

How long more a nation divided, founded on lies?

Written by Haris Ibrahim

Tuesday, 14 August 2018 11:54 - Last Updated Tuesday, 14 August 2018 14:08

“We will also defend the special rights of the Malays and bumiputera, without abandoning the other races...” – Anwar, as [reported in Malaysiakini](#) on 1st August, 2018

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“A congress on the future of the bumiputera and the nation will be held soon, where we will gather economists and experts from various sectors...This is to discuss the steps that need to be taken to strengthen the status of the bumiputera, while at the same time ensuring distributive justice for other ethnicities,” – Azmin Ali, as [reported in Malaysiakini](#) on 1st August, 2018.

“It shall be the responsibility of the Yang di-Pertuan Agong to safeguard the **special position** of the Malays and natives of any of the States of Sabah and Sarawak and the legitimate interests of other communities in accordance with the provisions of this Article” – Article 153 (1), Federal Constitution.

In the 182 Articles and the 13 Schedules of the Federal Constitution, there is not a single reference to “special rights of the Malays” or “bumiputera”.

So what special rights of the Malays is Anwar speaking of?

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Is the division of this nation into two, Bumiputra and Non-Bumiputra, unconstitutional and therefore illegal?

Yesterday, [The Star quotes Anwar](#) as saying that we “cannot only think of meritocracy and then leave the poorest and the marginalised groups as they are. This is not supporting the principle of justice. As we promote meritocracy, we should give space so that Malays in villages and natives in rural areas will also be lifted. Then, they will be able to compete in a meritocracy”.

Well, the provisions of Article 153(1) were intended to do precisely that : give the Malays a helping hand so that, in time, they would be able to compete on a level playing field, founded on meritocracy. How much time would be needed to help the Malays to “catch up”?

The Reid Commission, that crafted the Federal Constitution for us, recommended that this provision of a “special position” be reviewed within 15 years of independence.

“Our terms of reference require that provision should be made in the Constitution for the **‘safeguarding of the special position of the Malays and the legitimate interests of other Communities’**.

In addition, we are asked to provide for a common nationality for the whole of the Federation and to ensure that the Constitution shall guarantee a democratic form of Government. In considering these requirements it seemed, to us that a common nationality was the basis upon

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which a unified Malayan nation was to be created and that under a democratic form of Government it was inherent that all the citizens of Malaya, irrespective of race, creed or culture, should enjoy certain fundamental rights including equality before the law.

We found it difficult, therefore, to reconcile the terms of reference if the protection of the special position of the Malays signified the granting of special privileges, permanently, to one community only and not to the others

. The difficulty of giving one community a permanent advantage over the others was realised by the Alliance Party, representatives of which, led by the Chief Minister, submitted that in an independent Malaya all nationals should be accorded equal rights, privileges and opportunities and there must not be discrimination on grounds of race and creed... The same view was expressed by their Highnesses in their memorandum, in which they said that they 'look forward to a time not too remote when it will become possible to eliminate Communalism as a force in the political and economic life of the country'. When we came to determine what is 'the special position of the Malays'... we found that... the special position of the Malays has always been recognised... We found that there are now four matters with regard to which the special position of the Malays is recognised and safeguarded... the system of reserving land for Malays has been in action for many years... There are now in operation quotas for admission to the public services... There are now also in operation quotas in respect of the issuing of permits or licences for the operation of certain businesses... In many classes of scholarships, bursaries and other forms of aid for educational purposes preference is given to Malays... We found little opposition in any quarter to

the continuance of the present system for a time

, but there was great opposition in some quarters to any increase of the present preferences and to their being continued for any prolonged period.

We are of opinion that in present circumstances it is necessary to continue these preferences. The Malays would be at a serious and unfair disadvantage compared with other communities if they were suddenly withdrawn. But, with the integration of the various communities into a common nationality which we trust will gradually come about, the need for these preferences will gradually disappear. Our recommendations are made on the footing that the Malays should be assured that the present position will continue for a substantial period, but that in due course the present preferences should be reduced and should ultimately cease so that there should then be no discrimination between races or communities...

We recommend that after 15 years there should be a review of the whole matter and that the procedure should be that the appropriate Government should cause a report to be made and laid before the appropriate legislature; and that the legislature should then determine either to retain or to reduce any quota or to discontinue it entirely"

. – Reid Commission

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The “Special position” was never intended for all eternity. It ought to have been reviewed in or about 1972. 13th May, 1969 got in the way of any such review.

Anwar now speaks of giving “space so that Malays in villages and natives in rural areas will also be lifted” so that “they will be able to compete in a meritocracy”.

Anwar, in fact, harkens back to the aspirations of the Reid Commission.

In 1970, based on governmental statistics, we were a nation of some 10 million people, half of whom were categorised as poor.

In 1973, Tun Razak contrived the New Economic Policy : a two-pronged plan to address the state of poverty.

In 1974, Petronas was created.

We were now an oil producing nation.

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Financial resources to give the fullest effect to the NEP were at hand.

UMNO, through BN, has had 44 years, with huge financial resources from the oil and gas industry, to have long seen the aspirations of the NEP achieved.

What's the national population now? 30 million? How many of those 30 million still categorised as poor? 30%?

How long will Anwar and Pakatan Harapan have us wait to see the day when we are a nation of equals, when meritocracy will truly be the order of the day?

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