

## Ethnicity and educational policies in Malaysia and Brunei Darussalam Seng Piew Loo

Sultan Hassanah Bolkuah Institute of Education, Universiti Brunei Darussalam  
loo.sengpiew@ubd.edu.bn

### Summary

The *Universal Declaration of Human Rights* (UDHR) was unanimously ratified by the United Nations in 1948. Article 2 of UDHR asserts that no human being should be discriminated against on the basis of “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Articles 26(1) and 26(3) add: “Everyone has the right to education [that] shall be equally accessible to all on the basis of merit” and “parents have a prior right to choose the kind of education that shall be given to their children.” This article examines ethnicity education in Malaysia and Brunei Darussalam and the records of both countries towards fulfilling the educational ideal of equitable ethnic access to education under UDHR. It is concluded that both countries fall far short of the ideal of equitable ethnic access to education because it discriminates in favour of “native” ethnic groups. For ethnicity education to succeed in strengthening national integration in both nations, ethnic bias in the curriculum content should be eliminated and discriminatory ethnic policies dismantled.

### Introduction: Backgrounds of Malaysia and Brunei Darussalam

Malaysia and Brunei Darussalam (henceforth referred to as Brunei) are two new nation-states that emerged at the end of the British colonial era in Southeast Asia.

#### Malaysia

Malaysia occupies the southernmost peninsula of Southeast Asia and most of the northern one-third of Borneo. Present-day Malaysia emerged on 16 September 1963 when Sabah and Sarawak in Borneo joined Malaya, which had earlier gained *Merdeka* or independence from the British on 31 August 1957 to form a single federation. Malaysia has a Westminster-style parliamentary system of democratic government with a constitutional monarchy. It is a middle-income country with a diversified economy. Industry (especially the electronics sector) contributes 45,3% to the GDP, followed by services (44,8%) and agriculture (9,9%) The estimated per capita GDP in 2007 was US\$13 300 (CIA World Factbook: Malaysia, 2008).

Malaysia’s early history reveals that the first human beings arrived in East Malaysia (Sabah and Sarawak) *circa* 35 000BCE and in West Malaysia from 25 000BCE to 2 000BCE. On the peninsula (West Malaysia), all aboriginal ethnic groups are collectively known as the *Orang Asli*.

A more technologically advanced group migrated to the peninsula from a region now called *Yunnan* in China *circa* 2 500BCE. Called the Proto-Malays, they were seafarers and farmers, and their advances forced the *Orang Asli* away from the coastal area into the interior. The modern Malays are the descendents of the Deutero-Malays – an amalgam of many early ethnic groups including Indians, Chinese, Siamese, Arabs, and Proto-Malays.

According to the Malay Annals, Malacca was the first Malay sultanate. It was founded *circa* 1400 by Parameswara. The strategic location of the port of Malacca at the narrowest part of the Straits of Malacca allowed it to control the lucrative spice trade. Revenue from port taxes and services greatly enriched and strengthened Malacca. Soon after establishing his kingdom, Parameswara converted from Hinduism to Islam.

Ironically, at the height of its power, Malacca fell to the Portuguese in 1511. The Dutch, in turn, ousted the Portuguese from Malacca in 1641. However, it was the British who colonised all of Malaysia.

In 1786 Captain Francis Light, who falsely claimed to act for the *British East India Company*, convinced the Sultan of Kedah to grant the island of Penang to him in exchange for military protection (which was never delivered) against the Kingdom of Siam. The next British colony,

Singapore, was founded by Stamford Raffles in 1819. Malacca was later acquired by the British colonial government from the Dutch under the Anglo-Dutch Treaty of 1824. Penang, Singapore and Malacca were absorbed into the British Empire as the Straits Settlements colonies in 1867.

In the rest of the Malay Peninsula, the British government initially refrained from exerting sovereignty but had to force the sultans of Perak, Selangor, Negeri Sembilan and Pahang in the Malay Peninsula to accept the rule of *British Residents* between 1873 and 1888 in order to control the tin trade. The state of Johore accepted British rule in 1885. The northern states of Kedah, Perlis, Kelantan, and Trengganu were transferred to British control under the Anglo-Siamese treaty of 1909.

The history of British colonial period in East Malaysia coincides with that of Brunei and will be discussed more extensively in the next section. The Federation of Malaysia was the second British colony in Southeast Asia (following Myanmar) to emerge as an independent nation.

### Brunei

Brunei is the only sovereign country in Borneo located on its northern coast. It is surrounded by the Malaysian states of Sabah and Sarawak. Brunei is a small country with a total area of 5 765 km<sup>2</sup> that is awkwardly split into two portions by the Malaysian district of Limbang in Sarawak.

Brunei is a high-income country with a highly undiversified economy that depends on oil and gas for more than 50% of the GDP and 90% of export earnings. The estimated per capita GDP in 2007 is US\$51 000 (CIA World Factbook: Brunei, 2008).

Historically, Brunei was once the seat of a powerful Malay sultanate extending over Sabah, Sarawak and the southern part of the Philippines from the 14<sup>th</sup> to the 16<sup>th</sup> centuries. However, by the 19<sup>th</sup> century, the territory of the Brunei sultanate had been whittled down because of internal rebellion and piracy as well as the colonial and commercial aggression of the British.

In 1842 the Regent of Brunei ceded a large part of Sarawak to James Brooke and gave him the title of “Rajah” for helping suppress a rebellion against the sultanate. From 1842 to 1890, the Brookes consolidated their power and extended their control over the rest of Sarawak and inched towards the Brunei River, the seat of the Bruneian sultanate. Over in the north-east of Borneo, the 24<sup>th</sup> Sultan of Brunei was forced to cede large tracts of territory in Sabah to Baron von Overbeck and Alfred Dunt. Overbeck and Dunt later formed the British North Borneo Company in 1881. Like the Brookes, the British North Borneo Company acquired and exerted sovereignty over more Bruneian territory between 1881 and 1898.

To thwart the encroaching advances on both the western and eastern borders of Brunei, the 25<sup>th</sup> sultan, Sultan Hashim, signed a treaty with the British to make Brunei a British protectorate in 1888. Initially, Brunei’s status as a British protectorate did not carry any weight because it did not deter Charles Brooke (the successor of James Brooke) from seizing the territory of Limbang by force in 1890, which effectively severed Brunei into two parts, a situation that remains until today. It was only after the British established *de facto* colonial rule through the *British Residents* in 1906 to “advise” the sultan in all matters (except Malay customs, traditions and the Islamic religion) that Brunei suffered no further territorial loss and was saved from annihilation. During the Second World War, the Japanese occupied the whole of Borneo. After the war, Vyner Brooke (the third and last “White Rajah”) and the British North Borneo Company ceded Sarawak and Sabah respectively to the British Crown. Sarawak and Sabah were eventually absorbed into Malaysia in 1963. It is perhaps true to say that the British Residency system helped shore up the feudal system of Malay monarchic government not only in Brunei but also neighbouring Malaysia. In comparison, the Dutch put in much less effort to maintain the feudal system of government in the Indonesian archipelago. Not surprisingly, Indonesia declared independence from the Dutch as a republic in 1945.

Brunei achieved limited self-government from Britain in 1959, followed by full independence in 1984. Unlike Malaysia, where the political power of the hereditary Malay rulers was vastly eroded during colonial rule, the Sultan maintained absolute sovereignty over traditional matters in Brunei.

The 1959 Constitution of Brunei basically recognises the Sultan as the absolute ruler of the semi-independent nation. The British continued to control defence and foreign affairs in the interim period between limited self-government in 1959 and full independence in 1984. The 1959 Constitution provided for the establishment of a *partially* elected legislative body to assist and advise the Sultan. Unfortunately, the opposition political party – *Partai Rakyat Brunei* – initiated an unsuccessful rebellion in 1962, ostensibly to fully assert the people’s mandate. The Brunei Rebellion was swiftly crushed by the British Army. Immediately after that, the Sultan declared emergency rule and dissolved the legislative assembly. Under emergency rule, civil law was suspended and the Sultan ruled by decree. Until today, the emergency declaration has not been rescinded. The legislative assembly of Brunei was finally restored in 2004. Unlike in 1959, when some members of the legislative council were *elected*, all members of the legislative council are now *appointed* by the Sultan. The unelected legislative assembly serves only as an advisory body to assist the absolute sovereign monarch of Brunei. The present ruler, Sultan Hassanal Bolkiah, is the 29<sup>th</sup> Sultan of Brunei.

### Summary

In both Brunei and Malaysia, there exists a strong emotional bond between the institution of Malay monarchy and the Malay people. This resilient bond that was shaped by history and further strengthened during the British colonial period continues to shape multi-ethnic relationships in the political demographic landscape of both nations in the post-independence period.

### **Ethnicity and political demography**

Weiner (1971: 597) offers the following comprehensive definition of political demography:

Political demography is the study of the size, composition, and distribution of population in relation to both government and politics. It is concerned with the political consequences of population change, especially the effects of population change on the demands made upon governments, on the performance of governments, on the distribution of political power within states, and on the distribution of national power among states.

Political demography in the context of ethnicity therefore describes competition and conflict for resources (both economic and political) among different ethnic groups. Both Malaysia and Brunei were originally populated by so-called “native races” but British colonial policy upset the ethnicity makeup in the populations of both nations.

The term “race” originated from the argument of Samuel George Morton (Morton, 1839) that all human beings can be categorised into five “races” on the basis of physical differences like skin colour and skull size. He identified and ranked-ordered the five “races” as follows:

1. *Caucasian* (“white-skinned” people of Europe, North India, and some parts of North Africa and the Middle East).
2. *Mongolian* (“yellow-skinned” Asians like the Chinese and the Arctic Eskimos).
3. *Malay* (“brown-skinned” people of Polynesia and the Malay Archipelago).
4. *American* (“red-skinned” people of North and South America).
5. *Ethiopian* (“black-skinned” people of Sub-Saharan Africa)

Morton’s definition of race that suggest that “Ethiopians” have the smallest skull size and by implication the smallest brain size have been shown to have no scientific basis and to be absolutely false. In the vocabulary of post-modernism, “ethnicity” is taken as a more “politically-correct/polite” substitute for “race”. The term “ethnicity” points *not* to biological or genetic differences but to *cultural* differences among human beings, delineated by such terms as “way of life”, “religious affiliation”, etc.

The use of the term “ethnic group” in place of “race” originated from the UNESCO Statement, *The Race Question*, prepared by some of the foremost experts and scientists in the fields of biology,

psychology, cultural anthropology and ethnology. *The Race Question* UNESCO statement was declared on 18 July 1950. Statement 6 declares the following:

Because serious errors of this kind are habitually committed when the term “race” is used in popular parlance, it would be better when speaking of human races to drop the term “race” altogether and speak of ethnic groups.

The following sections describe the ethnicity and political demographic patterns of Malaysia and Brunei.

### Malaysia

The present population of Malaysia is estimated at 27,3 million (Department of Statistics, Government of Malaysia, 2008). Malaysia has a multi-ethnic population consisting of so-called “native” (*bumiputera*) and “immigrant” (non-*bumiputera*) ethnic groups. In pre-colonial peninsular/West Malaysia, the Malays and *Orang Asli* were the main “indigenous” ethnic groups. In the East Malaysian states of Sabah and Sarawak there were several “indigenous” ethnic groups: Iban, Dayak, Kadazan, Dusun, Bidayuh, Murut, Penan, etc. During British colonial rule, the colonial government encouraged large scale immigration of workers from China and the Indian sub-continent to provide labour for the mining and plantation sectors of the economy respectively in West Malaysia. A similar pattern occurred in East Malaysia but very few “Indians” were brought in because the plantation economy was less evident in East Malaysia.

Consequently, when the Federation of Malaya (modern-day West Malaysia) achieved independence in 1957, Malays were reduced to a bare majority (55%). Of the non-*bumiputera*, the Chinese originally made up 34% of the population, Indians accounted for another 10% while the remainder consisted of other groups. Over the past five decades, the population growth rate of Malays and other *bumiputera* ethnic groups outpaced that of non-*bumiputera* ethnic groups due to differential rates of fertility. Consequently, the proportion of the *bumiputera* in the population rose to 60,6% in 1991 and 65,1% in 2000. Correspondingly, the proportion of Chinese in the population fell to 28,1% in 1991, and to 26,0% in 2000 (Department of Statistics 1995, 2001). Similarly, the proportion of Indians fell to 7,9% in 1991 and to 7,7% in 2000.

The political demographical landscape of Malaysia was shaped by the 12 year period between the end of the Japanese occupation in 1945 and full independence granted by the British in 1957. During the pre-independence transition period, the British eventually had to face the stark reality of creating a shared sense of nationhood among the culturally diverse “native” and “immigrant” ethnic groups. Negotiations among leaders who represented both ethnic groups as well as the British colonial government produced the Constitution of the Federation of Malaya that came in time for independence on 31 August 1957. The same constitutional document (with amendments) was transformed into the Constitution of the Federation of Malaysia on 16 September 1963 when Singapore, Sabah and Sarawak merged with Malaya to form the present-day Malaysia.

The term “bumiputera” itself cannot be found in the Federal Constitution; it only contains the definitions of “Malay” and “aborigine” under Article 153(1), 153(2), 153(3) and 160(2) that refer to the natives of West Malaysia and Articles 153(1), 153(2), 153(3), 161E(6) and 161E(7) for “natives” of Sarawak, and “natives” of Sabah. The concept of “bumiputera” ethnicity in Malaysia was in fact coined by the first Prime Minister, Tunku Abdul Rahman, and has its roots in the recognition of the “special position” of the Malays given by the Federal Constitution, particularly Article 153, in exchange for citizenship rights given to non-native Chinese and Indian ethnic groups.

Article 160(2) defines the native ethnic groups of West Malaysia (the Malay Peninsula):

(2) In this Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say – “Aborigine” means an aborigine of the Malay Peninsula; “Malay” means a person who professes the religion of Islam, habitually speaks the Malay language, conforms to Malay custom and

(a) was before Merdeka Day born in the Federation or in Singapore or born of parents one of whom was born in the Federation or in Singapore, or is on that day domiciled in the Federation or in Singapore; or

(b) is the issue of such a person;

As for the East Malaysian states of Sabah and Sarawak, Article 161E(6) defines the term “native” ethnic groups as follows:

“native” means –

(a) in relation to Sarawak, a person who is a citizen and either belongs to one of the races specified in Clause (7) as indigenous to the State or is of mixed blood deriving exclusively from those races; and

(b) in relation to Sabah, a person who is a citizen, is the child or grandchild of a person of a race indigenous to Sabah, and was born (whether on or after Malaysia Day or not) either in Sabah or to a father domiciled in Sabah at the time of the birth.

Article 161E(7) identifies specific East Malaysian “native” races:

The races to be treated for the purposes of the definition of “native” in Clause (6) as indigenous to Sarawak are the Bukitans, Bisayahs, Dusuns, Sea Dayaks, Land Dayaks, Kadayans, Kalabit, Kayans, Kenyags (including Sabups and Sipengs), Kajangs (including Sekapans, Kejamans, Lahanans, Punans, Tanjongs dan Kanowits), Lugats, Lisums, Malays, Melanos, Muruts, Penans, Sians, Tagals, Tabuns and Ukits.

Ironically, the Federal Constitution is silent on the status of the *Orang Asli* of West Malaysia although it is clear that they arrived in the Malay Peninsula more than 20 000 years earlier than the Malays. However, it appears that the *Orang Asli* are regarded as *de facto bumputeras* together with Thai Malaysians, Straits Chinese (*Peranakan*) and the Kristang people of Portuguese descent as they are accorded the same special rights as the Malays.

### Brunei

The population of Brunei in 2004 was estimated at 357 800 (Government of Brunei, 2008). This estimate includes more than 100 000 foreign citizens residing and working in Brunei.

As in the case of Malaysia, the population consists of indigenous and non-indigenous ethnic groups. The Malays form the dominant native ethnic group in Brunei and as in Malaysia, the term “Malay” is constitutionally defined under the 1959 Constitution of Brunei but there are differences between the Malaysian and Bruneian concepts of “Malay”. Unlike Malaysia, “Malays” in Brunei are constitutionally sub-divided into seven sub-groups that are in fact distinctively different not only on in terms of physical characteristics but also culture – Brunei Malay, Kedayan, Tutong, Belait, Bisaya, Dusun and Murut. The first group – the Brunei Malays – are similar to their Malay counterparts in West Malaysia, in the sense that all Brunei Malays practise Malay customs and are Muslims. Another difference between Malays in Malaysia and Brunei is that a significant number of “Malays” in Brunei who belong to the latter six ethnic sub-groups are either Christians or animists, particularly the Tutong, Belait, Bisaya, Dusun and Murut. Nevertheless, Islam is the dominant religion in Brunei, as 67% of the population are Muslims. Collectively the seven Malay ethnic groups that are considered as “native” to Brunei make up 66% of the population<sup>1</sup>.

Ironically, a number of ethnic groups who are indigenous to Borneo are not considered “native” in Brunei. These ethnic groups which make up 6% of the population are predominantly non-Muslim and include the Iban and Kelabit. The above-mentioned ethnic groups are grouped under “other indigenous” ethnic groups.

The dominant non-indigenous ethnic group are the Chinese who migrated to Brunei during the British protectorate period. Ethnic Chinese make up about 15% of the population. The balance of the population consists of foreigners residing temporarily in Brunei on working permits.

As in the case of Malaysia, the constitutional definition of “Malay” politically legitimises the granting of “special rights” to Bruneian native Malays. In Brunei, special privileges are accorded to native Malays such as easier access to higher education as well as better job and promotion opportunities in

the civil service. In addition, the government generously provides land and houses to poor Malays (for a token payment) under the *Rakyat Jati* (native people) land resettlement programme, but not as generously to poor non-Malay citizens. Non-Malays are also not allowed to enlist in the armed forces. The plight of the Bruneian Chinese is appalling because up to 90% of Bruneian Chinese do not have full citizenship (Limlingan, 1986). The vast majority of Bruneian Chinese are permanent residents who are stateless. The United States Department of State has consistently criticized Brunei for many violations of human rights, particularly denying citizenship to ethnic Bruneian Chinese, many of whom are third generation Brunei-born (U.S. State Department, 2008).

Stateless persons in Brunei are denied many rights that are enjoyed by full citizens; for example, they are not allowed to buy and own properties with freehold tenure, they are not entitled to fully subsidised health care and free university education, and they are not issued Brunei passports. In lieu of Brunei passports, the government provide “certificates of identity” to allow stateless persons international travel and re-entry.

It was only in May 2006 that the government announced that more permanent residents would be accepted as citizens. Nevertheless, the number of ethnic Chinese Bruneians who are granted citizenship is capped by the small annual quota. In addition, many applicants fail to attain citizenship because they fail the mandatory Malay language competency test and/or the written citizenship examination.

### **Ethnicity, national ideology and ethnicity education**

There is a strong relationship between ethnicity and nationalism. Many nation-states that are resilient have a strong sense of shared ethnicity, for example the island nations of Great Britain and Japan. Conversely, some nation-states have disintegrated into smaller nation-states because of insurmountable ethnic differences among their people, for example, USSR and Yugoslavia.

According to Mallinson (1975), modern nation-states can be divided into two major types. Type 1 nations have a strong national character forged by a long history of shared culture, common language and living in a stable geographical location. People in Type 1 countries also typically have a strong sense of ethnic origin and destiny anchored in mythology, for example the Chinese, who have magnificent mythological stories of the origin of the *Han* people. Type 2 nations have a relatively weaker national character and are formed by a series of recent historical “accidents”, for example the USA, which began with the colonisation of the “New World” by Europeans, followed by the Declaration of Independence by the original 13 states in 1776, the American Civil War of 1861-1865, and many other historical episodes before it stabilised into the 50 states of the USA that we know today. It may also be argued that Mallinson’s Type 2 nation concept can be extended to another series of “historical accidents” (colonisation, decolonisation and independence) that led to the creation of many new nation-states in Asia and Africa after the Second World War.

Type 2 nations that emerged from decolonisation typically have weak national characters because of colonial policies that weakened ethnic cohesion, for example the merging of diverse tribal territories in sub-Saharan African countries and mass immigration of non-native ethnic groups in Southeast Asian countries. Consequently, a typical Type 2 nation may be inclined to formulate a national ideology in an effort to integrate diverse ethnicities.

### **Malaysia**

After independence in 1957, non-*bumiputera* ethnic groups somehow managed to carve out a disproportionately larger slice of the economy than *bumiputeras* despite the fact that the Federal Constitution had conferred “special rights” to native Malays and *bumiputeras*.

The widening economic disparity between native and non-native ethnic groups created much inter-ethnic friction that culminated in the violent inter-racial riots of 13<sup>th</sup> May 1969. Parliament was suspended and a national emergency was declared to restore public order. After public order and parliamentary democracy was restored the following year, the government addressed the root of the problem: dissatisfaction of Malays over economic marginalisation *vis-à-vis* non-*bumiputeras*,

especially ethnic Chinese Malaysians. The New Economic Policy was an affirmative action policy launched in 1970 to “positively discriminate” in favour of the *bumiputera* to ensure that they would achieve an equity of 30% in the economy by 1990.

Another important measure that immediately followed was the formulation of Malaysia’s national ideology called *Rukunegara*. *Rukunegara* is grounded not in mythology but in recent history. *Rukunegara* has heavy nationalist, moral and religious overtones that are apparently ethnic-neutral. It consists of 5 principles:

1. Belief in God;
2. Loyalty to King and Country;
3. Upholding the Constitution;
4. Rule of Law; and
5. Courteous and morally-upright conduct.

Paradoxically, the ethnic-neutral language renders *Rukunegara* rather meaningless. For example, “God” in Principle 1 is not a global concept because it carries different meanings across the diverse religious faiths of Malaysia: Islam, Buddhism, Hinduism, Christianity, etc. The “Constitution” (Principle 3) also carries different meanings for different ethnic groups. Although Article 8(1) of the Constitution states that “[a]ll persons are equal before the law and entitled to the equal protection of the law” and Article 8(2) adds that “there shall be no discrimination against citizens on the ground only of religion, race, descent or place of birth ...”, it is abundantly clear that Articles 8(1) and (2) are negated by Articles 153(1), 153(2) and 153(3) by the creation of two separate classes of ethnic citizenship, namely *bumiputera* and non-*bumiputera*:

(1) It shall be the responsibility of the Yang di-Pertuan Agong<sup>2</sup> to safeguard the special position of the Malays and natives of any of the States of Sabah and Sarawak ...

(2) ... the Yang di-Pertuan Agong shall exercise his functions under this Constitution and federal law in such manner as may be necessary to safeguard the special provision of the Malays and natives of any of the States of Sabah and Sarawak and to ensure the reservation for Malays and natives of any of the States of Sabah and Sarawak of such proportion as he may deem reasonable of positions in the public service (other than the public service of a State) and of scholarships, exhibitions and other similar educational or training privileges or special facilities given or accorded by the Federal Government ....

(3) The Yang di-Pertuan Agong may, in order to ensure in accordance with Clause (2) the reservation to Malays and natives of any of the States of Sabah and Sarawak of positions in the public service and of scholarships, exhibitions and other educational or training privileges or special facilities, ...

The Rule of Law (Principle 4) in *Rukunegara* is also negated by dualist systems of law in Malaysia – *secular* law (based on English Common Law) that applies to all Malaysians in all matters except those pertaining to Islam and *syariah* law for Muslims only in matters pertaining to religious obligations (for example, *zakat* or tithe payment), family law (marriage, divorce and estate litigation), and morality matters (for example, concerning *khalwat*, or “close proximity” between unmarried persons).

*Rukunegara* underpins ethnicity education that is intended to forge closer national integration amongst Malaysia’s diverse ethnic groups. At the tertiary level, all students in public and private institutions of higher education are required to take two core courses: *Ethnic Relations* and *Islamic and Asian Civilization*. At the primary and secondary levels of education, the national ideology is constantly reinforced in the curriculum content, especially in core compulsory subjects like Civics, Moral Education (ME) and Islamic Religious Knowledge (IRK) as well as weekly singing of the national anthem during mass school assembly.

However, there is a serious flaw in the ethnicity education school curriculum. While all pupils (both Muslims and non-Muslims) at the primary level take Civics, Muslim pupils take IRK but not ME. On

the other hand, non-Muslim pupils take ME but not IRK. In operational terms, both ME and IRK are time-tabled in the same slot of the school timetable and if two classes have Muslim and non-Muslim pupils, the non-Muslim pupils in Class A have to move to Class B for ME, while Muslim pupils have to move from Class B to Class A for IRK. It is a Catch-22 situation: on the one hand, the segregation of pupils into two separate ethnicity curriculum subjects is curiously at odds with the need for pupils to be kept together for shared ethnicity curriculum experiences; on the other hand, while Muslim pupils would probably have no objections taking ME, forcing non-Muslim pupils to take IRK would be a violation of freedom of worship.

### Brunei

The national ideology of Brunei is called *Melayu Islam Beraja* (MIB or Malay Islamic Monarchy). MIB was enunciated for the first time on the occasion of Sultan Hassanal Bolkiah's 44<sup>th</sup> birthday in 1990. However, official government publications later on retrospectively established that MIB has a history of more than 600 years. According to Abdul Aziz (1992), MIB in fact commenced when the first Brunei ruler, Awang Alak Betatar, who reigned from 1363 to 1402, converted to Islam and adopted the name of Sultan Muhammad. Islamic divine legitimacy was added to the royal bloodline when Sharif Ali, a descendent of Prophet Muhammad through the genealogy of Bani Hashim married a daughter of Brunei's 2<sup>nd</sup> Sultan and thenceforth inherited the throne as the 3<sup>rd</sup> Sultan. In other words, the ancestry of MIB purportedly intertwines with the dawn of Islam itself. Braighlinn (1992: 28) interprets this as an attempt to legitimize the Islamic monarchy of Brunei by attaching it to "some kind of origin myth than popularly based ones".

By launching MIB, Sultan Hassanal Bolkiah successfully reified myth into truth and legitimised Himself as Allah's vicegerent in Brunei by creating a "unifying ideology which would bolster his power, blunt the appeal of those calling for a stricter observance of Islam, and develop a sense of purpose in the young" (Saunders 1994: 187-88).

To fully understand MIB, it is necessary to analyse each part of the acronym from the right to left direction. According to Abdul Aziz (1992), *Beraja* in MIB signifies the quintessential Malay system of government based on the rule of the *Raja* (the Malay word for "king") that has been practised for six hundred years. *Islam* refers to the religion that is inextricably intertwined with *Beraja* in the genesis of the Islamic sultanate of Brunei. *Melayu* suggests that *Malay* culture forms the cultural cornerstone of Brunei.

Naimah Talib (2002) points out that MIB as the national ideology of Brunei runs the risk of alienating and marginalizing the non-Muslim population such as the Chinese and the non-Muslim indigenous peoples. In operational terms, all Bruneians can undeniably identify with the "B" in MIB, as the Sultan of Brunei is the supreme ruler. However, not all Bruneians can identify with the "I" because non-Muslims make up one-third of the population. Finally, ethnic Chinese Bruneians (the vast majority of whom are non-citizens) clearly cannot identify with the "M".

MIB and Islamic Religious Knowledge (IRK) are the twin pillars of ethnicity education in Brunei. MIB and IRK are core compulsory subjects at both the primary and secondary school levels. The two subjects are taught to *all* pupils, irrespective of whether they are Muslims or non-Muslims. It may be argued that all Bruneians should be taught MIB as it is the national ideology of Brunei. However, this is clearly not true in regard to IRK. In Brunei, it is a criminal offence to teach the religious doctrines of non-Islamic faiths to Muslims, but the teaching of IRK to non-Muslim pupils in government schools is not considered a violation of the religious rights of non-Muslim ethnic groups.

### **Ethnicity and affirmative action policies in education**

Affirmative educational policies are carried out in Malaysia and Brunei to positively discriminate in favour of native Malays and *bumiputera* ethnic groups *vis-à-vis* the non-*bumiputera* ethnic groups.

## Malaysia

Ethnic access to education is regulated by Articles 153(1), 153(2) and 153(3) of the Federal Constitution that positively discriminates in favour of Malays and other *bumiputeras* to the extent of suspending meritocracy in education.

The government provides free education for children to the age of 17. Primary school education was made compulsory in 2003. Hard inter-ethnic bargaining over education in the pre-independence period produced two outcomes that were satisfactory to both *bumiputera* and non-*bumiputera* ethnic groups. The Malay language was chosen as the national language of the nation. Article 152(1) of the Federal Constitution states that: “The national language shall be the Malay language ...” Consequently, the Malay language is not only taught as a core school subject but is also the dominant medium of instruction in all government schools in the national education system. However, Article 152(1) (a) and (b) enshrines the right of non-*bumiputera* communities to mother-tongue instruction:

- (a) no person shall be prohibited or prevented from using (otherwise than for official purposes), or from teaching or learning, any other language; and
- (b) nothing in this Clause shall prejudice the right of the Federal Government or of any State Government to preserve and sustain the use and study of the language of any other community in the Federation.

The major consequence of Article 152(1) is the *Sekolah Kebangsaan* (SK or National School), which was established as the archetypal school model in the national education system. However, because sub-clauses (a) and (b) guarantees the preservation of non-Malay languages, the government was forced to absorb vernacular primary schools that used Chinese and Tamil<sup>3</sup> as a media of instruction as government-aided schools into the national education system. These schools are called *Sekolah Jenis Kebangsaan* (SJK or National Type School), and are distinguished as SJK(C) and SJK(T). Although the SK is the preferred model for national schools to achieve national integration, there is no doubt that Malaysian school children are segregated into schools according to *bumiputera* and non-*bumiputera* ethnic division lines, as the overwhelming majority of Malay and *bumiputera* children enrol in the SK whilst most non-*bumiputera* children enrol in the SJK. In 2004, the prime minister was forced to concede that “the national school, the main catalyst for the integration process in the young generation, has begun to lose its popularity as a school of choice, particularly among Chinese students” and that only about 2% of Chinese students attended SKs (Loo 2007:220).

Another dual ethnic pattern exists in the national secondary school system as the consequence of the “special rights” given to Malays and other *bumiputera* ethnic groups under the Federal Constitution. After primary schooling, students are streamed into three types of secondary schools, namely regular day schools, fully residential schools, and MRSM (Maktab Rendah Sains MARA<sup>4</sup> or MARA Junior Science Colleges): regular day schools are attended by all ethnic groups but fully residential schools and MRSMs are elite schools with a highly selective intake reserved more-or-less exclusively for *bumiputeras*.

Yet another example of duality can be found in post-secondary education. Non-*bumiputeras* enter Form 6 in secondary schools or Sixth Form Colleges and write the STPM (*Sijil Tinggi Pelajaran Malaysia examination*, which is equivalent to GCSE “A” levels) at the end of two years. However, the more academically-able *bumiputeras* who wish to follow the science and accountancy streams enter government matriculation colleges that offer more-or-less guaranteed entry for *bumiputera* students into choice science, technology and accountancy programs in Malaysian public universities. STPM and matriculation serve as separate ethnic filters for university entrance. The two systems of examinations are not equivalent, as the matriculation programme is internally examined by the individual matriculation colleges while the STPM is examined under a centralised and standardised national system. The meritocratic dual carriageway of two separate examination systems exposes university entrance to potential distortion<sup>5</sup>. It has been commonly argued that the Form 6 pre-university programme is more rigorous in academic content than the matriculation programme and STPM is more difficult than the matriculation examinations. Whether the allegation is true or not, it appears that a perfect CGPA score of 4,00 in the STPM is apparently not as good as a similar score in matriculation. For example, 128 students who obtained the perfect score in the STPM in 2004 were

denied their first choice of course, medicine. In contrast, judging from the lack of complaints by aggrieved matriculation students, it may be assumed that every matriculation student with the perfect CGPA who applied for medicine was successful. The only common denominator in the group of unsuccessful 128 STPM students was that they were all non-*bumiputeras*. It was only after a huge public outcry that the Minister of Higher Education was forced to personally intervene to get a number of them accepted for medical studies in public higher education institutes (HEIs). The rest secured offers from private medical colleges but many were forced to give up their ambition for a medical career because of the high fees charged by private HEIs.

Further evidence of the existence of the ethnic dual track in education is provided by enrolment figures in public HEIs, where fees are heavily subsidised by the government and the high fee-charging private HEIs. As at December 1999, the proportion of *bumiputera* students enrolled in degree and diploma level courses in private HEIs constituted only 36,1% of the total enrolment (Malaysia 2001). This is almost a mirror reverse image of the enrolment by ethnicity in public HEIs because, according to a report on 24 June 2005 by *Bernama*, the official national news agency, the Higher Education Department director revealed that a total of 24 837 *bumiputeras* were offered places in public universities, representing 63,8% of the total number of places available for 2005.

Notwithstanding the “special rights” of the *bumiputera* and the concerted efforts of the government’s affirmative action educational policy to uplift the natives, some *bumiputera* ethnic groups are still marginalised in the economy and education. The *Orang Asli* is one of the poorest ethnic communities in Malaysia, if not the poorest. Government statistics categorised approximately 77% of *Orang Asli* households as living below the poverty level. The drop-out rate from primary schools for the *Orang Asli* and minority *bumiputera* communities in Sabah and Sarawak stands at a staggering 62%, against the national average of 3,1% in 1995 (Ministry of Education, 2001). Thus, the government’s affirmative action policies in favour of *bumiputera* ethnic groups have failed miserably where the *Orang Asli* people are concerned.

### Brunei

In Brunei, primary schooling is free and compulsory for citizens and permanent residents. At the secondary level, education is free and universal for citizens and permanent residents. Students with full citizenship who enrol in degree programmes in Brunei public universities are also given full fee waiver and a generous monthly scholarship allowance.

On the negative side, unlike Malaysia, vernacular schooling and non-native mother tongue instruction is not funded by the Brunei government. Ethnic Chinese Bruneians who wish to have their children educated in the mother tongue have to enrol their children in private Chinese schools that charge substantial fees outside the public education system.

However, unlike the case in Malaysia, affirmative action and positive discrimination educational policies to favour native Malays in Brunei are not as overtly evident because the Brunei constitution does not specifically award “special rights” to the Malays. Nevertheless, a form of latent “positive” discrimination exists in the educational policies of Brunei.

As pointed out above, the vast majority of ethnic Chinese in Brunei only have permanent residence status or are stateless. Chinese who are not full citizens in Brunei are marginalised in education. Primary education is free for citizens and permanent residents; and secondary education is free for citizens but children of non-citizens are charged school fees of B\$140 (USD100) per month. University education is free for citizens, but ethnic Chinese university students who are stateless permanent residents have to pay yearly fees of B\$2 800 to B\$3 500 (2 000 to 2 500 U.S. dollars) for degree-level studies. To some extent, this is a hidden affirmative action policy that has some impact on capping the ethnic Chinese university enrolment numbers, particularly those from poor households.

## Conclusion

The UDHR (1948) and the UNESCO declaration on *The Race Question* (1950) set the unambiguous message for all nations on earth that there should not be discriminated against any ethnic group in any aspect of human life, including education. As a member nation-state of the United Nations, Malaysia and Brunei are committed to the two above-mentioned Declarations. Such a commitment would involve equal access to education by all ethnic groups and the right of mother-tongue instruction in education.

Effective ethnicity education paradoxically necessitates curriculum content that is ethnic-neutral, in other words, no one should be forced to consume curriculum content that contains the religious teachings of the faith of another ethnic group.

The evidence shows that both nation-states have atrocious records in terms of maintaining equitable ethnic participation in education. Overt as well as unseen ethnic barriers in educational policies ensure that both nation-states fall far short of the global ideal. To a certain extent, the educational policies of both countries have an apartheid flavour under what could possibly be interpreted as state-sponsored ethnic separatism (Loo 2000, 2007).

It is recommended that educational policies that discriminate in favour of native ethnic groups should be dismantled in order to forge national integration. In addition, the ethnicity education curriculum in both countries needs to be reviewed to expunge all elements of ethnic-biased content.

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<sup>1</sup> The percentage of Muslims in the population exceeds that of the seven Malay ethnic groups in the population because the majority of foreign workers on temporary work permits are Muslims and also because of the increasing number of “other indigenous” and Chinese Bruneians converting to Islam.

<sup>2</sup> The Yang Di-Pertuan Agung is the constitutional monarch of Malaysia. The position is rotated every five years among hereditary Malay monarchs in nine of the thirteen states of Malaysia who have such traditional rulers.

<sup>3</sup> Tamil is the dominant Indian dialect in Malaysia.

<sup>4</sup> MARA schools fall under the jurisdiction of the Ministry of Entrepreneur Development, not the Ministry of Education. MARA (*Majlis Amanah Rakyat*) is a statutory government agency charged with developing entrepreneurship amongst *bumiputeras*, especially those in rural areas.

<sup>5</sup> On 28 May 2004, an opposition party leader called upon the government to scrap the dual pre-university examination system and establish a common examination for university entrance. He pointed out that 1 774 students obtained the maximum Cumulative Grade Point Average (CGPA) of 4.0. Among the STPM students, 527 obtained the maximum CGPA – 503 Chinese, 23 Indians and 1 *Bumiputera*. For matriculation, there were 1 247 students with the maximum CGPA – 789 *Bumiputera*, 419 Chinese and 39 Indians. In all, 70% of top scorers were *bumiputera* matriculation students, which casts serious doubts on whether the two examinations are equivalent.