

PERSPECTIVE

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The Kimanis By-election: A Much-needed Sweet (Manis) Victory for Warisan

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EXECUTIVE SUMMARY

- On 18 January 2020, a by-election will be held for the parliamentary seat of Kimanis in Sabah. The Federal Court has upheld the Election Court's ruling that Anifah Aman's victory in the 14th General Elections (GE14) was nullified by election discrepancies.
- This by-election is seen as a referendum on the Warisan state government's performance over the past 18 months since replacing the Barisan Nasional (BN) after GE14, and the outcome would have some impact on Sabah Chief Minister Shafie Apdal's standing. Warisan-PH and BN had won an equal number of state seats, but Warisan formed the state government only after the defection of some BN state assemblymen. At the Federal level, the Pakatan Harapan government sorely needs a victory in Kimanis to reverse the trend of by-election defeats it has suffered over the past year.
- Warisan began the election contest on a stronger footing but it is shaping up to be a close fight. Both candidates, Warisan's Karim Bujang and UMNO's Mohamad Alamin, have strong political experience in Kimanis.
- Bread and butter issues matter greatly to Kimanis residents who mostly suffer from low incomes and poor infrastructure. Warisan is on the defensive against the BN's claims that the state government has failed to bring economic uplift to the area.
- A proposal to streamline immigration documents with the issuance of the Sabah Temporary Pass (or Pas Sementara Sabah - PSS) has become a major election issue. Many Sabahans, especially the Kadazandusun community, perceive the PSS as a licence for illegal migrants to gain Malaysian citizenship and thereby destabilise the existing racial/religious balance and threaten the livelihoods of indigenous Sabahans. This may undermine Warisan's support from the Kadazandusun community, which comprise about one-third of the electorate in Kimanis. Warisan is arguing that the PSS aims to effectively track the migrants with the ultimate aim of repatriating them to their home countries.

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INTRODUCTION

Kimanis is a semi-urban parliamentary constituency located along Sabah's west coast, about a 1.5-hour drive south from Kota Kinabalu, the state capital. Historically, Kimanis has been a stronghold for Barisan Nasional (UMNO Sabah), and in GE14, it remained in BN's fold despite winds of change sweeping through Sabah's East Coast and the region around Kota Kinabalu (See map 1).

A by-election will be held there on 18 January 2020, after the seat was vacated by Anifah Aman. Anifah was Malaysia's Foreign Minister from 2008 to 2018, and is the younger brother of Musa Aman who was then Chief Minister of Sabah. In September 2019, Anifah left the party in "the interest of Sabah rights", but commented in media interviews that he would remain neutral in parliament and support Pakatan Harapan (PH) moves to restore Sabah and Sarawak as equal partners in the Federation. In the upcoming by-election, however, he is assisting UMNO Sabah (BN) in their election campaign.

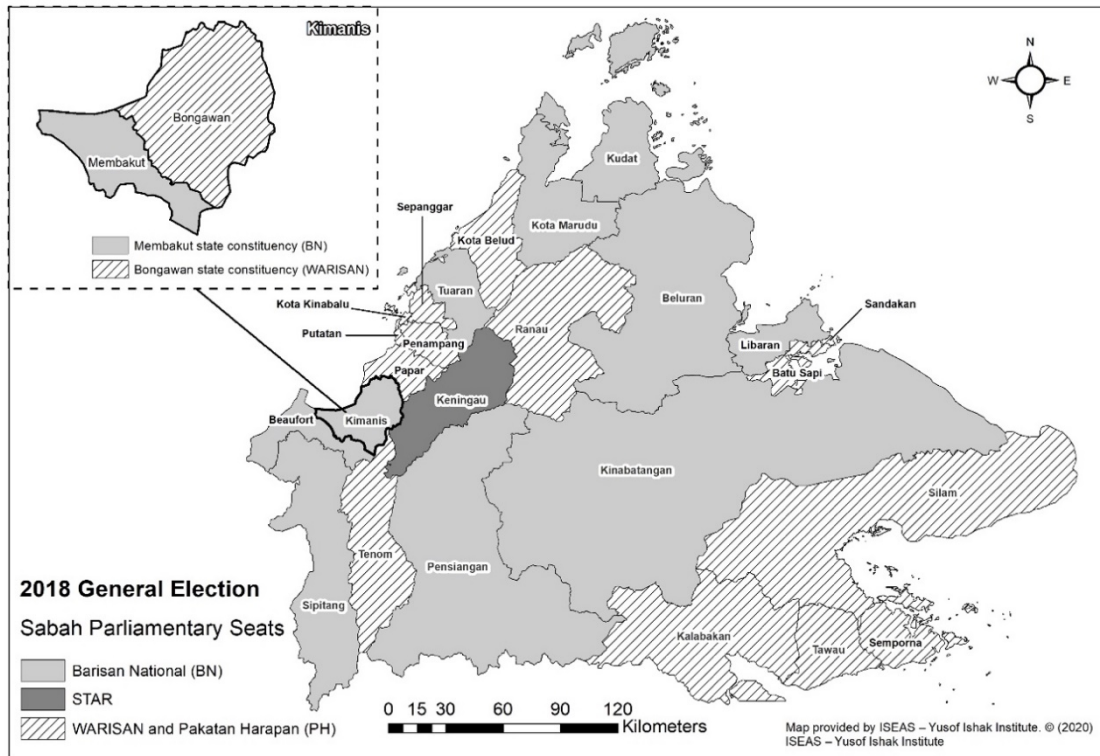
Karim Bujang, Warisan's candidate for Kimanis, filed an election petition on 18 June 2018 to challenge the GE14 result for Kimanis. Anifah had defeated him by a razor thin margin amid widespread allegations of non-compliance with election laws. On 16 August 2019, Malaysia's Election Court ruled that electoral irregularities had in fact occurred, which included vote tampering. On 2 December 2019, the Federal Court upheld the ruling and nullified Anifah Aman's victory.

For Sabah, 2018 ushered in a new era, with the newly minted Sabah-based Warisan forming an alliance with Pakatan Harapan (Warisan-PH), and securing 14 of the 25 parliamentary seats. Shafie Apdal, sacked from UMNO Sabah after he questioned then-Prime Minister Najib Razak over the 1MDB scandal, had created Warisan, which quickly gained support from Muslim Bumiputra, non-Muslim Bumiputra and the Chinese.² As party president, Shafie was supported by Darrel Leiking as deputy president and Peter Anthony as vice-president. This was crucial in helping Shafie build rapport with the Kadazandusun community.

BN and Warisan-PH won an equal number of state seats, but with the defection of BN state assemblymen, the Warisan-PH alliance eventually formed the Sabah state government. However, PH has been under severe criticism for failing to implement their election promises, and has consequently fared poorly in the recent string of by-elections. Out of the five by-elections held in 2019, PH managed to win only one. The Kimanis by-election is therefore being watched closely by observers.

THE CONSTITUENCY

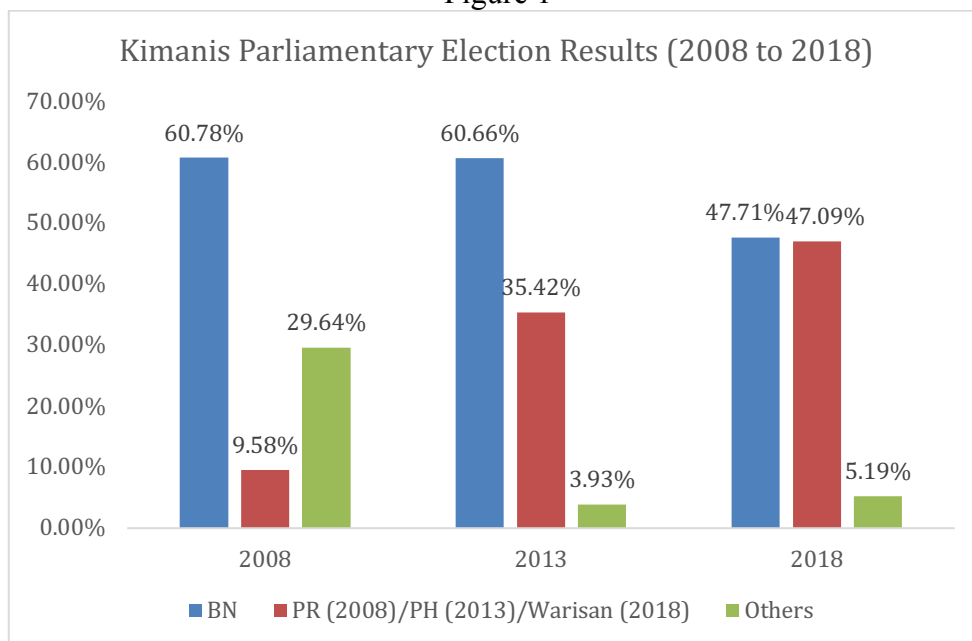
As much as 63 percent of Kimanis' electorate are Muslim Bumiputra, 31 percent non-Muslim Bumiputra, with the remaining six percent being Chinese and others. The bulk of the Muslim Bumiputra in Kimanis are "Brunei Malay", a collective term covering Bisaya and Kedayan ethnic groups.³ The Kadazandusun is a sizeable ethnic group in Kimanis, forming slightly more than a third of electorate.⁴ Bongawan and Membakut are the two state seats (i.e. Dewan Undangan Negeri) within Kimanis. Bongawan and Membakut share almost identical ethnic demographics.



Map 1: Location of Kimanis within Sabah, and the GE14 results

While BN experienced declining popularity among Peninsular Malaysians in the 13th General Election (GE13), at first glance, Kimanis seemed to be isolated from the Peninsula’s political currents. In 2008 and 2013, about 61% of the Kimanis electorate chose BN candidate Anifah Aman as their representative to the (Federal) Parliament. (See Figure 1)

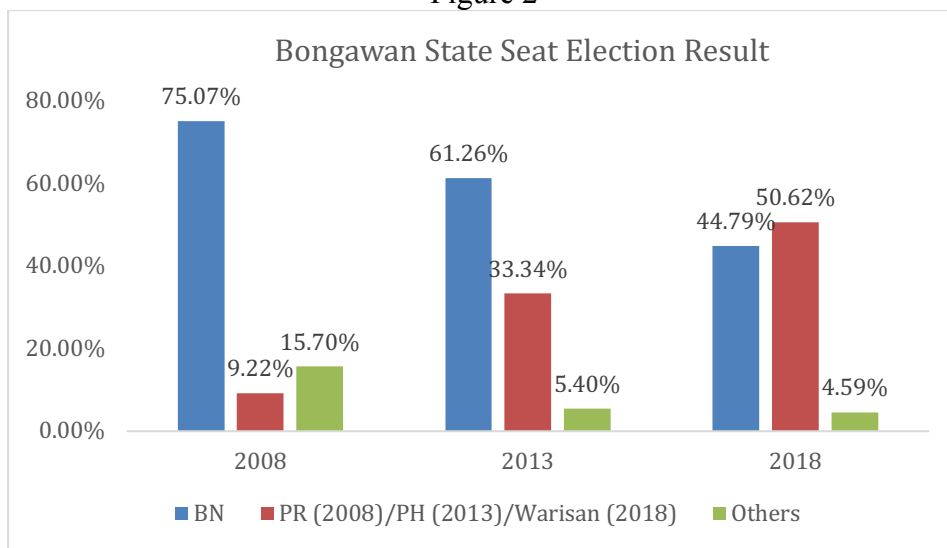
Figure 1



Source: www.undi.info (accessed 30 December, 2019)

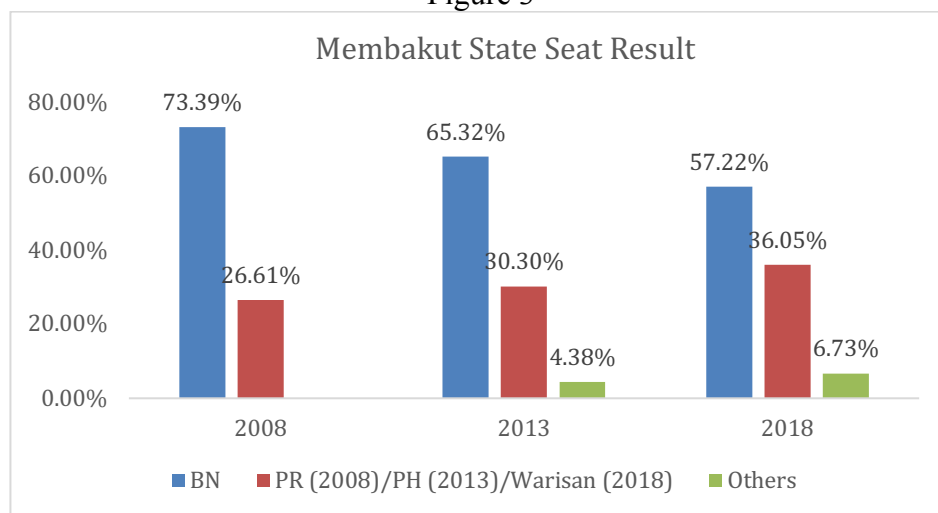
However, in both the state seats of Bongawan and Membakut, the vote share for BN in fact declined between 2008 and 2013—by 14 percent in Bongawan, and a slightly lower amount in Membakut (See Figures 2 and 3). To be sure, Membakut had seen more development than Bongawan in recent years; in particular with the establishment of Membakut New Township. Mohamad Alamin, the candidate for BN in Bongawan since 2013, is perceived to be more distant and less connected with the grassroots. Not surprisingly, Mohamad Alamin has indeed been dependent on his party’s machinery and leadership in canvassing for votes.

Figure 2



Source: www.undi.info (accessed 30 December, 2019)

Figure 3

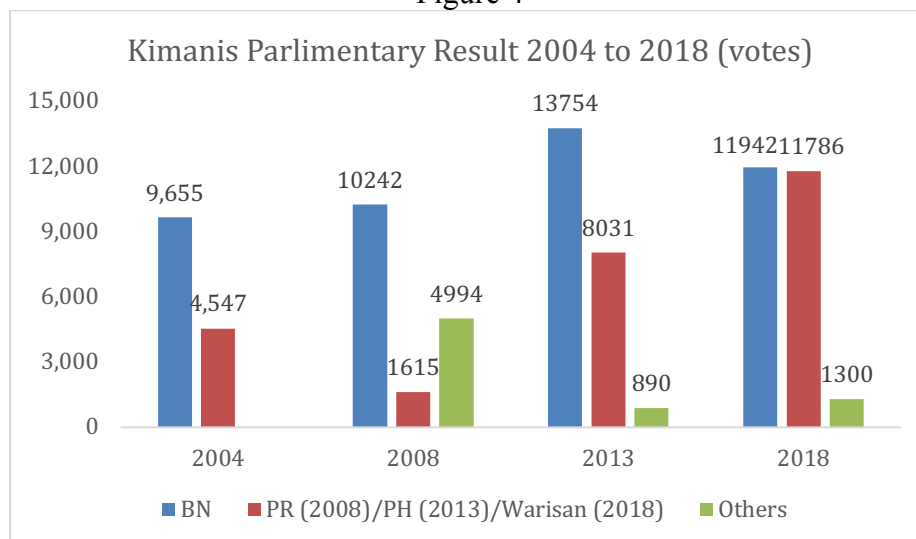


Source: www.undi.info (accessed 30 December, 2019)

Nonetheless, the turning point came in 2018 when BN suffered a 13 percent drop in support for Kimanis federal constituency. Out of the 29,618 registered voters in Kimanis, 25,519 (86.2 percent) turned up to vote, and the results showed BN winning slimly by a mere 156 votes (Figure 4). This was highly significant. In each of the three parliamentary elections prior to GE 14, Anifah had won by approximately 5,000 votes (about thirty percent). Despite

being defeated in the Kimanis parliamentary seat, Warisan managed to wrestle the Bongawan state seat from BN.

Figure 4



Source: www.undi.info (accessed 30 December, 2019)

THE CANDIDATES

Karim Bujang, the Warisan candidate in the by-election, is the party's Kimanis division chief and is of Brunei Malay descent. He is a businessman by profession and served for five terms as BN's Bongawan state assemblyman until 2013. The replacement in 2013 of Karim Bujang with Mohamad Alamin as BN candidate for Bongawan may be attributed to intra-BN rivalry. Karim Bujang was from the United Sabah Nasional Organisation (USNO – a BN component party) while Alamin was from UMNO. Karim Bujang subsequently left USNO (BN) and joined Warisan a month prior to the 2018 General Election and contested for Kimanis. He is a familiar face in Kimanis and is very much at home with the political terrain.⁵

Mohamad Alamin is UMNO (BN) party's division chief in Kimanis. He is a trained lawyer educated in the International Islamic University Malaysia, and served as Bongawan state assemblyman from 2013 to 2018. In GE14 he was defeated by Daud Yusof from Warisan. Senior BN leaders including Najib Razak, Zahid Hamidi and Mohamad Hasan have all campaigned in Kimanis over the past week on his behalf.

Even though Mohamad Alamin is classified as a Kadazandusun, he possesses the advantage of a mixed heritage; his mother is of Brunei Malay descent. He may likely draw substantial support from the Kadazandusun community in Kimanis.⁶ This is aided by the fact that Warisan is relatively new in Kimanis and may face substantial difficulties in attracting Kadazandusun voters. The lack of developmental projects in Bongawan during the time between 1990 and 2013 when Karim Bujang served as state assemblyman may also work to his disadvantage.

THE ISSUES

Despite the relative proximity to Kota Kinabalu, Kimanis residents have remained predominantly engaged in the fishing and agriculture sectors with incomes barely above subsistence levels. Although an Oil and Gas Terminal (OGT) was completed a decade ago in Kimanis to process and transport petroleum products to Bintulu, job opportunities remain scarce.

Rural roads in Kimanis are often unpaved and difficult to access during the monsoon season. With the exception of the Membakut new township, areas in Kimanis have not undergone significant developments. As with most rural and semi-urban constituencies, the Kimanis electorate is most concerned with the cost of living, employment opportunities, and transport infrastructure.⁷ Residents hope that daily necessities will become more affordable, and road infrastructure upgraded, particularly with the Pan Borneo Highway on the horizon.

The Pan Borneo Highway is expected to facilitate the development of Kimanis, and BN has criticised Pakatan Harapan (PH) and Warisan for abandoning the project. Former PM Najib Razak has alleged that Warisan cancelling of the Project Delivery Partner (PDP) process resulted in the termination of the Pan Borneo Highway project. Warisan has refuted the allegation, arguing that the Pan-Borneo Highway is expected to be completed by June 2023. PH has pointed out that the implementation process is now brought under the supervision of Sabah Public Works Department (PWD), and has saved the PH government RM 1.2 billion.⁸

BN politicians have framed the by-election as a “referendum” for Kimanis residents to evaluate the performance of Warisan over the past 18 months as the state government.⁹ Karim Bujang has expressed “hope” that a small gas refinery will be constructed in Kimanis to provide employment opportunities, while Chief Minister Shafie Apdal announced on 12 January 2020 that a new district office would be established in Kimanis. Apart from facilitating access to government services, a new district office would typically encourage the growth of private businesses (e.g. banks). Sabah Rural Development Minister Ewon Benedick has also said that basic amenities (e.g. village roads, suspension bridges and housing programmes) will be made available in Kimanis. Flooding remains a long standing problem.¹⁰

In turn, the opposition BN is unable to offer credible promises of developmental projects since the state administration is no longer under its helm.

The Sabah Temporary Pass (or Pas Sementara Sabah) is another major election topic. PSS is scheduled to be implemented on 1 June 2020 to replace the existing permits (i.e. IMM13, Census certificate holders, Kad Burung Burung) issued to long-staying foreigners (including illegal migrants and political refugees) in Sabah. Sabah has a substantial percentage of illegal migrants, mostly from southern Philippines and Indonesia. The Royal Commission of Inquiry concluded in 2014 that “Project IC” had “more likely than not” existed, where “Malaysian identification documents [were issued] to illegal immigrants in pursuit of a political agenda”.¹¹ James Chin, an expert on East Malaysia, opined that “Project IC” was a tool to expand the political base and leverage of Sabah’s Muslim Bumiputra elite.¹² The Kadazandusun perceived themselves as victims of “Project IC” since illegal migrants were granted voting rights even as the former lost their demographic

majority status.¹³ PSS is therefore a potentially controversial topic in Kimanis (and Sabah), especially for the Kadazandusun,¹⁴ among whom Warisan is perceived to be pro-immigrant. Shafie Apdal is of Bajau descent and MP for Semporna, a predominantly Bajau-Suluk area.¹⁵

Hishammuddin Hussein, the former Defence Minister, has claimed that PSS would create “security issues” in Sabah,¹⁶ and brought up the 2013 Lahad Datu incursion as a cautionary warning about the importance of a filtering mechanism. BN is focusing their campaign against PSS in the hope that the Kadazandusun community would tilt in their favour.¹⁷

Chief Minister Shafie Apdal has denied allegations that PSS will legitimise illegal immigrants, and Warisan has gone to great lengths to point out that the PSS was a continuation of the Sabah Residential Pass (PRS) approved by the BN administration in 2015.¹⁸ Rather than a measure to issue citizenship or permanent residence status to long-staying migrants (about 136,055 in total), PSS is meant to better keep track of illegal migrants’ movements, with the goal to eventually repatriate them back to their home country.

National-level issues like the Malaysia Agreement 1963 (MA63) also matter in Kimanis but to a lesser extent. Since Warisan took over in 2018, it has actively championed Sabah nationalism, including attempts to restore MA63 and requesting Putrajaya for a larger portion of oil royalty. Other initiatives include transferring the ownership of Sabah Electricity Sdn Bhd to the state government, as well as re-negotiating the management of Pulau Sipadan and Pulau Ligitan. The PH federal government in Budget 2020 has doubled the special grant for Sabah state government to RM 53.4 million. To be sure, oil royalty and MA63 are less important considerations for the average Kimanis resident as compared to daily livelihood struggles.¹⁹

OUTLOOK

The Kimanis by-election results will reveal if Warisan has succeeded in gaining ground in this BN stronghold after heading the state government for 18 months. It may also affect the prospects of Warisan in GE15 and Shafie’s position as the leader of Warisan.^{20 21} Prior to GE14, UMNO was seen as the sole representative of Malays in Sabah.²² However, in GE14 a sizeable portion of Malays chose to support the that an indigenous Sabah party could best champion Sabah’s interests. The Kadazandusun community, however, remained ambivalent about Warisan in GE14.

If Warisan loses in Kimanis, Shafie may be in a weaker position for bargaining with the federal government on the MA63 and on Sabah privileges. On the other hand, a defeat for UMNO signifies that BN needs to re-strategize – perhaps even to the extent of withdrawing UMNO from Sabah and instead depend entirely on Sabah-based parties. Support for Shafie Apdal may remain positive but the PSS issue may be hyped up by BN to win votes from the Kadazandusun community. Be that as it may, if Warisan can deftly handle that issue, it may end up achieving a sweet victory in Kimanis.

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- ¹ The authors are grateful to Francis Hutchinson and Mohamad Suhail for their comments on an earlier draft, Tan Juen for constructing the map, and Ooi Kee Beng and Ng Kah-Meng for editing this submission.
- ² James Chin, “Sabah and Sarawak in the 14th General Election 2018 (GE14): Local Factors and State Nationalism” *Journal of Current Southeast Asian Affairs* 37, No. 3, p. 176.
- ³ Interview with Dr Asri Salleh, Senior Lecturer (International Relations) at the Faculty of Administrative Science and Policy Studies, UiTM Sabah on 8 Jan 2020.
- ⁴ Interview with Dr Pamela Yong, Wanita MCA Sabah Chairperson, on 8 Jan 2020.
- ⁵ Interview with Dr Vilashini Somiah, Senior Lecturer (Gender Studies Programme) at the Faculty of Arts and Social Sciences, UM on 6 January 2020.
- ⁶ Interview with Dr Asri Salleh, 8 Jan 2020.
- ⁷ Ibid
- ⁸ “Kimanis by-election: BN hits a nerve with highway issue”, *New Straits Times*, 8 January 2020, <https://www.nst.com.my/news/politics/2020/01/554519/kimanis-election-bn-hits-nerve-highway-issue>, <accessed 8 January 2020>.
- ⁹ Interview with Dr Pamela Yong, 6 January 2020.
- ¹⁰ “Whoever wins, Kimanis villagers just want an end to flooding” *FMT News*, 12 January 2020 <https://www.freemalaysiatoday.com/category/nation/2020/01/12/whoever-wins-kimanis-villagers-just-want-an-end-to-flooding/>, <accessed 20 January 2020>.
- ¹¹ “RCI report: Project IC 'more likely than not' existed”, *The Star Online*, 3 December 2014 <https://www.thestar.com.my/news/nation/2014/12/03/rci-report-project-ic-existed>, <accessed 8 January 2020>.
- ¹² James Chin, *op. cit.*, p. 179.
- ¹³ Tony Paridi Bagang and Arnold Puyok, *op. cit.*, p. 406.
- ¹⁴ Bridget Welsh, “Kimanis By-election – UMNO’s Last Hurrah in Sabah”, 5 January 2020, <https://www.malaysiakini.com/columns/505959>, <accessed 5 January 2020>.
- ¹⁵ “Is Kimanis Sabah’s Tanjung Piai?”, *The Star Online*, 3 December 2004, <https://www.thestar.com.my/opinion/columnists/its-just-politics/2020/01/12/is-kimanis-sabahs-tanjung-piai>, <accessed 8 January 2020>.
- ¹⁶ “Hisham: PSS will lead to bigger security issues”, *The Star Online*, 12 January 2020, https://www.thestar.com.my/news/nation/2020/01/12/hisham-pss-will-lead-to-bigger-security-issues-cxrecs_s, <accessed 12 January 2020>.
- ¹⁷ Interview with Dr Pamela Yong, 6 January 2020.
- ¹⁸ Home Minister Muhyiddin Yassin, chipped in for Warisan during a press conference and clarified that the PSS was an initiative to convert three different documents (issued to the different categories of refugees from southern Philippines) into one streamlined high security card with biometric features.
- ¹⁹ Interview with Dr Asri Salleh, 8 Jan 2020.
- ²⁰ Bridget Welsh, “Kimanis By-election – UMNO’s Last Hurrah in Sabah”, *op. cit.*
- ²¹ “Kimanis will test Shafie’s clout in new Sabah”, *The Star Online*, 18 August 2019, <https://www.thestar.com.my/opinion/columnists/analysis/2019/08/18/kimanis-will-test-shafies-clout-in-new-sabah>, <accessed 10 January 2020>.
- ²² Interview with Dr Vilashini Somiah, 6 January 2020.

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