

# PERSPECTIVE

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## **New Dynamics in Sarawak-Federal Government Relations**

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### **EXECUTIVE SUMMARY**

- Sarawak faces challenging times ahead, as the incumbent state government became excluded from the new federal government in the wake of Pakatan Harapan (PH)'s victory in the 14<sup>th</sup> General Elections (GE 14).
- Soon after GE 14, the component parties of the former Sarawak BN broke away from the national level BN to reconstitute themselves as the Gabungan Parti Sarawak (Sarawak Parties Alliance or GPS) which will govern Sarawak until the next state elections due in 2021.
- Sarawak's relations with the federal government are now more confrontational. With the forthcoming state elections in mind, both the GPS and PH coalitions are now striving to convince Sarawakians that their parties are truly committed to the state's best interests.
- In this fierce jostling for power, Sarawak and Sarawakians will stand to benefit as politicians from both camps seek to outdo each other's endeavours to prove that they can offer more to the state and their voters. The key issues in this political tussle will include economic development priorities, native land rights, Sarawak's constitutional status in the Federation and the entry of Mahathir's Bersatu party into Sarawak's political arena.

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## **INTRODUCTION<sup>1</sup>**

The Sarawak Government faces uncertain and challenging times ahead. From the euphoria following the state elections on 7 May 2016 to the shocking results of the 14<sup>th</sup> General Elections (GE 14) on 9 May 2018, the government has to now steer its future without the support of the former Barisan Nasional (BN) federal government, which was in power for over 60 years.

The political realignment which took place following GE 14 is unprecedented. The component parties of the Sarawak BN coalition had to make the difficult decision to depart from the defeated federal BN coalition. GPS was formed on 12 June 2018 comprising the same component parties of the former Sarawak BN: the Parti Pesaka Bumiputera Bersatu (PBB), Sarawak United Peoples' Party (SUPP), Parti Rakyat Sarawak (PRS) and Progressive Democratic Party (PDP). The GPS coalition was finally legalised on 19 November 2018.

Past Sarawak leaders like Adenan Satem used “fight” for the return of Sarawakian rights. During those times there was however less confrontation and a greater degree of civility as the Sarawak government was a component party of the federal BN.

The Sarawak government now faces a more intimidating environment with the ruling Pakatan Harapan (Alliance of Hope or PH) politicians scrutinising the present administration’s actions and policies. In spite of winning the majority of the parliamentary seats on 9 May 2018 in Sarawak, the state administration now has to “dance” with a new partner, namely the PH government in power at the national level. Overnight, Sarawak became an opposition-led state under Malaysia’s present federal structure. Given this, and the fervour of Sarawakians regarding autonomy for the state, the GPS administration will also now not hesitate to directly confront PH on its policies impacting Sarawak if the need arises.

This perspective examines the post GE 14 political ramifications in Sarawak, especially given the upcoming state elections that are expected to take place before September 2021. In the jostle for power, both GPS and PH will have to prove that they hold the best interests of the state and its peoples at heart. Three areas will be examined in this paper to highlight the new and confrontational dynamics at work: the politics of development and native customary rights; the Malaysia Agreement 1963 (MA 63); and the entry of the Parti Pribumi Bersatu Malaysia (PPBM or Bersatu) into Sarawak.

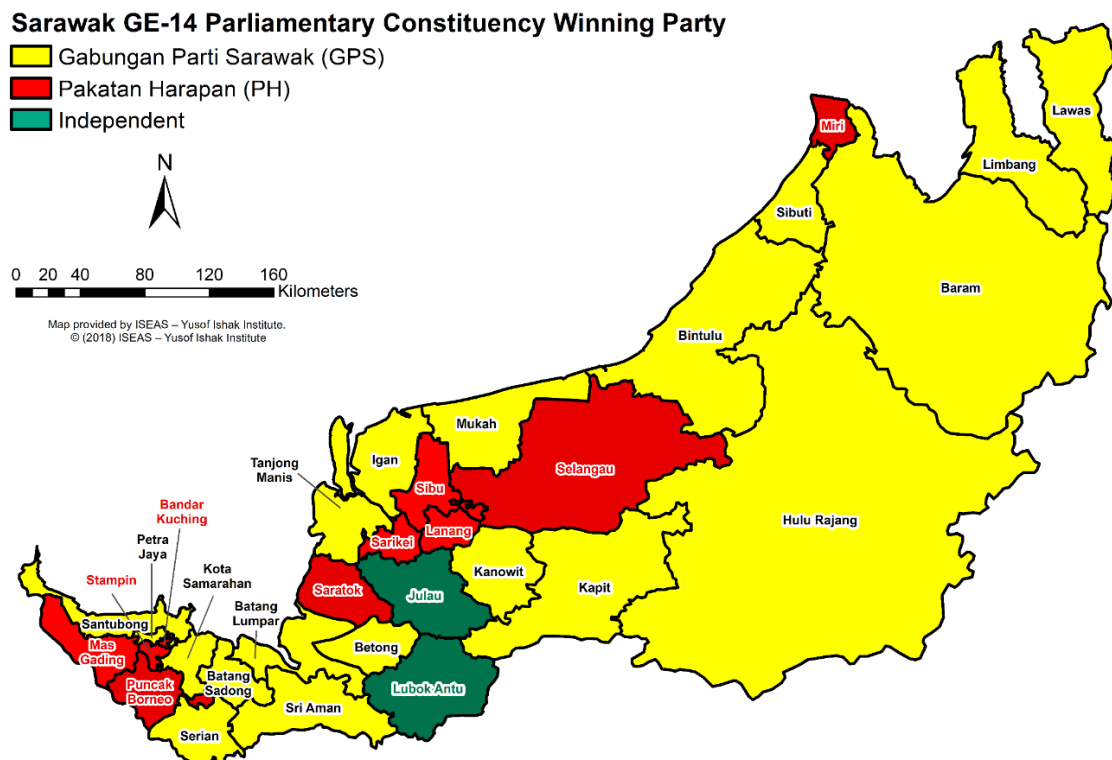
## **POLITICS OF DEVELOPMENT AND NATIVE CUSTOMARY RIGHTS**

As a signal of dissatisfaction with how indigenous issues have been dealt with by the Sarawak government, six rural Dayak seats fell to PH and independents in GE 14 (Selangau, Saratok, Julau, Lubok Antu, Puncak Borneo and Mas Gading). Sarawak Democratic Action Party (DAP) Chairman, Chong Chien Jen labelled this as a ‘Sarawakian tsunami’, with PH now securing one third of the thirty one parliamentary seats in the state. Some of the lost seats were for the first time from the rural constituencies of Sarawak and has split the Dayak majority seats<sup>2</sup> between GPS and PH.<sup>3</sup> This serves as a warning that Dayak seats can go to the opposition and that the Sarawak government has to give greater weight to rural

development issues, especially native customary rights. This is especially important as Sarawak PH hopes to sway the 22 Iban-majority state seats to tip the results in its favour in the impending state elections.<sup>4</sup>

Map 1 graphically captures seats won by GPS (then Sarawak BN) and the opposition (PH and independents).<sup>5</sup> GPS won 19 out of the 31 parliamentary seats; PH won 10 and independents 2 seats. Though the PH victory is significant, it should be borne in mind that four of the twelve seats were only marginally won: Sarikei (54%), Saratok (52%), Selangau (51%), and Lubok Antu (40%). Another two seats, Puncak Borneo (55%) and Julau (55%), were also close to the margins. The victory by Baru Bian (Selangau) and Ali Biju (Saratok), both champions of native customary rights, however points to the need for more attention to be paid to the concerns of the Dayak community.

Map 1: Seats Captured by GPS (Formerly Sarawak BN) and Opposition



Since GE 14, PH and GPS have been careful to craft the message of a continuing focus on rural needs and on development (the politics of development).<sup>6</sup> There appears to be a competitive undercurrent between both governments; each trying to outdo the other and to present itself in a better light.

There is sometimes a preconception that opposition-led states will often suffer for a want of funding from the federal government. Here the PH government has specially sought to “reassure” Sarawakians that it will continue with its infrastructural funding even though their government is not in the ruling federal PH coalition. In September 2018, Rural Development Minister, Rina Harun, had to quickly visit the state to do “damage control”; a level of attention that was unprecedented but unsurprising if this visit is placed in the context of trying to show PH in a better light. Two weeks earlier, she was reported to be saying that

rural Sarawakians rejected some infrastructure projects as these were considered unnecessary. This incensed Sarawak cabinet ministers who asked for a clarification; and her three-day visit was undertaken in part to “clarify” this misconception.<sup>7</sup> She reiterated that the PH government will be implementing 105 projects, including those that provide water supply, housing and electricity, with a total cost of RM 916 million in just 2019 alone.<sup>8</sup> In an attempt to sell the strengths of the PH government, Rina Harun emphasised that PH was more people-centric and adopted a bottom-up approach, and did not want any more overlapping wastage or projects that did not benefit the people. In response, the GPS government stated that they have been waiting for Minister Rina’s visit, and that the state government would also intensify rural development projects with its own resources and avoid overlapping now that the Federal Minister had finally visited the state.

To demonstrate that every rural constituency is important, the GPS government assured its constituents in the small Bekenu constituency (a fishing town close to Miri) that its development had not been overlooked. Included in the plans are the building of a public hall, paving and upgrading roads, constructing bridges and schools, as well as providing connecting roads to the Pan Borneo Highway to the tune of RM 25 million.<sup>9</sup> Here, Chief Minister Abang Johari stressed that GPS leaders will keep their promises and the importance of building trust. State leaders will continue to be self-reliant in sourcing for funds to implement various projects in Sarawak, and to be less dependent on the federal government: “What we can fulfil, we will fulfil. If not, we will wait until we have enough money. Nevertheless, we are always aware of what our people want, including those in the rural areas.”<sup>10</sup>

Elsewhere, the new Federal government was reported to be urged by the Sarawak state government to continue to prioritise the Pan-Borneo Highway project and “not penalize Sarawak simply because of politics.”<sup>11</sup> The Sarawak section of the highway is about 38 percent complete, with a completion deadline of June 30, 2021.<sup>12</sup> To ensure continuity, the PH government reassured Sarawakians that it will continue with the highway construction.

There is now also a renewed emphasis on protecting native customary rights, which was less of a priority in the past. The PH and GPS have now sought to outshine one other on this issue. In response to the dissatisfaction and disappointment over the absence of allocation for perimeter survey by the new Federal government in the 2019 Budget (tabled on 2 November 2018),<sup>13</sup> the Sarawak state government quickly announced the approval of a sum of RM40 million to ensure that there would be no disruption of the perimeter survey initiative on Native Customary Rights (NCR) land. The federal government then reacted by announcing that it had approved an allocation of RM 10.5 million for the mapping of Native Customary Rights (NCR) land in February 2019.<sup>14</sup>

In terms of amending indigenous land rights, Baru Bian, Sarawak Parti Keadilan Rakyat (People’s Justice Party or PKR) Chairman, and also PH Federal Works Minister, was reported to be disappointed with the proposed amendments put forward by the Sarawak state government in July 2018. He subsequently proposed an Indigenous Land Commission consisting of experts in native customs to look into such rights. About twenty social rights groups and two dozen community leaders have also objected to this recently proposed amendment to the Land Code by the GPS government. In retort, the GPS government stated that provisions were present in the new legislation to ensure that native ownership will be protected.<sup>15</sup> The contention that the state was only giving usufructuary or limited rights to

native customary land was "totally misleading and mischievous" as the landmark outcome of the proposed legislation have allowed native communal titles to be issued in perpetuity over areas defined as "Native Territorial Domain".

Deputy Chief Minister Datuk Amar Douglas Uggah of GPS accused PH of being driven by their own selfish and malicious political agenda to strongly oppose this legislation. In reality, native communal areas and fallow land will now be recognised as titles under the Land Code.<sup>16</sup> To date, however, there are still 300 NCR cases pending in court involving land disputes between native communities and land development agencies, private plantations and logging companies.<sup>17</sup> Until such cases are settled, this will remain a sore point for GPS.

### **MALAYSIA AGREEMENT 1963 (MA 63)**

The recent Pakatan Harapan (PH) administration's proposal to amend Article 1(2) to place Sabah and Sarawak as equal partners in the Federation of Malaysia failed to pass through Parliament. This proposed Bill sought to amend a 1976 Bill which downgraded Sabah and Sarawak from equal partners with Peninsular Malaya in the Malaysian Federation into merely two of the country's thirteen states.

A two-thirds vote majority (148 out of 222) was not obtained; instead only 138 voted in favour, with 59 MPs abstaining from voting. Among those abstaining, 19 were from GPS. The rest of the abstaining MPs were mainly from UMNO, PAS and Sabah opposition parties.

Reacting to this move by Sarawak, the *de facto* Law Minister in the Prime Minister's Department, Liew Vui Keong, said that the state had lost a 'golden opportunity' to regain its position as an equal partner in Malaysia. Prime Minister Dr Mahathir was also reportedly surprised that the government's bid to amend the constitution fell apart.

Ironically, the MA 63 debacle may be used serve to boost the standing of both PH and GPS in the eyes of voters. PH would be credited for keeping to its election manifesto, or at least of attempting to restore rights to Sarawak (and Sabah) by proposing this change. The Federal PH administration can now claim that it has kept one of its many GE 14 election promises. No matter how cosmetic, this represents an important first step towards regaining rights lost by Sabah and Sarawak. PH will now strategically want to be portrayed as a restorer of Sarawakian rights, regaining what was taken by BN in Peninsular Malaysia.

To add fuel to the fire, the Sarawak PH government, made up of DAP and PKR (Amanah did not win any parliamentary seats), was also quick to accuse the ruling GPS coalition of betraying Sarawak's interests by abstaining. The PKR vice-chairman, See Chee How, said that this will remembered as the "darkest day of Gabungan Parti Sarawak" as they have failed to defend the rights of Sarawak by abstaining from voting. This would haunt the 19 GPS MPs for the rest of their lives if such an opportunity for amendment does not present itself again.

By abstaining, GPS emphasised that it was pushing for a better share and clearer implementation of the proposed amendment. Masterfully, GPS party officials were quick to

point out that they did not reject the proposed amendment, but only abstained from voting because the proposal required more study and discussion - including the need to scrutinise the proposed amendment in the Sarawak State Legislative Assembly. The Sarawak Chief Minister, Abang Johari cleverly acknowledged the sincerity of PM Mahathir in pushing for the amendment, but insisted that the MA 63 agreement had to be referenced in the amendment to give it a basis for implementation.

Besides the need to include the sentence “pursuant of the Malaysia Agreement 1963” in the amended Article 1(2), Sarawak politicians also pointed out that the amendment failed to clearly state how Sabah and Sarawak’s rights and interests as equal partners would be implemented. A straightforward amendment to put the constitution back to its pre-1976 wording would simply be just cosmetic.

GPS therefore wants a more complete package of amendments to be tabled so as to restore Sarawak’s status in form and in substance in line with MA 63. GPS also pushed for a Parliamentary Select Committee (PSC) to look into the decision made by the Prime Minister and the Steering Committee (which besides including Prime Minister also includes the Chief Ministers of Sabah and Sarawak). Unlike the Steering Committee, the Parliamentary Select Committee will include MPs from the various parties in Sarawak, Sabah and Peninsular Malaysia who would be able to better garner the views of stakeholders in their various constituencies. The subsequent announcement of the setting up of the PSC by Law Minister Liew to look into MA 63 was welcomed by GPS and represented a victory arising from their efforts.

Indeed it was the GPS (then Sarawak BN) which supported the amendment to the Federal Constitution in 1976 that reduced Sarawak from its 1963 status as a founding partner to simply being one of 13 states in Malaysia. GPS said that it did not want to repeat the same mistake of the past; hence greater caution as a measure was used this time round. It is expedient for GPS to show that it has a strong and independent mind, and that it will challenge and protect Sarawak’s rights in MA 63, especially when there are threats from “outsiders”.

## **ENTRY OF BERSATU INTO SARAWAK**

Now that the implicit agreement in the 1980s between Dr Mahathir and the former Chief Minister, Taib Mahmud is no longer in force, it will be a no holds barred free-for-all entry by Dr Mahathir’s PPBM (Malaysian United Indigenous Party/Parti Pribumi Bersatu Malaysia or Bersatu) into Sarawak. The entry of Dr Mahathir’s Bersatu achieves what UMNO had failed to do in the past; of establishing a foothold among Sarawak’s Muslims.<sup>18</sup> Bersatu Sarawak was launched on 1 December 2018. Dr Mahathir said that Bersatu decided to set up a branch in Sarawak because of “many requests from the people of Sarawak themselves, so we must fulfil their requests”.<sup>19</sup> In Sarawak, Bersatu invited indigenous natives and other local non-Muslim Sarawak natives to join the party. It also invited Sarawak Malays to enter its party.

In the next state elections, PH will not only comprise DAP, PKR and Amanah but will also include Bersatu. Bersatu is likely to be allocated seats that DAP and PKR cannot win, in the “unwanted” and “unpopular” seats.<sup>20</sup> Will Bersatu be accepted positively? The recent action

by former PPBM women's chief Anina Saadudin was roundly criticised by Sabah netizens after she questioned the use of billboards to promote the Christian holy week of Easter in the state (this has been a traditional practice there). Her reaction was enough to remind East Malaysians why religious intolerance is not acceptable in Sabah and Sarawak where Muslims live peacefully with non-Muslims.

## CONCLUSION

The federal PH government will continue to be in competition with GPS. The GPS political remains strong, it is a Sarawak-based party supported by local politicians that will promote state interests whereas PH is still seen as an outside party with interests linked to Peninsular Malaysia.

Abang Johari, who succeeded the wildly popular Adenan Satem after his unfortunate passing in January 2017, has a lot at stake in the forthcoming state elections. Abang Johari needs to prove that GPS is the only party that can move Sarawak forward, and that he is the leader that will push Sarawak to developed economy status by 2030.

The politics of development and native customary rights, the MA 63, and the entry of Bersatu into Sarawak will remain hot spots which both the GPS and PH will have to manage carefully if they want to be perceived favourably by the potential voters. Sarawakians, in general, will benefit as GPS and PH tries to outshine and better serve the electorate in the time up to the state elections. Abang Johari and GPS face challenging times ahead; it is a delicate and fine balance that only an experienced statesman like him can carry through.

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<sup>2</sup> Dayak majority seats are where 55 percent or more of the population in that constituency comprised of Dayak people.

<sup>3</sup> Neilson Ilan Mersat, "The Sarawak Dayaks' Shift in Malaysia's 2018 Election", *The Commonwealth Journal of International Affairs* 107, no. 6 (2018), p. 731.

<sup>4</sup> James Chin, "Pakatan Harapan has the Momentum in Sarawak", *New Mandala*, 29 January 2019, <<https://www.newmandala.org/sarawak-gps-rebrand/?>>, accessed 20 February 2019.

<sup>5</sup> The two independents have subsequently joined PKR after GE 14. See Mersat, *op. cit.*, p. 730.

<sup>6</sup> The politics of development is the ruling party's strategy of manipulating the distribution of development projects in order to win votes from a constituency. See Faisal S. Hazis, *Domination and Contestation: Muslim Bumiputera Politics in Sarawak*. Singapore: Institute of Southeast Asian Studies, 2012, pp. 140-141.

<sup>7</sup> 'Which part of Sarawak did you visit, Rina?', *The New Straits Times*, 23 August 2018, <<https://www.msn.com/en-my/news/national/which-part-of-sarawak-did-you-visit-rina/ar-BBMkkWo>>, (accessed 22 April 2019).

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<sup>8</sup> “Rural development projects in Sarawak will continue – Minister”, *The Borneo Post Online*, 6 September 2018, <<https://www.theborneopost.com/2018/09/06/rural-development-projects-in-sarawak-will-continue-minister/>>, (accessed 22 April 2019).

<sup>9</sup> “GPS reps do their homework to ensure promises fulfilled”, *The Borneo Post Online*, 22 April 2019, <<https://www.theborneopost.com/2019/04/22/gps-reps-do-their-homework-to-ensure-promises-fulfilled/>>, (accessed 22 April 2019).

<sup>10</sup> Ibid..

<sup>11</sup> “Prioritise Pan Borneo Highway project, Ugak tells PH govt”, *The Borneo Post Online*, 21 August 2018, <<https://www.theborneopost.com/2018/08/21/prioritise-pan-borneo-highway-project-ugak-tells-ph-govt/>>, (accessed 24 April 2019).

<sup>12</sup> “Pan Borneo work packages to continue regardless of govt's decision on PDP model, says Baru Bian”, *The Edge Markets*, 26 March 2019, <<https://www.theedgemarkets.com/article/pan-borneo-work-packages-continue-regardless-govts-decision-pdp-model-says-baru-bian>>, (accessed 22 April 2019).

<sup>13</sup> “State govt approves RM40 mln for NCR land perimeter survey”, *The Borneo Post Online*, 14 November 2018, <<https://www.theborneopost.com/2018/11/14/state-govt-approves-rm40-mln-for-ncr-land-perimeter-survey/>>, (accessed 22 April 2019).

<sup>14</sup> “Federal govt approves RM10.5 million for Sarawak NCR land survey”, *The Borneo Post Online*, 19 February 2019, <<https://www.theborneopost.com/2019/02/19/federal-govt-approves-rm10-5-million-for-sarawak-ncr-land-survey/>>, (accessed 22 April 2019).

<sup>15</sup> “GPS backbencher disagrees with PH reps’ suggestions”, *The Borneo Post Online*, 12 July 2018, <<https://www.theborneopost.com/2018/07/12/gps-backbencher-disagrees-with-ph-reps-suggestions/>>, (accessed 22 April 2019).

<sup>16</sup> “Douglas Uggah gets emotional at tabling of Sarawak Land Code amendment”, *The Star*, 11 July 2018, <<https://www.thestar.com.my/news/nation/2018/07/11/douglas-uggah-gets-emotional-at-tabling-of-sarawak-land-code-amendment/>>, (accessed 22 April 2018).

<sup>17</sup> “Don't erode Sarawak natives' rights to land, Pakatan tells ex-BN reps”, *The Star*, 10 July 2018, <<https://www.thestar.com.my/news/nation/2018/07/10/sarawak-pakatan-says-proposed-changes-to-land-laws-will-erode-traditional-natives-rights-to-land/>>, (accessed 22 April 2019).

<sup>18</sup> “Pakatan Harapan has the momentum in Sarawak”, *New Mandala*, 29 January 2019, <<https://www.newmandala.org/sarawak-gps-rebrand/>>, (accessed 22 April 2019).

<sup>19</sup> “Bersatu Sarawak launched”, *The Borneo Post Online*, 2 December 2018, <<https://www.theborneopost.com/2018/12/02/bersatu-sarawak-launched/>>, (accessed 5 April 2019).

<sup>20</sup> “Who will give up their seats to Bersatu in Sarawak?”, *The New Straits Times*, 24 February 2019, <<https://www.nst.com.my/news/politics/2019/02/463176/who-will-give-their-seats-bersatu-sarawak>>, (accessed 20 April 2019).



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