic divide, being non-Muslims, Muslim indigenous peoples, or bumiputera. In this way, the former comprises predominantly the Kadazan/Dusun ethnic groups while the latter comprises the Bajau, Murut and the "Other Bumiputera" that are predominantly Muslims.

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perception as a powerhouse.

11) For examples, read Jayum Jawan (1991) and Michael B. Leigh (1974).

12) For example, this can comprise the Kedayan, Bisaya, Irranun, Rungus, Kimarang, Kwijau, Lundayeh, Ubian, Binadan, Orang Sungai, Tatana, Tagaas, Brunei, and Suluk. See Department of Information: website: www.penerangan.gov.my.

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Table 3: Sabah: Population

Ethnic	Population, 2012	
	'000	%
Kadazan/Dusun	569	25
Malay	184	8
Bajau	450	19
Murut	102	4
Other Bumiputera	660	28
Chinese	296	13
Indian	7	0.3
Other	49	2
TOTAL	**2,317**	**99.3**

Source: Sabah (2012: Table 3.4).

Table 4 re-tabulates the various ethnic groups into three main categories as recently used in political analysis. Based on the profile of these indigenous ethnic group which placed them under either the categories of Muslim and non-Muslim, there are about 30 state constituencies that have majority Muslim voters.[13] This represents about a half of the total 60 seats in the state assembly. The second largest number with about 22 state seats has non-Muslim majority voters.[14] In the remaining 8 constituencies, the Chinese form the majority of voters.[15]

Table 4: Sabah: Legislative Seats

Ethnic	Parliament, 2015		State Assembly, 2013	
	N	%	N	%
Bumiputera: Non-Muslim	7	27	22	37
Bumiputera: Muslim	17	65	30	50
Chinese	2	8	8	13
TOTAL	**26**	**100**	**60**	**100**

Sources: Adapted from various reports from the Election Commission and statistics as reported by local newspapers during strategic elections periods.
Note: *Bumiputera, non-Muslim (or Kadazan/Dusun). Bumiputera, Muslim: Malay, Bajau and Murut, and other bumiputera.

13) In two state seats (Gum-Gum and Tanjong Kapor), Muslim voters are about 50%, making them the largest group, compared to the other two, namely the non-Muslim and the Chinese voters.

14) In one state constituency, Inanam, non-Muslim voters form the largest percentage compared to Muslim and Chinese voters.

15) In two state constituencies, Chinese voters comprised of the largest but do not constitute the majority.

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When the Muslim-Non-Muslim divide is used, the Muslim group appears to dominate based on the fact that there are about 17 parliament seats (65%) in Sabah in which they form the majority of the voters. Similarly, they would also be the majority voice in the state assembly with about 30 seats and also claim majority Muslim voters. Nevertheless, the second claim is not as strong as the 50% plus 1 numerical requirement is not reached. However, because the other 30 seats are further divided between the Non-Muslim (22) and Chinese (8), this claim of 30 state seats is strengthened as it only takes one of the other community's support to land power in the hand of the Muslim group.

It has been clearly shown through statistical data that Sabah and Sarawak are plural states. No one ethnic group can lay claim to absolute majority—not even in Sabah where Muslim might use the religious label to lay claim to being the dominant group. This conjecture, even if made, is not sustainable because the majority is based on a loose merger of many small ethnic groups.

The analysis above contrasts sharply with the Peninsula where Malay may lay a valid claim to dominance in all but one state, Penang. In Penang, both in terms of population and legislature, Malay and Chinese number almost equally.[16] In some states such as Kelantan, Terengganu, and Perlis, Malay dominance becomes more pronounced where Malay population rose to as high as 95%. In states such as Kelantan, Terengganu, and Perlis, all parliamentary and states seats have overwhelming Malay majorities. For example, a Muslim Chinese won Kota Lama state constituency in Kelantan because he had ridden on PAS's and Malay votes, and not because there were enough Chinese votes to carry him through.[17]

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16) Penang is also a state in which the leadership of the government has always been allocated by the ruling National Front (NF) to its Chinese partner, Gerakan (Parti Gerakan Rakyat). Gerakan is a component of the national ruling coalition, the NF, which is led by the United Malays National Organization [UMNO]). This was the case since the 1960's until the coalition lost the state in the 2008 general elections to a Chinese-led DAP (Democratic Action Party), the opponent of MCA (Malaysian Chinese Association)/Gerakan in NF.

17) Anuar Tan Abdullah is the only non-Malay (Muslim Chinese) who won in Kelantan and a member of the state executive council. See www.kelantan.gov.my.

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In any final analysis, the quantity of participation must at some point be judged against the quality of participation as well. Mere presence gives appearance of participation but do not necessarily guarantee quality involvement and real sharing in governance.

Ⅲ. Axis of Power

Any attempt to explain political contestations in Malaysia is incomplete without understanding how two important socio-political developments shaped the nation-state. They remain important documents as the foundation of modern Malaysia. These are, first, the "Social Contract" drawn in 1948 among various parties but specifically shaped to enhance relations between Malays and non-Malays, i.e. Chinese and Indians;[18] second, the Malaysia Agreement that brought together the Federation of Malaya, Singapore, Sabah and Sarawak in 1963 (Hanna 1964). Singapore left the Federation in 1965.

Both documents are sparingly referred to in contestation and this is not enough because the totality of the matters and agreements in both documents must be seen together and in their entirety. One portion or aspect cannot be argued independently of the others, as Malaya, and later on, Malaysia, was formed from all agreements contained therein.

3.1. The Social Contract

The Social Contract is premised on the need to ensure that Malay polity and political dominance remain in Malay hands in post-British Malay states. This developed after the end of the Second War World when the British devised a plan for the transition of power to locals. In return for that assurance, there were concessions to the Chinese and Indians. The latter comprised those who had initially migrated as laborers who had since either become naturalized,

18) The history of the emergence of this contract can be read from Mohamed Noordin Sopiee (1974).

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and who had been born of either naturalized parents or migrant workers.

When the British proposed the Malayan Union plan in 1946, citizenship for the new nation-state was very liberal to the extent that the Malayan Union would have a population proportion which is half Malay and half Chinese and Indian. The Malay saw this as a threat, as it resulted in their losing political authority/power in the homeland "Tanah Melayu".[19] The Malay response was to organize opposition to the British idea. They were able to convince their Sultans to take their side, as well as some prominent British Colonial officers sympathetic to their claim. As a result, negotiation led to what was then termed as a contract that contained terms acceptable to many stakeholders, chiefly the Malays, Chinese, Indians, the Malay Sultans, and the British government (Noordin Sopiee 1974).

In place of the Union, the Federation of Malaya was formed in 1948. The agreement to the new form of the nation-state was also accompanied by several terms agreed upon by various stakeholders. First, citizenship was made more stringent with terms such as: (1) continuous, uninterrupted residency to specific years before applying for citizenship; (2) the pledge of allegiance to the Malay rulers; (3) ability to speak the Malay language. This new term of citizenship substantially reduced Chinese and Indian citizenship population to less than 40% then, and thereby restored Malay political superiority or dominance.[20]

Second, Malay was to be the official/ national language of the Federation while other languages may also be spoken and

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19) Tanah Melayu is also the term used to refer to Malaya and which means "Malay land". With two ethnic populations that are almost equal in number, there is no majority and neither group can claim superiority or dominance. The majority would be fluid and based on a shifting balance that may oscillate among the Malay, Chinese, and Indian.

20) Contestation in Malaysia and between Peninsular Malays and Chinese centers on the term political dominance that is translated into Malay as "ketuanan", meaning dominance but further suggests a relations between a Master (tuan) and his slaves/servants. Thus the resentment when the term is used as it suggests that Malays are Masters and Chinese slaves/servants.

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promoted. The latter specifically referred to Mandarin and Tamil. Both Mandarin and Tamil are languages of instructions in Chinese and Indian schools and these have raised many issues related to nation-state building. Since then, schools have three languages of instructions, namely Malay, Mandarin and Tamil.[21] Third, the special position of the Malay is to be recognized while at the same time the legitimate interests of other communities are to be protected. This special position is clearly spelled out in terms of provisions for Malay like the number or proportion of scholarship, business licenses, and membership in the civil service, land/land reserve. Fourth, the position of the Malay rulers in the Federation is also an integral part of this social contract. Fifth, Islam is to be the religion of the Federation and that other religions may also be practiced in peace.

The above terms were written into the Constitution of the Federation of Malaya 1948. They were carried over into the new constitution of the Federation of Malaya that gained independence in 1957. Thus, the Constitution of Malaya 1948/1957 had restored Malay political supremacy and defined how relations are to be constructed thereafter between the Malays, Chinese, and Indians in the new nation-state.

3.2. Malaysia Agreement

The Malaysia Agreement is another important document. It defined many important roles for players within the enlarged federal nation-state called the Federation of Malaysia. It assigned power and gave exceptions as well as exclusions to states.[22] As a consequence, Malaysia is not the normal federal nation-state explained by the theory of federalism but an imperfect one.[23] The Federation of

21) Discourses on nation-state building have focused on the problem of having three streams of education, namely the Malay (as national stream), the Mandarin, and the Tamil. Before Malaya's independence, this posed a serious problem as curriculum was made following the needs of the three streams. The Chinese and Indian argument in post-Malaya is that the Malay (national) school has a thrust in Malay and Islam and therefore it is not nationally-driven.

22) The process of the formation of the Federation of Malaysia is well-documented and explained by Willard A. Hanna (1964).

23) For a general review and refresher of what federalism and the federal state are,

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Malaysia came into being through the coming together of four regions, namely the independent Federation of Malaya, the Straits Settlement of Singapore, and the British Colonies of Sabah and Sarawak. All states in the federation were given the same list of power enumerated in the State List,[24] but in addition to that extra items were assigned only to the states of Sabah and Sarawak; some of these are enumerated under "Additional Protection for States of Sabah and Sarawak".[25]

Hanna (1964) and Noordin Sopiee (1974) have provided detailed accounts of this political processes and explained many provisions that were built into Malaysia. First, there is the need to understand what Sabah claimed to be a "20-Point" demand that the state put forward as conditions for it to join the Federation. There is also a similar demand from Sarawak for about 18 items. Some of the salient features of the Malaysia Agreements that may from time to time inflame relations between the federal and state governments are as follows:

1) Religion (Article 3, Constitution of the Federation of Malaysia):

Borneo states were plural, comprising many ethnic communities with different ways of life and faith. In Sabah, Malays who are generally Muslim form a small percentage of the total population. It probably comprised of no more than 5% of the total population then, although in terms of the number of Muslims, the percentage would probably jump to about 40%.[26] In Sarawak, Malays and Muslims are about 21%, then and now (Table 2). Thus, it was not surprising that both states requested not be subjected to having Islam as religion. However, it was reported that both states do not object to Islam being the religion of the federation, and that it should apply only to states in the Peninsula. The Borneo concern and objection was therefore recorded.

This issue has of late yielded discussions. There is the issue on

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see Wheare (1966).

24) Ninth Schedule, *Constitution of the Federation of Malaysia*, 2010.

25) Article 161, Part XII A, *Constitution of the Federation of Malaysia*, 2010.

26) For example, the Kadazan/Dusun are generally Christian and pagan, while the Bajau, Murut and other smaller ethnic minorities are mostly Muslims. See Table 3.

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the use of the term "Allah" that Muslims claim are exclusive to them, including a host of other Arabic terms that Christians may not use. Conflicts over the importation of Bibles in Indonesian language has fanned schism between Christians and Muslims and so too the public display of crosses or cross-like images that some Muslims take offense.[27)]

2) Language (Article 152, Constitution of the Federation of Malaysia):

Both Borneo states agreed that Malay will be the official language and that the use of English should also be allowed. This was recorded in the constitution and both states were given 10 years to consider whether they would wish to continue to use English or adopt the Malay as the official language. As it turned out in 1974, the Federal Minister of Education, Abdul Rahman Yacob, who was from Sarawak, campaigned for the acceptance of Malay as the official language. Malay was therefore adopted as the official language in the whole of Malaysia beginning in 1974.

3) Immigration:

The power and rights to grant entry into the states of Sabah and Sarawak were placed in both states. The initial idea for requesting this provision was to ensure Sabah and Sarawak had time to "catch up" with the state of economic development of the more advanced states. This power meant to prevent the exploitation of Sabah and Sarawak by peoples from the economically advanced states in the Federation, including Singapore.

Thus, while there is free movement of people within and

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27) See for examples, Niluksi Koswanage. 2014. "Malaysia's Islamic Authority Seize Bibles as Allah row deepens", http://www.reuters.com/article/us-malaysia-religion - idUSBREA010C120140102. (Accessed December 29, 2015); "Taman Medan Rep says cross sign protest politically motivated, http://english.astroawani.com/malaysia-news/taman-medan-rep-says-cross-sign-protest-politically-motivated-58239. (Accessed December 29, 2015); Sophie Brown. 2014. "Malaysian Court to Christians: You can't say 'Allah'", http://www.cnn.com/2014/06/24/world/-asia/malaysia-allah-ban/. (Accessed December 29, 2015); "http://www.reuters.com/article/us-malaysia-religion-idUSBREA010C120140102cross-shaped air well", http://www.thestar.com.my/-news/nation/2015/12/29/developer-begins-repainting-crossshaped-air-wells/. (Accessed December 29, 2015).

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between all states in the federation, peoples from outside Sabah and Sarawak may be prevented from entering either states by authorities. Both states are not required to furnish reason to deny them entry.[28] The court has in the past upheld Sabah and Sarawak's power under this provision to deny people from other states to enter Sabah or Sarawak.[29]

4) Borneonization:

The state civil services were to be filled by locals, and while locals were being trained to take over these positions, British officers were to be retained for the time being. But this was not quite acceptable to the federal leadership. Federal officers from the Peninsula were used to fill positions left vacant by British officers while waiting for locals to be trained and therefore take over these positions. This issue remains contentious to this day for the state and federal governments. States have complained that there are too many federal officers taking up positions that could have been given to locals. Compounding this is the accusations that have surfaced that federal officers have come to do more than what was intended. Some federal officers from the Peninsular region have been accused of transgressing on local customs and tradition and cause ill feelings among the multiethnic society of Sarawak by preaching their narrow approach to politics and society ingrained by their parochial Peninsular experience.[30]

5) Special Position of Indigenous Races:

The article on the Special position of the Malays was amended

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28) See for the latest ban, http://www.channelnewsasia.com/news/-asiapacific/nurul-izzah-banned-from/2324150.html, accessed December 29, 2015; http://www.theantdaily.com/Main/Sabah-and-Sarawak-s-right-to-say-Sorry-no-entry (Accessed December 29, 2015).

29) "Court denies Ambiga leave to appeal Sarawak ban", http://www.themalaysianinsider.com/malaysia/article/court-denies-ambiga-leave-to-appeal-sarawak-ban. (Accessed February 1, 2016) & "Ambiga fails in challenge against ban on entering Sabah", https://www.malaysiakini.com/news/313784. (Accessed February 2, 2016).

30) Doubtful conversions have made rounds in may local papers and social media, where rural inhabitants are supposedly "tricked." Converting out is made tedious by bureaucratic procedures. For cases, see Sibon & Ling (2014) and Fernandex (2014).

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and extended to the indigenous of Sabah and Sarawak.[31] For the purpose of enjoying this privilege, indigenous peoples in both states are defined as follows: in Sarawak, they comprise the Iban, Bidayuh, Orang Ulu, Malay, and Melanau[32]; in Sabah, "… a person indigenous to Sabah".[33] Again, this controversial, as both states have in the past made claims that they do not feel part of the federation as the special provision has not been effective in giving them access to many areas promised therein.

The above documents discussed in brief are important in the political and economic contestations in the country. They should be the total basis of discourses and not just selected provisions that fit narrow arguments that skew the whole picture. Until discourses are made more impartial and willing to look at contestations from the holistic perspective, a new consensus on how to move forward may not be immediately tenable.

Singapore left the Federation in 1965 after many spats concerning how relations between Malays and non-Malays should be shaped. Singapore was not able to accept the fact that the "new" Malaysia entity is a Malay-dominated nation-state and that Chinese should play second fiddle to the former. This meant that it has no particular liking for the social contract that were devised earlier by Malaya and were to govern relations between Malays and non-Malays. Towards this end, Singapore, a state which has a Chinese majority, was more assertive about equality and promoted a Malaysian Malaysia approach compared to the more tamed Malayan Chinese. The clash was inevitable and before the "fire" spread to others, Singapore was out of the federation.

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31) Article 153, *Constitution of the Federation of Malaysia*, 2010. Before 1963, this was meant for Malays of then Malaya.

32) A complete list may be viewed in Article 161A (7), *Constitution of the Federation of Malaysia*, 2010.

33) See Article 161A (6), *Constitution of the Federation of Malaysia*, 2010; it was more open and not listed in detail.

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Ⅳ. Nation-State Building

Whatever the process of nation-state building is called, its ultimate aim is to create a nation-state where citizens subscribe to its shared symbols and constructed national identity. The big question is: does Malaysians have these? And what are they?

Malaya and Malaysia have gone through various processes in building the nation-state as the former sought to construct shared values, symbols, and identity. The processes have at different time periods were called by different names such as "bangsa Malaysia" and "1 Malaysia".[34] What all the processes have in common is that they have promoted diversities, although their inherent aim was to mold a common Malaysian culture which would give the country a definitive identity.

A brief review of history will show that the processes were pursued in contradiction from the start. The Malayan "social contract" and the Malaysia Agreement allowed and promoted diversities, and that the molding of the Malaysian national identity was to be based on the state's diverse peoples, cultures, and ways of life. Many of these processing guidelines for building of the nation-state were coded in national policies entrenched in diversity and contradictions.[35] Discussion on some of these may illustrate the above points.

The national education policies launched before Malaya attained independence in 1957 promoted diversity and sustained four educational systems, namely the Islamic, Malay, Mandarin, and Tamil.[36] The policies distinguished conscious (mind) development into four compartments, namely, Islamic Malaysians, Malay Malaysian (national), Chinese Malaysians, and Indian Malaysians; later, the content of Malay (national), Mandarin, and Tamil

34) For some discussions, see for example, Shamsul AB. (1996).

35) These policies are as follows: the language provision of the social contract that stipulates Malay as the official language while other languages are allowed to prosper without hindrance; the national cultural policy that lists all major components of national culture despite the fact that not all populations readily embrace them as "national." It may be inferred that Malaysia cultures must be a composition of all existing ethnic cultures.

36) Briefs of these policies may be read from Jayum A. Jawan (2003).

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education shared "Malayan/ Malaysian" content. Division based on the four systems persisted and further compounded by the fact that non-Malays (i.e. Chinese and Indian) are not part of the national education structure that constructs the education policy for the country especially after Malaya/ Malaysia.[37)]

It does not help that religious polemic permeates the national school system where non-Malay, non-Muslim parents are concerned about their children being subjected to religious proselytization by overzealous teachers. This has not only encouraged the sustainability of national-type schools (e.g. Mandarin and Tamil) but also gave rise to the mushrooming and popularity of international schools that subscribe to international curricula, either British or American. Thereby the process of nation-state building is further eroded with the new school of thought molding Malaysians in another "direction".[38)]

Until many important elements in the Malaysian multi-ethnic society are brought together to devise a "Malaysia" policy on education, education policies and blueprints are not going to get the support of the multi-ethnic society. It will continue to be viewed as a one-sided policy promoting the interest of only one community.

The National Cultural Policy launched in 1971 is another policy that had a good motive but failed to generate the desired

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37) In the Malaysian education system, non-Malays do not get appointed in the hierarchy; they also do not get strategic positions in the Ministry of Higher Education and the Ministry of Education Malaysia, the highest education policy-making and implementing institutions. For example, out of 30 directorship positions in the Ministry of Education, only one is held by an Indian who heads the Sports Division. The rest is held by Malays; the two deputies ministers are P. Kalamanathan, an Indian, and Chong Sin Woon, a Chinese; see www.moe.gov.my, accessed December 29, 2015. The same situation also exists in the Ministry of Higher Education, where directorships are given to Malays; the ministry's only deputy minister post is held by a Chinese, Mary Yap of Sabah, www.mohe.gov.my. (Accessed December 29, 2015).

38) Malaysians are cautious of speaking on this issue as one can be hauled up under laws governing discussing "sensitive" issues. Hopefully, the subject can be deliberated more openly following Johor's Sultan comment, see "Johor Sultan slams Malaysia's multi-stream schools", http://www.straitstimes.com/asia/se-asia/johor-sultan-slams-malaysias-multi-stream-schools. (Accessed December 29, 2015).

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outcome and that was to mold Malaysia's national cultural identity. According to the policy, the molding of Malaysia culture is to be based on Malay culture and Islamic values, as well as cultural elements from Malaysia's diverse ethnic communities, as long as the latter's values do not conflict with Islam.[39] On policy, this sounds very good. But when it comes to the identification of what cultural elements from all communities are to be "adopted" as Malaysia's cultural identity, these elements are easily identifiable but are not readily adoptable by all. Thus, after all efforts are made, the process just returns to where it all began, with each community tending to its own cultural enclave. There is therefore no agreement on what constitutes national symbols, values, and identity. What are the values and cultural manifestation that constitute and identify Malaysia and therefore distinguish it from another nationality?

At best, the identification of these "shared" values and cultural artifacts centers on secondary indicators of nationalistic symbols, values, and cultural manifestation, such as cuisine like *nasi lemak* (rice cooked in coconut milk), *roti canai* (Indian pancakes), *teh tarik* (pulled tea). The effort had not gone beyond gathering all cultural artifacts and values that cut across ethnic groups to be accepted by all. Thus, for example, when a minister attends an official function, the Malay minster is welcomed by a *kompang* beating group, a Chinese minister by a lion dance, an Indian minister by a huge flower garland, and a Dayak minister by a dayak war dance accompanied by either gong playing or a *sape* music. These are not examples of shared culture values that have been developed, although all cultural elements of all ethnic groups have been preserved but are not embraced by all within the context of building a "shared" national culture.[40] At best, when a prime minister attends official functions, he has on occasions been welcomed by a combination of the said parties.

In the final analysis, what belongs to each ethnic group are

39) To appease all communities, specifically mentioned are the cultural values and civilization of the Chinese and Indian as well as the cultural and ways of lives of the indigenous peoples of Sarawak and Sabah.

40) A classic discourse on this issue may be read from Gabriel Almond & Sidney Verba's (1963; 1989).

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held dearly by that particular ethnic group, but not similarly held by others. This low level of acceptance may also extend to national symbols that are considered "national" symbols, cultures, and values because they have not been developed and derived together in a consensual manner.

The failure to generate this feeling of "sharing" of nationals symbols, values, and artifacts are due to the failure to involve all groups in the process of nation-state building. National institutions are still heavily dominated by one or another ethnic group to the exclusion of many others.[41] This exclusive policy does not contribute to the inclusiveness the government has been promoting in seeking to mold "shared" values and vision in education towards creating a "bangsa" Malaysia that Mahathir envisioned or the "1 Malaysia" that Najib Razak is attempting to promote. It is also probably why the education policy and its implementation are increasingly becoming more controversial as both ministries do not have the benefit of wisdom from other communities in the formulation processes. Far from moving the nation-state towards realizing "shared" values as in the rise of a "bangsa" Malaysia or "1 Malaysia", education has divided ethnic communities due to many issues that cannot be resolved unilaterally.

It has been easy to address political representation as NF has done when Sabah and Sarawak were accordingly rewarded after helping the coalition win in the general elections of 2008 and 2013. Never before had Sabah and Sarawak been given 6 seats each in the federal cabinet as both states were given especially after the 2013 general elections.[42] More transparency could have also followed this

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41) See and check all the departments, divisions or units of the ministry, www.moe.gov.my. (Accessed December 29, 2015).

42) The six federal ministers from Sarawak did not include Idris Jala, who was brought into the government to spearhead economic reforms after his successful stint in turning the financially losing Malaysia Airlines into profitability. He was drafted into Malaysia Airlines in 2005 by Prime Minister Abdullah Badawi and drafted into the federal cabinet by Mohd. Najib in 2009, the same year the latter took over the premiership from Abdullah. See http://www.mckinsey.com/insights/leading_in_the_21st_century/turning_around_a_struggling_airline_an_interview_with_the_ceo_of_malaysia_airlines, http://www.economistinsights.com/speaker/4189, both (Accessed December 31, 2015).

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political sharing of cabinet posts and the same formula could have been adopted by UMNO instead of dominating the senate with its members and allies that have not helped it in the last general elections.[43)]

Ⅴ. The Role of Sabah/ Sarawak

Ethnic contestation is on the rise. In the 1970's, the reason for this was blamed on socio-economic and political imbalances between the Malays and Chinese.[44)] To address this imbalance, the New Economic Policy (NEP) was launched in 1971. More than forty years later, this contestation is even much more intense and has resulted in the emergence of many more dimensions to the ethnic conflicts and competitions. Today, it is now no longer merely about the economic and political imbalances between Malays and Chinese; the divide is shaped by various factors such as education, language, religion, economic, and region. Although the "social contract" or the Malaysia Agreement were supposed to resolve many of these issues considered sensitive then, they have failed to bring together the Malay and Chinese as well as the indigenous of Sabah and Sarawak. The old premise that any resolution must be based on an everyone wins scenario appears to have given way to victory of just one side. Accommodation, tolerance, cooperation, and the attitude of give-and-take are now seen as a display of weaknesses. Politicization of these issues by politicians who ride on them to generate popular appeal does not help either.

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43) For example, out of the 41 members nominated by the ruling party, 22 are from UMNO, 6 MIC, 6 MCA and two others held those associated with the Malayan parties. Sarawak and Sabah were given only 2 each despite their significant contribution to winning the parliamentary majority compared to the decimated MCA and MIC (Malaysian Indian Congress) that clearly did not "politically" deserve the number of their senatorial seats based on electoral performance in 2013. For the numbers of nominated members of the senate and their affiliations, see www.parlimen.gov.my. (Accessed December 29, 2015).

44) The issue might be reduced to: the few held too much economic wealth at the expense of the many. Furthermore, the many were then deemed "migrant" in contrast to the locals who were seen as economically displaced in their own home.

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The above scenario develops against the backdrop of a failing Malay unity in UMNO[45] that has been seen as the standard bearer for the Malays. The old premise is that UMNO is Malay and Malay is UMNO, and therefore when UMNO lost substantial political support to Islamic/ Malay PAS[46] and the new Malay-led PKR[47] in two previous general elections, the balance of power was deemed to have tilted against the Malays.[48] The heightened conflicts between ethnic groups are not at all helping when there is public perception that the institutions of government are seen to be taking sides.[49] For example, the Malay dominated police force has been seen to be

45) UMNO: "United Malays National Organization" has always won majority Malay support in the Peninsula, and when UMNO, with the help of its partners such as MCA [Malaysian Chinese Association], did not get enough seats to pass the majority threshold to form the federal government in 2008 and 2013, Malays deemed power had slip from their hands once again. This may have prompted a more "nationalistic" approach to politics that put non-Malays into a state of "worry".

46) PAS: Pan Islamic Party is basically a Malay party and the main UMNO opponent for Malay support. It has won and is the ruling party in the Malay state of Kelantan, which has more than 95% Malay population.

47) PKR: Anwar Ibrahim formed Parti Keadilan Rakyat in the 1990's after the former was removed as Deputy Prime Minister and as UMNO member. In the 2008 general elections, PKR won Selangor state when it partnered with Chinese-dominated DAP (Democratic Action Party) and Malay/Muslim PAS. DAP won the Penang state government in 2008 and retained the same in 2013, as did PKR in Selangor as well.

48) But the total Malay seats continued to be held by Malays who are members of the three political parties.

49) Recent indications and incidents that undermine public perception of political and government institutions are the following: the neutrality of the police force (for example, https://sg.news.yahoo.com/igp-denies-bias-sedition-arrests-says-act-bn-074800320.html; "Police bias betrays public trust", https://www.malaysiakini.com/letters/8134; the appearance that there is no legal/constitutional recourse for non-Muslims when their interests collide with Muslims, especially regarding conversion and religious issues;. For examples, see "Appeals Court: Not for us to hear Muslim conversion cases", http://www.thestar.com.my/news/nation/2015/12/31/appeals-court-not-for-us-to-hear-muslim-conversion-cases/. (Accessed December 31, 2015). For instance, Mohamed Hanipa Maidin asked: "Can non-Muslims get justice from a Muslim court" after civil court says its not within their jurisdiction to hear cases about conversion", http://www.freemalaysiatoday.com/category/opinion/2015/12/31/can-non-muslims-get-justice-from-a-muslim-court/. (Accessed December 31, 2015); and appearance of tilted actions of national leaders that portray taking sides, http://www.themalaymailonline.com/malaysia/article/at-low-yat-2-opening-ismail-sabri-calls-on-minorities-to-support-all-malay.

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slow in taking action against Malays accused of making offending remarks against the beliefs of Christians; it is also perceived as often quick to act against non-Malays when Malays complained that Islam is subverted. This negative perception of government extended to Malay cabinet ministers who have been seen in the same light especially in the confiscation and importation of Bibles written in the Malay (Indonesia) language. It is against this backdrop that PAS and PKR rode to moral electoral victory and took substantial portion of Malay support in the 2008 and 2013 general elections, and winning a number of important states such as Selangor and keeping Kelantan, as well as yielding Penang, and for a short while Perak in 2008 through their partner, the DAP. Before these general elections, UMNO enjoyed overwhelming support from the Malays. With the solid support from the Peninsular Chinese, the Alternative Front (BA [Barisan Alternatif])[50] was almost swept to power at the federal level. With the party's strong wins in 2008 and 2013, it had denied the ruling National Front (NF) the usual two-thirds majority the latter had taken for granted before 2008. Since the 1960's, the NF has won the general parliamentary elections with a two-thirds majority and kept intact all states, except one or two states, such as Kelantan, Terengganu, or Sabah.

Sabah and Sarawak may be the last chance to improve inter-ethnic relations that have been reneged from in the Peninsular region because of the Malay-Chinese contestation. Both states cannot be swayed by ethnic bigotry emanating from the Peninsular, as the experiences of Sabah and Sarawak are different. Both states are plural with many small ethnic communities. Life in these two states has been about cooperating and accommodating each other unlike in the Peninsular region where Malays are dominant and therefore do not feel need to accommodate Chinese and Indians. But the Malay accommodation of the Chinese and Indians in the early 1940's and 1950's speaks volumes of the generosity, leadership, and wisdom of past leaders, and this must be remembered by the successors.

Towards thwarting declining inter-ethnic relations, Sabah and

50) Opposition alliance of PKR, DAP and PAS.

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Sarawak need to put their foot down. They have to leverage their 58 parliamentary seats to put up a strong message to their coalition partners and the leader, UMNO. It must advocate the need to bring sense to the deteriorating state of affairs in relation to ethnic and religious ties, governance, and managing increasing openness, and bureaucratic paralysis currently gripping the country, its leaders and institutions. Sabah and Sarawak have a strong mandate that may be used to get the necessary leverage from the federal leadership, as the sustainability of the ruling NF government is dependent upon them. Without the number of seats won from Sabah and Sarawak by NF component, the NF would not have enough parliamentary majority to claim the right to form the federal government after the 2013 general elections. Although they have been generously rewarded with increased posts in the federal cabinet, Sabah and Sarawak have a moral obligation and duty to ensure a more stable and peaceful Malaysia. Because Sabah and Sarawak are non-Malay majority states, they can leverage on their combined parliamentary numbers to moderate the Malay majority from the Peninsular region. In recent years, Sabah and Sarawak regional sentiment is growing stronger. In Sarawak, this sentiment was strongly shown in support of the new Chief Minister, Adenan Satem, who secured a two-third majority in the Sarawak Assembly. He was given the strong mandate due to his campaigning on the state's right that he promised to bring up in national politics.[51)]

Ⅵ. Conclusion

The founding fathers showed that Malaysia was formed from a consensus built through negotiation, co-operation, compromise, give-and-take, and above all, justice and fair play. In this they had shown statesmanship. Malaya was granted independence from Britain in 1957 because Malay, Chinese, and Indian leaders came together to forge an alliance that convinced the British that they could work together. And later, Malaysia was formed through many

51) Adenan Satem took over as Chief Mnister of Sarawak in 2014 from the longest reigning chief minister, Abdul Taib Mahmud (1981-2014). The May 2016 was a state election in which he received his own mandate to rule.

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negotiations, compromises, and assurances that the new nation-state would benefit all parties. To assure concerns expressed by some parties, many special provisions were built into the federal constitution.

Contemporary Malaysian leaders need to go back and re-visit these values that had made it possible for the birth and independence of Malaya and the formation of Malaysia. The nation-state needs to continue to promote these values and its leaders must realize that this is the only way forward. The population and legislative majorities are not licence to bulldoze and cow minorities to accept what are determined by majority without consultation from the minorities. The lop-sided public bureaucracy needs to be improved and the balance that may be required in the private sector to offset the change to the former must also be considered. This approach has been used before to address socio-economic imbalance found in the early 1970's and the same approach could still be adopted successfully to reform the same structure that heavily favors a few ethic communities over many others.

Above all there is a need to review and strengthen the Malaysia Agreement in order to fix gaps that appeared since Malaysia was formed in 1963. Provisions of the Malaysia Agreement cannot be viewed in isolation. They must be seen and reviewed collectively as each provision are part of the total agreement. The issues are still very much the same although the dimensions have been enlarged and have yielded new perspectives. Leaders from the major and various majority groups must show the lead and wisdom to collectively overcome excessive demands of each ethnic community and rise above these parochialisms to restore peace and order in order. Everyone must strive to move forward as one state with many nations.

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