

Malaysia Overview

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Environment

The Federation of Malaysia is made up of 13 states separated by the South China Sea. The majority lie on the Malay peninsula, apart from Sabah and Sarawak in the north-east and north of the island of Borneo, and the federal territory of Labuan – a group of islands off the Borneo coast near Brunei. Its geographic position on the main shipping routes between the Indian, Arab and European civilizations on one side, and the Chinese and Japanese on the other, has also made Malaysia a meeting ground of cultures for thousands of years.

Peoples

Main languages: Bahasa Melayu (official), English, Chinese dialects, Tamil

Main religions: Islam (official), Hinduism, Buddhism, Taoism, Confucianism, Christianity, Sikhism, animism

Main minority groups: (total population: 23,266,000). Chinese 7 million (US State Department, 2006), Indians 1.8 million, Dayak-Iban 600,000, Kadazan-Dusun 490,000, Bajau 450,000, Bidayuh 167,000, Orang Asli 130,000 (National Census of Malaysia, 2000)

Malaysia is ethnically diverse as a result of the long-established human presence in the region as well as its location as a passage for people moving south from ancient times. Ethnic Malays constitute today just over half of the population, estimated in 2006 to be about 24 million people. The Chinese constitute the country's largest minority, with somewhere in the vicinity of 30 per cent, followed by a multitude of indigenous groups which include the Orang Asli and Indians.

The vast majority of Malays are Sunni Muslims of the Shafi'i school of thought, while many of the indigenous groups from Sabah and Sarawak are Christians or Muslims. For their part, most though not all Indians are Hindus, while the Chinese are generally Buddhists or Christians.

History

Malaysia was for millennia a central part of the Malay world, with many Hindu or Buddhist kingdoms

already known to exist in the second century AD. Prior to the arrival of the Malays were other communities who remain to this day: the Negritos are thought to be peninsular Malaysia's first remaining inhabitants, and may have been present in this part of Asia for perhaps 10,000 years or more. Some 4,000 years ago, another group of people moved in from what is generally thought to be south China: these are known as the first Malay people – or Proto-Malays. There may also have been some Mon-Khmer speaking groups moving into the peninsula some 4,000 years ago, who appear to have mixed with the Proto-Malays.

Today's Malays are in the main the descendants of a later Malay influx around 2,300 years ago. More advanced technologically than the Proto-Malays, they appear to have come across the sea, perhaps from Borneo, and displaced or mixed with the Negritos, Proto-Malays and other groups inhabiting the peninsula or Sabah and Sarawak. There are records of Chinese involvement in trade in the peninsula and the region going back to the Tang dynasty. It is clear that by the fifteenth century there were small Chinese settlements, though large-scale Chinese immigration occurred as a result of British colonial rule in the nineteenth century.

It is likely that Islam first arrived in the region with Arab traders before the tenth century. The first known Malay ruler to convert to Islam in the twelfth century was Sultan Muzaffar Shah I of Kedah. Islam's progress from this point on accelerated, with the state of Terengganu becoming the first Islamic Malay state in 1303. The conversion in 1414 of the Hindu prince Parameswara (who thus became Sultan Megat Iskandar Shah) of Malacca – perhaps one of the most powerful Malay states – was a further milestone in the Islamification of Malaysia.

The European presence became marked in the sixteenth century, with Malacca captured by the Portuguese in 1511 and by the Dutch in 1641. The arrival of the Europeans shattered the political cohesion of the Malay world, which broke up into clusters of sultanates lining the coastal plains of present-day Malaysia, Indonesia and the southern Philippines.

British control in the peninsula started with its first colony in Penang in 1786, and progressed with their gaining control of Malacca by 1824. The entire peninsula would eventually fall under British colonial rule by the end of the nineteenth century. It was during British rule – with the development of tin mining and rubber and other plantations – that the authorities encouraged large-scale Chinese and Indian immigration, particularly from 1880 to 1930. While support for independence grew after the Japanese occupation during the Second World War, there was opposition to British suggestions that Singapore and Malaya should be joined, partially due to opposition from some Malays to recognizing citizenship for ethnic Chinese; the scale of the influx of new migrants until 1930 had resulted in the Malay population representing close to or less than 50 per cent by that point.

It was also immediately after the Second World War that a rebel movement, under the leadership of the Communist Party of Malaya and, according to some, a large number of Chinese, began a guerrilla war to force the British out of Malaya. This insurgency was to continue until 1960, though the Federation of Malaya gained independence in 1957. It was renamed Malaysia when the British territories of Singapore, Sabah and Sarawak joined it in 1963, though Singapore was to leave within less than two years in 1965. Singapore's departure thus ensured that Malays were a majority in the remaining Federation of Malaysia. Ethnic tensions remained high in the early years of independence, as resentment over the Chinese minority's control over parts of the economy was deeply felt by some Malays.

Demonstrations following strong electoral gains by political opposition parties associated with Indians and Chinese minorities in 1969 ran out of control and led to what are known as the 13 May race riots, in which almost 200 people were killed, most of whom were Chinese. This official figure is deemed too low by some observers. The riots were seen as occurring partly because of the economic

disempowerment felt by the Malay majority, hence the Malaysian government adopted an 'affirmative action programme' – the New Economic Policy – designed to increase the share of control of the economy by the Bumiputeras ('sons of the Earth'). In the context of Malaysia, this is generally understood to mean ethnic Malays and indigenous groups, though there is some uncertainty as to whether the Orang Asli should or should not be included as Bumiputeras.

Various programmes have since been put in place and most continue to this day, though in more recent years there have been suggestions that some of them – including the position of the Malay language in education – may need to be revised. The various affirmative action programmes, not all of which were part of the New Economic Policy, include quotas for Malays in admission to state universities and granting of scholarships, positions in public employment and a statutory share of 30 per cent of corporate equity for Bumiputeras, preferential permits for automobile imports, etc.

In addition, the movement towards using Malay, the official language, as medium of instruction in state schools and universities to the exclusion of English in the 1970s and 1980s resulted in disadvantaging, and even excluding, many minorities, especially the Chinese and Indians. While it had the effect of creating a larger Malay professional class, it also tended to disadvantage minorities, who were often not sufficiently fluent in the official language to study at Malay-language universities. As a result, those minority students with the resources and opportunities to study abroad, facing the double obstacles of quotas and language, tended to seek university degrees overseas, especially in Australia and the UK, often emigrating in the process.

While the National Economic Policy expired in 1990, many aspects have been retained in the New Development Policy, and various other measures favouring Bumiputeras over other groups in Malaysia remain.

Overall, Malaysia has experienced strong economic growth through much of the last few decades.

Governance

Malaysia is a federal state with a parliamentary system of government. While it holds relatively free multi-party elections – despite a degree of gerrymandering to ensure the political domination of ethnic Malays – the United Malays National Organization (UMNO) has led a coalition of political parties and been in power since 1957. It has a well-developed judiciary and a constitution which protects a number of basic human rights, at the same time entrenching the 'special' position and rights of the Malay population and Islam as the country's official religion. While freedom of expression and the media is in theory legally protected, in practice the government does exert some restrictions and journalists often exercise a degree of self censorship.

Human rights tend to be interpreted through the lens of these constitutional provisions, resulting in non-Muslim and non-Malay minorities and indigenous populations in Sabah, Sarawak and peninsular Malaysia experiencing restrictions and disadvantages in areas such as religion, language, employment, education and land rights. Many aspects of the various affirmative action programmes and favouritism based on religious, ethnic or linguistic background may also be discriminatory in international law. The Constitution itself may be discriminatory and violate freedom of religion, as it defines all Malays as necessarily being Muslims and speaking the Malay language.

In practice, a number of state policies clearly seek to discourage non-Muslim religious activity and promote conversion to Islam, particularly of indigenous peoples. This has at times taken the form of denying permits to build churches and temples, or a refusal to make burial land available to non-

Muslims. Conversions to Islam can also take place by force of law; if a non-Muslim marries a Muslim, the former must convert.

National cultural policy is based on Malay and Islamic traditions. This has created tension with Chinese and Indians and with indigenous communities in Sabah and Sarawak, who wish to promote and retain their own languages and cultures.

Although non-Bumiputera minorities continue to suffer significant levels of disadvantage and even discrimination because of the 'special rights' of the Bumiputera, the country's high rate of economic growth has allowed the state to loosen some of its most objectionable affirmative action policies and allowed the larger minorities such as the Chinese and Indians to prosper economically. The strong security apparatus of the state and its frequent use of the Internal Security Act have also ensured that minority rights advocates are kept under control, though there is not the same level of repression that minorities may experience in other neighbouring countries.

Current state of minorities and indigenous peoples

In Malaysia, the state-sanctioned affirmative action policy for Bumiputera, often seen as discriminatory towards the minority Chinese and Indian population, is being debated openly more and more by the mainstream media. Previously such issues were considered 'sensitive'. Although the debates are often ethnically charged, the very fact that such issues are debated is a positive step. The debates bring into question the whole affirmative policy, with even the government admitting that one of the main goals of the affirmative policy – giving the Bumiputera ownership of at least 30 per cent of the country's corporate wealth – has not been achieved. Many Bumiputera businessmen who were given exclusive contracts and licences by the government simply sold them to the Chinese or, in many cases, subcontracted the work to Chinese contractors.

The new leadership in Malaysia, under Prime Minister Abdullah Badawi, who took over from Mahathir Mohammad in November 2003, has shown itself to be more transparent.

Non-Islamic faiths, who make up about 40 per cent of the population, continue to report problems in Malaysia, where Islam is the official state religion. While freedom of religion is in many aspects respected by the state, some restrictions are placed on non-Islamic faiths, mostly in the area of proselytizing. Muslims come under the purview of Syariah (Sharia) courts while non-Muslims come under civil law. Problems arise when there are mixed marriages.

According to the independent news organization The Irrawaddy, leaders of the state's minority religions have appealed to the government to allow people to choose their faith, amid what they say is a deterioration of religious freedom evidenced by court decisions in 2007 that effectively compelled Malaysians born as Muslims to stay Muslims.

In her March 2007 report, the UN Special Representative on the situation of human rights defenders Hina Jilani highlighted the case of Malik Intiaz Sarwar, a lawyer representing Lina Joy in the Federal Court of Malaysia. Ms Joy is a Malay woman who has renounced her Muslim faith and embraced Christianity, and the court proceedings are concerned with whether she can renounce Islam and has the right to have the religious affiliation on her identity card deleted. According to the report Mr Intiaz is the subject of death threats by an unknown group, which openly denounces him as a betrayer of Islam because of his role as a lawyer in the Lina Joy court case.

In 2004, Shamala Sathiyaseelan, a Hindu woman, went to the civil courts to challenge the conversion to

Islam of her two young children (both aged under 5). Without her knowledge, her estranged husband, an ethnic Indian, converted to Islam together with the children. Under civil law, children under the age of 18 cannot change their religion without the parents' consent. Despite this, the Syariah court had awarded the custody of the children to her husband because he was a Muslim looking after Muslim children. As a non-Muslim, Shamala cannot appear before the Syariah court. When she went to the civil court, it refused to intervene, arguing that it does not have jurisdiction. It ruled, however, that the children should stay temporarily with her, but she cannot expose them to any non-Islamic religion or practice. Because there is no legal remedy to the issue, as the civil and Syariah courts are equal, Shamala fled Malaysia with the children.

According to a February 2007 study carried out by the Malaysia National Human Rights Commission, everywhere in Malaysia Orang Asli indigenous communities are facing a bleak future marked by official neglect and the greed of private enterprise. According to current legislation Orang Asli can use ancestral land as well as the timber and other resources on it. However, Malaysian state governments say that they have legal ownership and insist that they need not pay compensation for claiming it. The study said loss of land, sudden eviction and paltry cash compensation has seriously injured the Orang Asli community.

Economic activity in the last few years has led to the erosion of indigenous communities, who find themselves under increasing pressures to 'modernize', meaning give up their languages and cultures and lose the use of their traditional lands in favour of plantation and logging activities. Despite some movement in 2003 to increase the use of English in state schools for the teaching of mathematics and sciences, most Chinese and Indians attend private schools teaching in their own languages rather than Malay-only state schools. The government also announced in 2005 that some of these state schools will be teaching Tamil or Mandarin as elective courses, though not using these as medium of instruction.

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