

The New Economic Policy and Contesting Bumiputera Identity Among Orang Asli and the Indigenous Peoples of Sabah and Sarawak

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Photo by Fat Whelen

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I. Introduction

The New Economic Policy (NEP) was Malaysia’s first state-driven transformation policy. Promulgated in 1970, it was intended as a twenty-year programme intended to respond to long-term economic inequalities by eradicating poverty and creating the basis for interethnic economic parity (Jarvis, 2017: 209–201). Together with its successor strategies, it not only left an indelible mark on the economic landscape that emerged over a period of five decades but, at another level, it also unleashed its own contestations in the discourse on the meaning of identity in a postcolonial society. At the core of the NEP project was the official institutionalisation of Bumiputeraism as an authority-defined identity central to the self-identification of the nation-state. Contrary to the claim of the NEP in promoting national unity, the Bumiputera identity is one that is fraught with its own ambiguities and contradictions and has arguably contributed to greater social inequalities and underpinned the persistence of “race thinking” in Malaysian public discourse. With the benefit of hindsight, we know that the NEP’s after-effects have been to institutionalise and embed a divisive social cleavage, as it proactively defined who to include and who to exclude within its terms of reference, and thus who to empower or marginalise. Its initial impact was to homogenise some sections of society, even to the point of creating a sense of egalitarianism among those deemed Bumiputeras (those considered “indigenous” or, literally, “sons of the soil”), propelled by its own developmental claims and legitimation processes, and with it rising expectations among those who felt that they were the identifiable beneficiaries. But as the logic of Bumiputeraism played itself out so too did the (intended and unintended) consequences of this state-driven identity begin to unfold. The aim of this paper is to examine the trajectory of policymaking and identity-making in the context of the NEP and its aftermath. It specifically deals with how it has impacted on the identity of indigenous communities, with a focus on those Bumiputera communities, both Orang Asli of peninsular Malaysia and indigenous peoples of Sarawak and Sabah, who have palpably not benefited from the development policies implemented in its name.

2. The State as a Mediator of the New Economic Policy and Bumiputeraism: A Developmentalist and Ethnicising State

The emergence of developmentalism and the creation of a developmental state in Malaysia – marked by both a particular ideology of managing a capitalist economy and by political interventions to implement specific strategies of development – has generated a considerable literature (Loh, 1997a, 1997b; Leftwich, 2000; Abdul Rahman, 2002, 2008; Jarvis, 2017). In his analysis of different types of developmental state, for example, Adrian Leftwich (2000: 176) classifies Malaysia as a dominant-party developmental democratic state, whose features include: a dedicated developmental elite; relative autonomy of the state apparatus; a competent and insulated economic bureaucracy; a weak and subordinated civil society; the capacity to manage effectively local and foreign economic interests; and a balance of repression, legitimacy and performance, which projects its efficacy by offering a trade-off between such political repression as may exist and the delivery of regular improvements in the material circumstances of significant parts of the population. What is clear from this list of factors is that developmentalism is never solely about the economy. It is always about the economics of state intervention *and* the political constraints that the state has to manage. Many of these features have been discussed in detail: Terence Gomez and Jomo K.S. (1999) elaborate of Malaysia's form of bureaucratic or rentier capitalism and patronage politics; Harold Crouch (1996) characterises the polity as an “ambiguous regime”, neither fully democratic nor authoritarian; while Sheila Nair (1999) and Vidhu Verma (2004) identify a “subordinated” civil society and repressive politics. In the Malaysian case, as we shall see, it is also about a long-term process of social engineering and the reproduction of cultural hegemony.

There is a second, and much less well researched, aspect that explains the particular trajectory of the political economy over the past five decades, and that is the notion of Malaysia as an “ethnicising state” par excellence. What is well known, of course, is that “race” and “ethnicity” have constituted the dominant ideological narrative to explain societal conflicts, cleavages and contestations (King et al., 2021: 1). How have hegemonic discourses of identity in general and Bumiputeraism in particular been rationalised, naturalised and legitimated in the name of certain forms of political and economic power? What our analysis proposes is that racial and ethnic politics evolved into totalising project of ethnicising state power, which has fused a number of elements including convergences around identity, politics and economic development.

These salient characteristics of the political economy Malaysian developmentalism emerged fully two decades and more after the implementation of the NEP in 1971 and in the throes of its successor National Development Policy. It is absolutely clear that the NEP was and remained central to this political project. In its own terms, the NEP aimed to eradicate poverty regardless of race. At the same time, it proposed that the state had to abandon *laissez-faire* and seek a more active and regulatory role for itself, and that the agents of such a transformation would be a Malay capitalist class incubated by the state in collaboration with other fractions of capital (Wong, 1998; Jarvis, 2017). These programmatic statements were spelled out clearly in the Second Malaysia Plan (1971–1975):

The government will participate more directly in the establishment and operation of a wide range of productive enterprises. This will be done through wholly-owned enterprises and joint ventures with the private sector. Direct participation by the government in commercial and industrial undertakings represents a significant departure from past practices. The necessity for such efforts by the Government arises particularly from the aims of establishing new industrial

activities in selected new growth areas and of creating a Malay commercial and industrial community. (Malaysia, 1971: 7)

The NEP was therefore a watershed in the country's political economy, marking the transition from unregulated laissez-faire capitalism to "planned" capitalism (Jomo, 1978). In seeking to create a Malay fraction of capital, and to accelerate the expansion of a Bumiputera middle class, and since there were no ready conditions to fulfil this, the state argued that it was compelled to fill that role (Malaysia, 1971: 6). Even at this incipient stage, it was already envisioned that the whole management and delivery of the NEP would have to be mediated by a state legitimised and equipped with a new capacity and organisational power, the crucial stepping stones of what would become a fully fledged developmentalist and ethnicising state.

As the NEP began to disseminate its core policies and attendant politics from the centre to the periphery of the nation-state, this was accompanied, in time, by the emergence of new forms of resistance to what was taken to be a narrowly partisan approach to development by the ethnicising state. These included counter-narrations from the non-Muslim indigenous margins of East Malaysia. These alternative views contested the very meanings of indigeneity and "being Bumiputera" in the context of the NEP's core pillars (Zawawi, 2013). This is an example, we argue, of Malaysia being characterised by "contesting nationalisms" (Cheah, 2004) or "competing nations-of-intent" (Shamsul, 1998). As is well known, both ethnicity (usually articulated as "race") and religion are strong identity markers for these competing versions of nationalism, and in terms of the objectives of the NEP a major cleavage emerged between the Bumiputera community in the peninsula, almost exclusively comprising Muslim Malays, and a Bumiputera majority in Sabah and Sarawak that is largely non-Muslim. These social realities led Cheah Boon Kheng (2004: 42) to suggest that nation-building has become a contest between "Malay ethno-nationalism (that includes Islam), and multi-ethnic Malaysian nationalism in peninsular Malaysia and the state nationalism and communalisms of the other indigenous communities, or *bumiputera*, in the East Malaysian states". The result is an authority-defined Bumiputeraism of the centre at odds with a Bumiputeraism at the periphery. In Shamsul's (1998: 334–339) terms, the Bumiputera of East Malaysia "began to create their own visions of what Malaysia should be, which are quite different from those generated by the specific historical circumstances and ethnic configurations in Peninsular Malaysia.... The rise of 'Kadazan nationalism' and 'Iban nationalism' in Malaysia is testimony of this fact". As articulations of minority Bumiputera and "second-class Bumiputeraism" became louder, it is clear that these voices of resistance were not just contesting the fact of the emergent developmentalist state but were at the same time laments of the "Othering" of their indigenous identity status by what they felt was a particularist ethnonationalist state, which had its roots in the ethnic bargain that led first to Malayan independence in 1957 and then the formation of Malaysia in 1963.

It is clear that the genesis of an deeply ethnicised Malaysian state lies in the political bargain that emerged around the time of independence. The ethnicised disposition of political and economic power remains as the most important legal framework – the essential guidelines – for the state to manage its competing ethnicities and construct a coherent national identity. What became embedded was essentially the "constitutionalisation of ethnicity" through the ethnicising state, understood as "a method of governing that involves the creation of discourses and practices about indigeneity as ethnicising" (Majid Cooke and Sofia, 2019: 130). This state form has consequently legitimised ethnic politics and the project of ethnicising as a normative political culture in every aspect of the lives of Malaysian citizens, including education and language policies (see Roff, 1967; Lee, 2007; Kaur and Shapui, 2018). In other words, it was this same incipient state that framed the formation of Malaya and then Malaysia that was responsible for implementing the NEP and, with it, the creation of the particular form of developmentalist state that emerged from the 1970s onwards.

Almost at the same time the NEP was launched, the ethnicising form of the state was further augmented by the National Cultural Policy (NCP, Dasar Kebudayaan Nasional) which determined the particular character that the dominant “national” culture and identity politics would take. The articulation of a highly specific form of Malayness and Islam as the principal modes of cultural norms and practices in the national discourse further embedded the ethnicised character of the state. As a result, the NCP came to be seen as an “ideological state apparatus” (after Althusser) to manage the question of national identity and national culture in order to solve what the political elites felt was the “unregulated multiculturalism” of the nation-state (Aziz, 1992: 112; Zawawi 2000b). While the core of the constructed national culture was claimed to be based on the cultures of the “original people” (*orang asal*), in terms of its authority-defined interpretation the key referents are primarily to the Malay civilisational culture nexus of the regional Malay world. In addition, Islam is also included as a definer of the national culture, while “tribal” (*puak*) culture is located at the lowest rung of the cultural hierarchy. It is clear that by the time of the implementation of the NEP from the early 1970s onwards, the notion of Bumiputeraism at the centre of the nation-state was increasingly understood as constituting two predominant ethnic markers: Malayness and Islam. Under the broad auspices of the combined national economic and cultural policies, then, identity, culture and religion became narrowly prescribed as the leading ideological projects of the developmental state, managed by what Maznah Mohamad (2020) calls the “divine bureaucracy”.



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3. Contesting Indigeneity or Bumiputeraism in the Ethnicising State

Notions of indigeneity are now well established in both the academic literature and as international norms. For example, the United Nations officially endorsed a working definition of indigeneity more than thirty years ago. In a groundbreaking report published in 1987, the UN special rapporteur José Martínez Cobo proposed that

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sections of societies once prevailing in those territories or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems. (cited in Muehlebach, 2001: 421)

On the basis of the criterion of pre-existence, Malaysia has experienced waves of early in-migration during the precolonial period resulting a number of groups having a legitimate claim to indigenous status, including “the Orang Asli in the Malay Peninsula, the Dayaks of Sarawak, the various ethnic groups in Sabah that include the Dusun (or Kadazan), Bajau, Murut and other groups, the Malays both in Sabah and Sarawak as well the Peninsula” (Bulan, 1998: 131). Ramy Bulan goes on to recognise that there can be levels of indigeneity in any nation: “it need not be a question of mutual exclusion” (ibid.). What Bulan makes clear is that different claims to indigeneity do not automatically result in equal political status or power. Inequality can, and indeed does, exist between different indigenous groups. She sums up this unequal contestation for political power in Malaysia – and the slippage between an ethnically specific culture as *the* national culture – in the following terms:

It may be that in many societies the culture of most indigenous groups would be non-dominant. However, this may not necessarily be true in some post-independent countries where politically strong indigenous groups have asserted their own culture as the national culture. For instance, the description of the non-dominant indigenous group is not reflected in the Malaysian situation where the political will and the power is in the hands of the dominant Malay majority who are also considered an indigenous people group. (ibid.: 132)

Translated into the political discourse of the Malaysian nation-state, the positioning of the non-dominant indigenous or Bumiputera communities was clear even before the official launching of the NEP. Mahathir Mohamad’s *The Malay Dilemma* (1970: 126–133), regarded by many as laying the normative basis and justification for the NEP, emphasises in no uncertain terms the dominant position of the Malays as the “original” or “indigenous” population, and the “definitive people” and “rightful owners” of the land. What this makes evident are the terms of the official and authoritative discourse on indigeneity – that Malay claims to indigenous status via Bumiputeraism were and continue to be underpinned by the political shell of the state (see Postill, 2008: 217). At the same time, it seems absolutely clear that the special position of the Malays as an indigenous people being coterminous with that of the state, as argued by Mahathir, has been instrumental in relegating the indigenous position of the Orang Asli and other indigenous non-Malays to that of “non-state people”, in perpetuity so long as narrowly defined Malay pre-eminence remains a fact of political life (see Eriksen, 2010).

The NEP came as a totalising project. Almost overnight a constructed identity –Bumiputera – became *the* referent for *national* development. While the origins of the term are not rooted in any constitutional charter or historical reality on the ground, and its initial definition was fraught with “official indecisiveness” (Maznah, 2009: 123), the final outcome has been a conception of identity and indigeneity that is flawed with internal contradictions. While Malays, Orang Asli and indigenous peoples of East Malaysia are ostensibly included as those having indigenous claims, this runs into the reality of Malay political power at the centre, as well as the way that the Federal Constitution does not endow Orang Asli with the same “special privileges” enjoined to the other two communities (Nah, 2008: 214).

For the post-NEP political landscape and transformation processes, then, the category of Bumiputera has become the most salient legitimate, officially engineered and state-sponsored identity, one that cuts across the citizenry, and in the process divides people according to who should be given special preferences and privileges, and those who should not. Though couched in terms of the language of development, the reframing of indigenous identity around the specificities of Bumiputeraism was above all a *political strategy*, constructed above all by the United Malays National Organisation (UMNO) as the dominant party and based on a deliberate calculation of how to translate “racial arithmetic” into political power more or less in perpetuity (Maznah, 2009: 123; Mason and Jayum, 2003: 181). According to Johan Saravanamuttu (2004: 97), UMNO’s new discourse of Bumiputeraism “allowed the ruling Malay elites to appropriate the other indigenous communities as part of a ‘restructuring’ of society ... through the New Economic Policy”.

Yet, as we have suggested, this apparently hegemonic ethnonational project has never gone uncontested. The centre has not held in all circumstances and at all times, and there have been significant attempts to assert the relative autonomy of the periphery vis-à-vis the centre over questions of identity, development goals and power. Despite these challenges, however, there remains the brute political fact that indigenous communities from the periphery have not been able to draw upon the political shell of the state, at least at the federal level, to advance their interests (Postill, 2008: 216–217). What has been clear in Malaysia’s political history of the past five decades is that any analysis of the contestation over Bumiputera identity in the post-NEP landscape must be predicated on an initial recognition that there is a dominant *ethnie* that has had unfettered access to political instruments of the state, and that there are other *ethnies* that have not.

4. Articulating a Commodified Malay Cultural Landscape and a Developmentalist State

The NEP heralded the beginnings of a commodified Malay cultural landscape. With the advantage of hindsight, it can be ascertained that whatever the stated intentions with regard to poverty eradication and economic restructuring their actual implementation through successive Malaysia Plans ultimately resulted in the legitimisation of all forms of capital and wealth accumulation in the name of Bumiputera (effectively Malay) development. In fact, even before the formal adoption of the NEP, Syed Husin Ali (1968) had already observed the beginnings of close political linkages between powerful state – and national-level politicians and bureaucrats with leadership brokers or gatekeepers in the Malay rural landscape, mediated by the provision of “material assistance in the form of rural development programmes” (see also King and Wilder, 2003: 170). Similar patterns were identified in relation to Kelantan, where the peasantry’s perceptions of the governing Alliance coalition were based on “unregulated *nafsu*” (desire/lust), “*parti pitis sahaja*” (a party only for money) and “*topeng perut kepentingan sendiri*” (a mask for personal interests) (Kessler, 1978: 230). As the leading component of the government, UMNO was seen as representing “progress only of bricks and cement, superficial and materialistic, measurable in terms of the number of factories and land schemes that been opened” (ibid.: 229–230).

Economic development that followed on from the NEP served to further strengthen this political patronage system and clientelism in rural Malay society, now underpinned by a new instrumental basis of legitimacy (Rogers, 1969, 1993; Shamsul, 1986). Support was given to leaders, patrons and “big men” who could deliver the new economic goods – in the form of contracts or projects. These were not necessarily people of knowledge or ideals or even competence, but they did require the right bureaucratic and political connections that linked them from the periphery to the centre and vice versa. Already in the narrations of elite legitimacy, the justification for rampant capital accumulation had been foretold by Mahathir (1970: 44): “these rich Malays have become a source of capital and leadership in business, a status which the Malays previously lacked.... The money which they have acquired has become an asset to the Malays as a whole because by and large, these Malays do have a sense of obligation to their country and their people”.

With this kind of justification licensing intraethnic inequalities as a means to an end, and with the state determined on injecting the pursuit of materialism and capital accumulation into Malay cultural values in order to “catch up” with non-Malays, it came to no surprise that under Mahathir’s stewardship of the NEP (from 1981 onwards), money politics became a pervasive feature of the new political culture (Wain, 2009). In time, the limited pool of Malay tycoons was extended to the creation of other big men through the political machinery of UMNO, and the NEP flagship acquired its own logical development and momentum. As the NEP hyperbole penetrated deep into the psyche of Malays, their political culture began to be infused with a spirit of accumulation, albeit one forged by statism, and lubricated by virulent forms of rentier capitalism, political patronage and cronyism (Gomez and Jomo, 1999). As Shamsul (1986: 244) remarks, “the rise of ‘money politics’, at all levels within UMNO is closely related, if not the direct result, of the NEP itself”. We would suggest that the relationship is in fact direct. By creating a vast network of state-sanctioned monopolies, generating huge resources, the NEP “fuelled patronage politics, clientelism and the cycle of money politics, diverting economic resources to unproductive ends. Influence peddling, cronyism and corruption became institutionalised, reinforcing vested interests and networks that supported the business state” (Jarvis, 2017: 213; see also Case, 2005: 209). One long-term consequence of this is that the lucrative nature of access to the



levers of the state helped generate intense intra-Malay political competition and factionalism over the division of spoils, manifested in fragmented political parties and patronage networks, a feature of political contestation to this day.

Returning to the notion of who is (or was) “indigenous” in the context of the developmentalist project, Geoffrey Benjamin makes an interesting intervention on how the NEP revealed that this apparently given (or even primordial) category was in fact in the process of being made and remade. Benjamin (1995: 2) suggests that “while exogenes think of territories as commodities (‘object’), open to exploitation, indigenes think of land (and the places on it) as the foundation (‘subject’) of their being. Indigenes and exogenes ‘see’ different worlds”. Taking this insight further, we can argue that in the context of structural change, propelled by the NEP and the rise of attendant developmentalism, a new breed of “exogenes”, represented by a class of state-sponsored “bureaucratic-capitalists”, has arisen from Malay “indigenes”. It possible to argue that those Malays who have been close to party political patronage and state power, and who rushed to embrace the exploitative worldview as they strove to accumulate wealth in the name of Bumiputera (read: Malay) development in fact forfeited their claim to indigeneity. At the same time, with the extension of Bumiputeraism from the dominant centre to the subordinate indigenous periphery of the Malaysian nation-state, this newly empowered capitalist class, supported by the developmentalist state, exploited these communities and territories as commodities. In the process they unleashed the own kind of “civilising project” onto the cultural landscape of the indigenous periphery of both West and East Malaysia (Duncan, 2008; Zawawi, 2021). In other words, what developmentalism and the NEP comprised was actually a paradox. On the one hand, successive governments claimed that the policies were necessary correctives to structural imbalances that had emerged in socioeconomic relations, and targeted the specific needs of communities identified as “indigenous”. On the other hand, those who were the major beneficiaries of this process acted as if they were “exogenes”, driving a unilineal evolutionist-based modernisation model which embeds “the notion of development as a civilising project”, a belief that “certain levels of ‘social development’ are intrinsically better than those deemed ... ‘primitive’ and ‘traditional’” (Duncan, 2008: 3). As a long-standing state planning and social engineering project, the NEP embodied the ultimate goal of economically transforming Malaysia’s agrarian base into an industrial one, hence exploiting all its natural resources as a commodity for exchange-value and profit-making. As a result, local accumulation has been dominated for half a century by a socially segmented rentier class defined by ethnicity with privileged access to state resources and power. The state’s three roles – security, developmental and welfare – have systematically supported these engines of accumulation. These policies had a direct effect on the indigenous communities, both in the peninsula and East Malaysia, that were subjected to this logic of ethnicised capital accumulation.

5. Orang Asli Marginalisation and the Rupturing of Identity

Orang Asli is the current official and acceptable term to describe the “aboriginal” peoples of peninsular Malaysia. Orang Asli are by no means a homogenous ethnic entity. Comprising a total population of about 215,000 or 0.7% of the population of peninsular Malaysia, they are divided into three different ethnic groups—Negritos, Senoi and Proto-Malays—which can be further subdivided into different “tribal” groups (Lasimbang and Onn, 2021: 14; Nicholas, 2000). They are among the country’s poorest and most politically marginalised Bumiputera communities. The figures on basic socioeconomic indicators have not improved over many decades and by some measures things have got worse. For example, an official profile of the Orang Asli in 1973, just two years after the NEP was launched, provides the following details on monthly income to reflect their undeveloped status: 3.5% had no income, 30.2% had less than RM100 per month, 39.3% had between RM100 and RM200, 11.5% had more than RM350 (Unit Penyelarasan Pelaksanaan 1994). According to the Department of Orang Asli Affairs, in 2008 half of the Orang Asli population lived below the poverty line and more a third were classified as the ‘hardcore poor’. Another estimate cited a poverty rate of 77% (Rusaslina, 2013: 269), while a recent report of the Center for Orang Asli Concerns shows that “almost all of Malaysia’s Orang Asli are locked into poverty” (Wong, 2020). Other socioeconomic indicators – such as infant mortality rates, life expectancy, access to water and electricity, and school attendance – are equally shocking, pointing to a picture of deep-rooted and systemic marginalisation.

Orang Asli’s current marginality is historically rooted in different phases of their relations with those they perceive as outsiders. Before examining the specific impacts of the NEP on them it is worth briefly outlining the antecedents and causes of their societal position through three episodes of “deterritorialisation”, associated with precolonial relations, the impact of the Malayan Emergency (1948–1960) and the postcolonial state after 1957.

In their precolonial relations with Malay feudal society, Orang Asli initially enjoyed a certain degree of freedom in the jungle habitat, and were therefore subjected to less formal control from the feudal state as compared to the Malay peasantry. Nonetheless, Orang Asli were also incorporated into the precolonial class system and polity as slaves (Endicott, 1983; Couillard, 1984). Slavery contributed to prestige, and slaves were perceived “as important to the status of a ruler or chief as the revenue itself” (Andaya and Andaya, 1982: 160; Reid, 1983). Since Islam forbids enslaving Muslims, the logical candidates for enslavement at the bottom of the social hierarchy as *hamba abdi* (bought slaves) were the Orang Asli. As a result, in the late nineteenth century they were subjected to a prolonged and brutal regime of Malay slave-raiding, even under the watch of the British colonial administration. This marks the first act of “deterritorialisation” towards the original indigenous people carried out under early British rule (Zawawi, 2016; Magnaghi, 2000, 2005). It was an act that was based on an initial land-grabbing policy legitimised by British colonial rulers which unleashed a historical timeframe of what Robert Dentan (2009) calls “overwhelming terror”, in which Orang Asli were mercilessly driven from their lands through violence, killings and capture carried out by immigrant Malay slave-raiders. It was only in 1920 that slavery was abolished in all of the Malay states under British control.

After the Second World War events during the Emergency brought Orang Asli into the scheme of modern government and control (Nicholas, 2003). For the second time, the autonomy of Orang Asli in managing their own affairs in their natural habitat was transgressed, this time by the British anti-insurgency policy of “displacement, resettlement and the jungle forts represented a massive enlargement

of scale which threatened to rapidly transform their lifestyle and material culture” (Harper, 1999: 270). This later period of Emergency rule saw the beginning of another radical phase of Orang Asli deterritorialisation as the British faced guerrilla warfare led by insurgents from the Communist Party of Malaya. Being mainly inhabitants of the jungle and the fringes of rural villages, Orang Asli were caught in the middle of this conflict, and were seen by the British as potential sympathisers and suppliers of food to the guerrillas. The British resorted to a strategy of a systematic large-scale relocation of Orang Asli to various selective “forts” on which were imposed strict policing and control by security forces. They were forced to live in an enclosed and structured environment with many strangers, far away from their natural jungle habitat. As a result, in the initial stage, many Orang Asli became victims of new diseases and perished (Carey, 1976, 1979; Talalla, 1984; Leary, 1995).



Photo by Domi Chung

It was also during the Emergency period that British policies and laws pertaining to Orang Asli, though proclaimed with the most “noble” intention of “protecting” them, only served to further accentuate their existing stigma and marginality. In 1950 the Department of Aborigines was set up to be the “custodian” of Orang Asli, but in fact its aim was to control their movements as they were seen as a “security risk” in the context of the ongoing conflict. Their new legal position came to be expressed in the Aboriginal People’s Ordinance of 1954. The key aim was to finally break the bond between Orang Asli and communist guerrillas and also to effectively drive them into a poorer environment (Kathirithamby-Wells, 2005: 249). It is interesting to note that while the official government policy regarding Orang Asli “integration” into a Malay way of life was only passed after independence – articulated in the “Statement of policy regarding the administration of the aborigine peoples of the Federation of Malaya” – this “new orthodoxy”, to all intents and purposes, was already envisioned and hatched among the colonial authorities between 1954 to 1957 (Harper, 1999: 270). Harper (ibid.: 272), for instance, cites a 1957 Perak State Aborigines Advisory Board memorandum from which he concludes that “it was the duty of government not to preserve a lifestyle disruptive to production and to ‘alter the aboriginal way of life – by force, if necessary’. The Malay smallholder was the ideal. ‘The choice,’ it was suggested, ‘was between settlement and extinction’”. The conviction, as Harper (ibid.: 272) suggests, was that

Malay life was the destiny of the Orang Asli.... The logic of late colonial state-building was towards assimilation. To Malay indiginism – based on the absolute rights of the *bumiputera* – the claims of the Orang Asli were an embarrassment. The pressure ... was to make the development of the Orang Asli congruent to that of the Malays. Malay was defined by the habitual use of the Malay language and by Islam.

It is interesting to emphasise that colonial and postcolonial modes of Orang Asli governance shared almost the same sets of legislation. As noted, in 1954, three years before Malayan independence, the colonial government bureaucratised Orang Asli governance by passing the Aboriginal People's Ordinance, which was renewed with only minor revisions in 1974 by the postcolonial government (see Sothi Rachagan, 1990; Rusalina, 2011). Act 134 of the ordinance defines Orang Asli and recognises their "rights" to movement and "occupancy", and to "Aboriginal areas" and "reserves". The act also stipulates terms of land compensation. Thus, in the case of Orang Asli "occupied" land, including ancestral land or *tanah saka*, being taken over for development purposes they would be compensated not for the value of the land but only for the "trees" that grow on the land. This continues to be a contested issue for Orang Asli to this day.

In sum, despite their later designation of so-called Bumiputera status, Orang Asli claims to indiginity with regard to land ownership rights have effectively been nullified by the law governing them. Even their status on gazetted Orang Asli "reserves" merely describes them as "tenants-at-will". This is because the act does not provide them with rights to individual titles even on Orang Asli reserves (as Malays have on Malay reserves). Moreover, as is evident in the postcolonial period, many suggested gazetted areas for Orang Asli reserves have remained as mere proposals, while even officially gazetted Orang Asli land can also be degazetted. It is obvious that the limitations of the act, especially in times of rapid development in the era of postcolonial developmentalism, have remained a constant source of human insecurity for Orang Asli (Hasan, 1994; Romeli, 1996; Nicholas, 2000; Zawawi 2000b: 115). As Adela Baer (2012: 21) succinctly summarises the legacy of colonial rule for Orang Asli:

the largest lingering colonial effect on Orang Asli today is their condition of virtual landlessness – a condition not imposed on others in West Malaysia. They are still considered 'tenants-at-will' in law. One group or another is dispossessed of their ancestral lands almost weekly, to make way for dams, golf courses, roads, timber concessions, gambling casinos, airports, or whatever else rich and powerful outsiders wish to use their land for. The Orang Asli encounter the past in the painful present.

The postcolonial independent Malaysian nation-state formed in 1963 has introduced more radical changes and further deterritorialisation to Orang Asli. Both the NEP and the rise of the developmentalist state had far-reaching implications towards their economic marginalisation and sense of identity. For Orang Asli, the emergence of a new nation-state largely meant a shift from a form of colonialism generated from outside to one of "internal colonialism" (Dentan 1997, 2008: 9), an institutionalised form of governmentality systemised with its own logic and rules of the game, the genesis of which, as we have seen, had already been laid out by British policy during colonial rule (Hopkins, 2020).

As noted already, the NEP was launched with the double-pronged objectives of eradicating poverty irrespective of race or ethnicity and creating a Bumiputera capitalist class in order to catch up with the non-Malays, especially the Chinese (Gomez and Jomo, 1999). The ability of Orang Asli to benefit from the developmental project was both legally and politically delimited. While the constitution which came with the formation of Malaysia in 1963 accorded Bumiputera status to Orang Asli, there is still

controversy as to the legality of such status since “they are not given special privileges in Article 153 of the Federal Constitution, the way the Malays and natives of Sabah and Sarawak are” (Nah, 2008: 214n3). Given the predominance of Malay ethnonationalism undergirding the NEP and its attendant discourses, in the 1970s and 1980s “there was a strong push for the integration and assimilation of the Orang Asli with Malay communities through an Islamisation policy” (Rusaslina, 2011: 66). This marked a change of emphasis. Whereas the government’s official policy of 1961 was based on the principle of an “‘open-ended’ integration that recognises the rights of the Orang Asli to assimilate themselves, only if they wish to do so”, on the ground the situation was quite different (Mohd Tap, 1990: 461). There were reports that those who converted to Islam were more likely to gain favours and economic benefits from Jabatan Hal Ehwal Orang Asli (JHEOA, Department of Orang Asli Affairs, renamed Jabatan Kemajuan Orang Asli [JAKOA, Department of Orang Asli Development] since 2011), while personal (racialised) biases among individual Malay officials also created “‘discrepancies’ in the promotion of the official policy (of integration)” (ibid.; Nobuta, 2009).

With the de-escalation of the perceived communist threat, there was also a marked reorientation of JHEOA from a traditional concern with “security” to one of “development”, as the agency assumed its leading role to manage socioeconomic interventions, supposedly including those associated with the aims of the NEP. But its bureaucratic role was, from the start, stymied by institutional inertia and incompetence. First, there was a long-standing complaint that the department channels an overwhelming proportion of its funds to feed its bureaucracy. Second, the identification of Orang Asli with the department was in itself a liability, since other rural development agencies, better equipped with resources and personnel, do not see it as their role to assist Orang Asli. As a result, Orang Asli attitudes towards JHEOA and then JAKOA have been quite ambivalent at best and actively antithetical most of the time. Put bluntly, the department has not been able to display the required commitment or visionary and independent qualities of leadership to deliver anything remotely to do with sustainable development strategies. In a telling critique of the role of JAKOA in the development process, Adrian Lasimbang and Kon Onn Sein (2021: 19) identify the following structural and institutional shortcomings that have been present for many decades in relation to its remit to foster job creation and other skills. The agency is

disadvantaged as it has no flexibility to provide capacity building or to compel the contractor(s) to employ and train the [Orang Asli] in estate management. Even the local district JAKOA officers who recognise this flaw are powerless to compel the contractors to transfer skills as these programmes are outsourced by JAKOA at the state or HQ level with other state agencies. Thus, at the district level, the JAKOA officers will only implement and play a monitoring role; they have no discretion or power to adapt the programme to train the [Orang Asli] in estate management or entrepreneurial skills.

This is part of a more generic problem. As Lasimbang and Onn (ibid.: 20) go on to suggest: “Since JAKOA does not have the resources for a holistic solution, their officers are powerless to handle the complex nature of multi-dimensional poverty, compounded by limited budgets”.

Other strategies directed at Orang Asli have also met with very limited success. Here we highlight two: the attempt to channel semi-nomadic communities into settled communities congruent with the rural plantation economy; and attempts to assimilate Orang Asli through education and religious conversion. First, it was under the rubric of “regional development” and modernisation, and formulated by the federal government as part of the NEP in Pahang, that *Rancangan Penempatan Semula* (RPS, regroupment) programmes were conceived and implemented. In this new thinking, the proposed

scenario would be one in which most, if not all, Orang Asli “scattered” in their traditional villages in Pahang Tenggara, the southeastern region of the state, were eventually resettled in the RPS centres. These centres, in turn, would be the focus of development and infrastructural inputs, built around oil palm plantations as the economic mainstay. The RPS centres represented the final nail in the coffin of postcolonial Orang Asli deterritorialisation on the part of the developmentalist state, eliminating for good any potential for indigenous sustainable development among Orang Asli on their own land and on their own terms (see Zawawi, 2000a, 2021). As a development model, the RPS was too singular. The choice of development for Orang Asli was instrumentalised: it froze all other options, alternatives and possibilities of human development. It took an either-or-approach rather than balancing the different choices that should be made available to the Orang Asli.

Second, on the question of identity and education, until 1995 JHEOA had “used education as a key mechanism to assimilate Orang Asli into the Malay ethnic group, improve their standard of living and give them new occupational opportunities” (Thambiah et al., 2016: 450). A critical reminder of JHEOA’s role in Orang Asli’s absorption into Malay identity can be gauged from the following:



Photo by Jeremy Bezanger

Malaysian social and economic policies often enacted through the *Jabatan Had [sic] Ehwat Orang Asli* (JHEOA) (the Department for Orang Asli Affairs, therefore, necessitates the integration, or rather assimilation, of the Orang Asli into mainstream society. This effectively means the adoption of a Malay identity via conversion to Islam and the embracing the ideology of the mainstream market economy. Thus removing implicit contradictions represented by the unique Orang Asli identity to enable Malay people to be fully legitimized as *the* indigenous peoples of the new Malaysia. (Parker and Crabtree, 2014)

Fifty years on from the launching of the NEP, and its successor policies, it is absolutely clear that Orang Asli communities have been largely bypassed by the developmentalist project that it launched. Despite their very obvious claim to indigenous status – as the original people of the land – they have experienced continuing marginalisation and alienation. In fact, it is arguable that their situation has actually got worse. In a recent review of the well-being of indigenous populations of Malaysia in the context of the United Nations Sustainable Development Goals, Lasimbang and Onn (2021: 14) summarise the baleful results of maldevelopment. Indigenous communities, and especially Orang Asli,

have been pushed even further behind. This is demonstrated by the continued widespread grabbing of the indigenous peoples' lands and resources, criminalisation, increase in poverty and hunger, loss of livelihood, destruction of cultural heritage, forest degradation, loss of biodiversity, conflicts on resource-use and development, increased violence against indigenous women and girls, rising inequality and lack of access to justice, among others.

It is an indictment of the ongoing political and policy failure that both the Eleventh Malaysia Plan and the current Twelfth Malaysia Plan (2021–2025), that frame the terms of socioeconomic development for the foreseeable future, fail to address the fundamental structural issues that trap Orang Asli in a status as permanent outsiders. It is a multifaceted failure: a lack of political will, systematic administrative incompetence and, most importantly, the denial of access to the land and natural resources, which are central to their origin, identity and sense of belonging.

As we have shown, Orang Asli constitute an evolving “historical community” of indigenous people who in the past had demonstrated diverse forms of economic adaptabilities and skills depending on the different topographic conditions and contexts of environment and place (Zawawi 2000b: 105–113). The RPS development template and job creation schemes have all emphasised considerations of rational economic choices, economies of scale and economic integration – and all these express capitalist forms of development in which there is no place for the small Orang Asli agriculturalist or cultivator who wants to be self-sustaining on their plot of *saka* land. And the land question lies at the very heart of Orang Asli marginalisation of the rupturing of indigenous identity and claims to rights and justice.

6. Developmentalism and Postcolonial Deterritorialisation of East Malaysian Indigenous Communities

The early promise of extending the special position and rights of Malays as Bumiputera to the indigenes of Sabah and Sarawak via the formation of Malaysia was embedded in Article 153 of the Federal Constitution, which guarantees to “safeguard the special position of the Malays and natives of the States of Sarawak and Sabah” (Mason and Jayum, 2003: 182). Its provisions include positions in the civil service, scholarships and other educational privileges, and business opportunities, among others. The Constitution also lists those ethnic groups in Sarawak and Sabah considered “natives” and thus qualifying for this “privileged” position. But the newly formed Malaysian state, as we have seen, was already an ethnicised state embedded in its own version of Malay Bumiputeraism as it made its way from the centre to the periphery of the nation-state.

The unleashing of the NEP in the name of Bumiputeraism from the centre to the periphery of the nation-state simultaneously meant the mediation of developmentalism from the federal government to Sarawak and Sabah, both of which are rich in natural resources. In this process, there was deep collusion between political and economic elites at the centre and periphery, through which, notwithstanding the states' prerogatives over certain matters, they were and remain by and large subordinate to the power of the state at the centre (Loh, 1997b; Koninck et al., 2011a, 2011b; Ooi, 2013). In effect, after their incorporation into the Federation of Malaysia in 1963, each state also developed its own state corporations and bureaucracy, and its own replica of patronage politics and stakeholders, representing both elite Bumiputera economic interests as well as non-Bumiputera fractions of capital (Leigh, 1998, 2018; Majid Cooke, 1999, 2006; Kua, 2001; Bissonnette, 2011).

In direct echoes of Benjamin's argument in relation to the exploitation of Orang Asli, capitalist developmentalism and globalisation further deepened the site of exploitation by East Malaysian “exogenes” who view land and other natural resources as a commodity for its exchange value and profit-making capacity in direct opposition to indigenes who possess a holistic understand of their relationship to land, for its use value for livelihoods, as well as its core place as a manifestation of spirituality and identity (Benjamin, 1995; Zawawi, 1998a; Uda, 2012).

In Sarawak, indigenous people – including Iban, Bidayuh, Kenyah, Kayan, Kedayan, Lunbawang, Punan, Bisayah, Kelabit, Berawan, Kejaman, Ukit, Sekapan, Melanau and Penan – comprise around 1.93 million or 70.5% of the state's population (Lasimbang and Onn, 2021: 14). The governance of the NEP and successor policies in Sarawak has been implemented by the dominant political party, Parti Pesaka Bumiputera Bersatu (PBB), formally in power since 1973, which has been dominated for more than four decades first by Abdul Rahman Yakub and then by his nephew Abdul Taib Mahmud, and politically aligned to the federal Barisan Nasional coalition. Taib consciously employed the ideology and practices of the NEP in a very particular manner in order to legitimise the process of reallocating wealth and power, and to maintain elite-level cohesion through the distribution of political patronage. Following the template of set out by UMNO in West Malaysia, Taib brought into his political circle “key Muslim Melanau and Foochow Chinese” linking them together “for their mutual advantage”, as “[i]t was now justifiable to discriminate in favour of *bumiputera*”, and to select who should benefit “on behalf of the community” (Leigh, 1998).

The political resources at Taib's disposal were considerable, and included land ownership and title, and land as well as forest resources, with the distribution of timber extraction contracts the primary mode of patronage and the crucial source of state revenues (ibid.: 94; Woon, 2012: 211–212). It is important to note that while Taib claimed he supported the broad thrust of the NEP to improve the socioeconomic conditions of poorer Bumiputera communities, in fact his policies did precisely the opposite. Sarawak's political economy was driven by the creation of "a select group of rich *Bumiputra* ... through the issuance of numerous logging licenses. These concessions were then sub-contracted to Chinese-Malaysians who extracted the timber. The profits were then shared among all those involved in the scheme" (Woon, 2012: 281). As Michael Leigh (1998: 97–102) reveals, this was nothing less than appropriation by the state for private gain by wealthy individuals whose elite connections transcended ethnicity. In the implementation of the NEP, the indigenous people were treated "like second-class Bumiputeras, suffering losses of rights to the communal land for the benefit of the timber grants". Timber and logging licences have acted as a kind of resource curse in Sarawak, a classic case of "the adverse effects of a country's natural resource wealth on its economic, social, or political well-being" (Ross, 2015). The result has been serious maldevelopment for the majority of Sarawak's rural indigenous population:

Rural communities benefit the least from the NEP because they are still among the poorest in an environment of entrenched economic oligarchy. Furthermore, the absence of a viable opposition ... has allowed the ruling government to oppress the rural communities by resisting a fair distribution of the state's wealth, decelerating the implementation of infrastructure development programmes and withholding social-economic transformation plans. (Woon, 2012: 282)

Not satisfied with the scale of accumulation and extensive environmental degradation resulting from logging concessions, and in order to advance the oil palm plantation frontier, Taib intensified his attack on the rights of indigenous communities. In 1994 he announced the so-called *Konsep Baru* (New Concept), under which "native" landowners are compelled to surrender their lands to the state for sixty years to be developed as joint ventures with private companies, with the state acting as a kind of "trustee" on behalf of the customary owners of land. Taib's new approach aimed squarely to fill a gap in the state's finances that resulted from a depletion of natural timber resources while at the same time divesting the state of its own risk in plantation development to encourage private sector investment. In order to do so, it created a "legal" mechanism to acquire customary lands of sufficient size to be attractive to developers, in effect amounting a frontal attack on long-standing indigenous land rights. In other words, the *Konsep Baru* provided a gatekeeping function, guaranteeing the state government access to enormous revenues via commercial plantations, while undermining indigenous claims to the use of their own lands enshrined in native customary rights. Taib was quite frank about the rationale for this aggressive attack on indigenous land rights. According to the Sarawak Ministry for Land Development, which was tasked with implementing the *Konsep Baru*, this new arrangement was appropriate in developmental terms because it "will give absolute right to the implementing company to manage the plantation WITHOUT interference from the NCR landowners over a period of 60 years. During those 60 years, the landowners' interest in the plantation is represented entirely by the State agency that acts as Trustee for the native people" (Colchester et al., 2007: 30).

The collusion between centre and periphery has also taken other forms in Sarawak. One of the most notorious examples is the Bakun hydroelectric dam project, driven by the state government's wish to supplement state revenues from timber resources through privatisation and diversification (INSAN, 1996: 5). The claims made on the dam's part by both the federal and state governments were that it would bring about "development" and "also serve as a catalyst to the country's industrialisation programmes" (ibid.: 19).



Photo by Gem Lyn

On the ground, the realities for the indigenous communities whose traditional lands would be flooded for the sake of the dam were disastrous. In direct echoes of the regroupment strategy for Orang Asli in Pahang, the Batang Air resettlement scheme imposed on the indigenous population affected by the dam resulted in the forcible displacement of thousands of people, with the overwhelming majority claiming they were worse off than before (Kua, 2001: 59). Similarly, Welyne Jehom undertook an in-depth study of the Kenyah-Badeng indigenous community from Long Geng which was one of the five communities relocated to the Sungai Asap resettlement scheme. She emphasises three levels of displacement experienced by the Kenyah-Badeng: first, the emotional distress of abandoning their natural setting; second, having to confront the “inadequate compensation for their loss of natural resources, social heritage and land”; and third, the process of resettling “without any promising resources to re-establish their livelihoods and improve their situation relative to their position before the resettlement” (Jehom, 2017: 344). In the rhetoric of the NEP, the resettlement was supposed to provide the indigenous communities with a viable environment to pursue their livelihoods elsewhere. The outcome was actually the transformation of members of the community into an insecure army of low-paid labour for the rapidly expanding oil palm plantations and, equally seriously, a permanent displacement that began to create a decline in the traditional conduct of their social relations, making way for changing values that ruptured the social fabric and identity of the community. As Jehom (ibid.: 345–346) sums up indigenous people’s predicament with regard to these developmentalist policies and processes:

The concept of development among indigenous people is based on the implementation of their collective rights. In contrast, developmental policies pursued by the state consciously or unconsciously ignore the economic and social interests of indigenous people.... the reality is that the state is more concerned about how to access and exploit the resources that lie within the territories of the indigenous people, without taking into account the welfare of

indigenous people who comprise only a small percentage of the population compared to the larger proportion of others in the country who benefit from such development. Very often, the exploitation that underlies this process of development leaves the indigenous people with livelihoods of “underdevelopment”.

In Sabah, the 39 recognised indigenous groups constitute about 2.23 million people or 58.6% of the state’s population (Lasimbang and Onn, 2021: 14). The impetus for Sabah joining Malaysia in 1963 was partly driven by Tunku Abdul Rahman to consolidate Malaysia’s regional presence and partly by Sabahan political leaders who saw in Bumiputeraism an exact analogy to the position of the Malays in the peninsula. The key architect was Donald (later Fuad) Stephens whose United National Kadazan Organisation (UNKO) had the indigenous Kadazandusun and Murut community as its core constituency, and modelled itself after UMNO in Malaya. The expectation was that “they would be given a position analogous to the position of the Malay, that they would be conferred *bumiputera* status ... the special privileges that would be extended to their people” (Ongkili, 2003: 199). But these early years were also marked by crises that illustrated the “messiness that plagued political development in Sabah at the beginning of the Malaysian Federation”. This “messiness” can be understood if we highlight the often contradictory pressures affecting the new ruling elites in Sabah and the ongoing tensions these engendered (Lim, 2008: 4).

From this period onwards, state politics in Sabah became increasingly fragmented through interpersonal factionalism as different leaders and new party formations sought to navigate the state’s core political dilemmas: first, the balance between local autonomy and federal integration pursued by Barisan Nasional, and thus between Sabahan demands and federal expectations in the context of developmentalism and later the NEP provisions; second, the balance between ethnicity and religion as mobilising forces; and third, the meaning of indigeneity in a context in which this held the key to political resources and patronage, with the battle lines drawn between a manufactured notion of “Bumiputera unity” and claims for a particularist Sabahan version of political multiculturalism. In this period, what Regina Lim (*ibid.*: 2–3) calls the “broad rules of the game” in Sabah were solidified. It was Mustapha Harun, through the United Sabah National Organisation (USNO), who most aggressively pursued the Bumiputera path through a period of increasingly authoritarian rule; indeed in many ways he shared the same aspirations as UMNO (Ongkili, 2003: 200; Lim, 2008: 7). For the non-Muslim Kadazandusun, the aggressive policy of “national” (read: Bumiputera) integration was nothing more than “a policy of Malayisation and Islamisation”, and it was regarded as a time of “loss of power ... followed by both racial and religious discrimination...Without the guidance of capable leaders to speak out for them, the *Kadazan* community was forced to compromise certain cultural practices under the repressive government of Mustapha” (Ongkili, 2003: 201–202).

These political struggles over identity reached their apogee in the period of the official term of the NEP up to 1990. First, under the auspices of USNO and then through the Sabah People’s United Front (BERJAYA), the new chief minister Harris Salleh formally cemented ties with the ruling Barisan Nasional coalition in Kuala Lumpur, actively highlighted the party’s Islamic credentials while also having to sell its “multiracial” appeal to non-Muslim communities, and demonstrated its affinities with the demands of the federal government, for whom Sabah became increasingly important as a vote bank during general elections. This was, at times, a difficult balance to achieve. The other highly significant aspect of state–federal relations lay in the nature of the trajectory of socioeconomic development. In policy terms, the BERJAYA state government possessed “a technocratic, developmentalist vision for Sabah, which coincided with the NEP-driven aspirations” of the UMNO leadership in Kuala Lumpur (Lim, 2008: 60).

Before examining the particular type of developmentalist approach adopted by BERJAYA (and indeed successor state governments) it is helpful to provide some historical context, and especially on the question of the land since, as we argue, Sabah has been also marked by a profound process of indigenous deterritorialisation. Unlike Sarawak, from the beginning of the colonial administration in Sabah the focus on plantation agriculture was already on the development agenda. Under the administration of the British North Borneo Company (the Company), it was empowered by the British government to pursue a classical plantation model of development such that from late nineteenth century onwards numerous estates were allocated to European interests by the Company. In the beginning, it was a clear case of the formation of a “dual economy” based on a system of legal pluralism, “in which some native customary laws were supported while those that hampered the commercial exploitation of land were replaced with western legal concepts” (Doolittle 2011: 82). In effect the Kadazandusun and Murut in particular were insulated from the capitalist plantation and mining sectors, which were already dependent on outside human resources in Chinese and Javanese migrant labour. Under the dominant framework of a Western land tenure system there was an attempt to recognise legal pluralism in a “paternalistic” way, such that indigenous territories were classified as native land rights while being “protected” from partaking in the market economy. However, just like in Sarawak, recognition of many for their territorial rights became difficult to organise and obtain as the Sabahan indigenes were practising shifting agriculture in remote agricultural plots. By end of the nineteenth century, a large number of investors were attracted to take advantage of the investment conditions and low levels of taxation offered by the Company, and from this period onwards – well into the twentieth century – various legal provisions concerning land were enacted in order to determine which lands could be made available to foreign plantation owners (ibid.: 87–88). In this way, the colonial authorities were able to regulate private property on alienated land. The land question would remain absolutely central to the colony’s political economy, both under the tutelage of the Company and then as a Crown colony from 1946 to 1963, and it has dominated the policymaking agenda of the postcolonial state, with hugely important ramifications for its indigenous communities.

After joining the Federation in 1963, cash crop expansion in Sabah was intensified. One clear marker of the institutional symbiosis between Kuala Lumpur and Sabah was the proactive role played by federal agencies in the development process. Both the Federal Land Development Authority (FELDA) and Felcra Berhad extended their operations into Sabah, with the former playing a decisive role in increasing oil palm cultivation and production on the east coast of the state (Bernard and Bissonnette, 2011: 127). For the state’s part, the Sabah Land Development Board (SLDB) was established in 1976 to replicate FELDA’s development model of opening up agricultural schemes and resettling rural communities, ostensibly in line with pro-Bumiputera NEP policies. The high incidence of poverty in Sabah prompted the BERJAYA government to make rural development the most important plank of its economic agenda. In ways analogous to the Sarawak experience, the granting of timber licences provided the necessary capital to fund various initiatives, and initially at least various cooperative agencies were created for help small-scale agriculture in rural areas and certain reforms were introduced to improve the delivery of development packages to rural areas (Lim, 2008: 82).

However, the character of commercial agriculture soon shifted away from this model. By the 1990s, both federal and state governments ceased underwriting agricultural expansion in Sabah and began to privatise FELDA operations, no longer pursuing “the goal of improving the lot of impoverished rural dwellers”, but to regroup and centralise operations with the prime objective of maximising profits by relying on foreign labour, mainly migrants from the Philippines and Indonesia, and managed in the manner of large-scale modern plantations. This was once again in line with the policy priorities set at the centre as nearly all FELDA operations were privatised. As Stéphane Bernard and Jean-François Bissonnette

(2011: 130) note, “through centralization of operations, the prime objective is now to maximize profits, which involves relying on foreign workers to overcome the shortage in local labour”. In effect, by the 2000s the oil palm cultivation sector had by and large been taken over by the private sector, an alliance between the global agro-industrial corporations and regulated by Malaysian “patrimonial capitalists” from the peninsula with Sabahan elites as junior partners. As a result, “Malaysian oil palm tycoons and their links with international capitalism currently constitute the main investors in agricultural expansion in Sabah, as well as in Southeast Asia as a whole” (ibid.: 145). These deep-seated structural changes were overseen and managed by Sabah’s political elites – first under BERJAYA and then, from 1985, under Joseph Pairin Kitingan’s Parti Bersatu Sabah (PBS), which was a member of the federal Barisan Nasional coalition for most of this period.

This case study of oil palm expansion in Sabah offers a salutary lesson in the maldevelopment that attended the NEP as it was implemented in the state as well as the overall thrust of developmentalism. The territory of Sabah has been fundamentally reshaped across little more than one generation, but as Bernard and Bissonnette ask: for whose benefit? Their answer highlights the extent to which the fortunes of the vast majority of indigenous rural communities have been undercut. The unfettered expansion of the plantation frontier

(1) deprives local populations of some of their basic livelihood conditions, such as a traditional pluri-activity system and territorial resources; (2) undermines the capacity of some communities to contribute to the conservation of biodiversity because of the limited areas available to villagers to improve their living conditions; (3) diminishes the capacity of some households to enhance their food security by growing other food crops because of land access problems; and (4) contributes to the erosion of “traditional territories”, which may increase the vulnerability of populations that still partly rely on a wide range of non-timber forest resources. (ibid.: 144)

Although the plantation frontier moved on significantly from the early rhetoric of the NEP, one aspect has been consistent: the oil palm agricultural expansion model has adhered to federal development policies – whose prime objective, in accordance with the NEP, is to increase assets but without investing in the redistribution of wealth, still less the empowerment of ordinary indigenous Bumiputera communities.

7. Reworking Indigenous Identity from Within

A great deal of attention thus far has necessarily centred on the kind of socioeconomic marginalisation of nominally Bumiputera communities as a result of the kind of development unleashed by the NEP and its afterlives. While there have been significant differences in the ways that Orang Asli, for example, have experienced maldevelopment compared to indigenous communities in Sarawak and Sabah – and these differences can be explained by variables such as the disposition of political power – there have also been remarkable similarities in their experiences. The most obvious concerns the land question and customary land rights – still relatively neglected when considering more straightforward measures of indigenous communities' underdevelopment such as poverty, food insecurity, quality of education and decent work (Lasimbang and Onn, 2021: 15–16). The overarching condition that perhaps best captures the consequences of the actions of the developmentalist and ethnicising state is dispossession. Dispossession certainly does signify something real and material, and above all systematic deterritorialisation and loss of land due to encroachment and commodification. But dispossession also means something more than that. It strikes deep into the soul, the existential condition of the indigenous communities, the second-class Bumiputeras, the original indigenous people of the country now internally colonised. It conveys a sense of the denial of belonging, of being dislocated from indigeneness itself – revealing over time a systematic process of being “Othered”. The poetics of such “Otherness” has become the everyday lament of their subjugated discourse and way of life.

In an exchange between Orang Asli leaders, more than 20 years ago, when they were asked to talk freely about their thoughts and fears of development, they articulated clearly their expressions of Otherness directed against a nationhood and a developmentalism that dislocate and dispossess:

At this moment. the Orang Asli that I'm referring to are people without power [*kuasa*], without knowledge and without capital.... Hence they suffer [*terseksa*]. Have we left them in their own period, the Stone Age. I don't think the Orang Asli would have suffered as much as now. (Achom Luji in Zawawi, 1996: 39)

Orang Asli definitely desire development but at times. development terrifies the Orang Asli. Because of such development, Orang Asli living on the periphery of highways and towns will be pushed back, deeper into the interior. (Arief bin Embing in *ibid.*: 67)

A young Temuan Orang Asli leader spoke of his attempt to negotiate with the District Land Office for land replacement for the reserved land at Bukit Tampoi, Selangor. Their land had been appropriated by the authorities for the building of the national highway for the new international airport at Sepang. A whole community of Orang Asli who had achieved sustainable development at Kampung Busut Lama had already been forced to relocate to a swampy peat area, contrary to earlier promises of an alternative site. The Orang Asli leader narrated the outcome of his “negotiation”:

But when we went to the Land Office, the District Officer questioned us: “How can we give it (the land) to Orang Asli? Under what status can we grant it to Orang Asli?”

So I retorted, “If you cannot grant us the land on the basis of our status as ‘Orang Asli’, then grant it to us as ‘*rakyat Malaysia*’ (Malaysian citizen)! That’s good enough!”

But he answered: “No that cannot be done because Orang Asli will always be Asli!” (Zawawi 1997: 112)

Similar articulations have been made by indigenous interlocutors in East Malaysia over the years. At the most basic level, the very idea of an inclusive Bumiputeraism has long lost all credibility as an empowering identity for indigenous peoples, the subaltern *ethnie* of the Malaysian population. In both Sabah and Sarawak, indigenous leaders and scholars have resorted to the term “Bumiputera minorities” as a way to describe their subordinate and Othered status even when they are in fact the majority in demographic terms. As Richard Mason and Jayum Jawan (2003: 191) were able to write nearly twenty years ago:

It is also noteworthy that the Dayak and the Kadazan-Dusun, although a majority ethnic group in their respective home states, now refer to themselves as *minority bumiputera*, which they of course are within the national context. The term *minority bumiputera* distinguishes them from the Malay/Muslim *bumiputera*, who had been the main benefactors of the NEP.

From the least empowered of the Dayaks, the Orang Ulu, the following representation by Francis Lian (2003: 313–314) is equally telling:

categorizing them [Orang Ulu] as *bumiputera*, had brought very little socio-economic benefits to the Orang Ulu compared to the Malays. To the Orang Ulu, they are more like paupers to the *putera* (prince) of the *bumi* (land) of Malaysia. Where in the world can you find a prince who does not have ownership (grant or title) or even the basic asset a human being has, that is, the land which he inherited from his ancestor. If you do not own the land on which you stay, you are forever an illegal squatter of the nation. Even migrants in this resource rich nation have titles to their land.

More recently, in reviewing the impact of the NEP, Madeline Berma (2015) concludes that

Continued use of ethnicity as the foundation of economic policy is no longer coherent, and hence could only be undertaken with the risk of greater discontent, paradoxically amongst the Bumiputera community... Continuing the pro-Malay oriented policy would apparently lead to internal contradictions and tension within the Bumiputera community and sowing the seeds of future problems for it... Although the ethnic minorities are Bumiputera, the policies tend to “benefit” the Bumiputera Malays, particularly by those in Peninsular Malaysia.

Berma emphasises the fact that one of the reasons why the Bumiputera policies seemed to benefit the Malays alone was because the NEP itself was drafted and implemented as a solution to end conflict between Malays and Chinese in the wake of the 1969 racial riots. “The policies were conceived to advance Malay economic wellbeing and narrow the income gaps between the Malays (Bumiputera) and Chinese in Peninsular Malaysia.... Inputs from Sabah and Sarawak, particularly non-Malay Bumiputeras or the ethnic minorities are almost non-existent”.

In Sabah, James Ongkili (2003: 205–206) sums up a similar disenchantment arising from the non-dominant indigenous periphery of the Kadazandusun communities:

Not much can be said about the development of *kadazan bumiputeraism* today, except to note that *Kadazandusuns* are increasingly less enamoured with the *bumiputera* status accorded to them 40 years ago. There is growing disenchantment with the term as *Kadazans* no longer subscribe to the “privileges analogous to the Malays” policy. Many in the community treat it with indifference, others tend to joke about it, hence the terms third class *bumiputera*, pseudo-*bumiputera* and

bumiputera-celup.... When asked about his or her status of being *bumi*, the average *Kadazan* response would be: “that just means I’m native. I’m not Malay”. This in its current form is the real disconnect on the view of *bumiputera* among *Kadazans* and the view of the Malay. In conclusion, if *bumiputeraism* for the *Kadazandusun* can no longer mean “analogous to the position of the Malay”, then lingering disdain for the policy will continue, as *Kadazans* regard the policy as nothing less than a form of ethnic ornamentalism.

If anything, this disdain for minority Bumiputeraism has only hardened over the subsequent two decades.

Notwithstanding these trenchant laments that speak to the loss of hope for a better deal for indigenous minorities, it is also crucial to note the agency-empowering capacities and dynamics of indigenous society in working out their own vision of identity in response to the ethnicising and developmentalist forces of Malaycentric Bumiputeraism, though it should be said that this has been the case more in relation to East Malaysian indigenous communities in contrast to *Orang Asli* experiences. A few examples serve to illustrate this assertion of agency.

In Sarawak, we can note how the more fluid character of multiculturalism there often stands in stark contrast to the more compartmentalised character of peninsular pluralism. It is also interesting to observe that compared to what happens at the national level, public pronouncements at the Sarawak state level seldom propagate the idea of a dominant culture or dominant *ethnie*. Nor do references to “national culture” or “national culture policy” (which in the national context has a Malaycentric connotation) often figure in its authority-defined political narratives. Instead, Sarawak seems more at ease in its pluralism and intercultural fluidity, with far more high-profile outlets for cultural and intellectual discourses than is the case in West Malaysia.

A number of writers have examined the fluidity of multiculturalism in Sarawak at the level of the community as well as its threshold points. In one interesting example, Welyne Jehom (2008) explores the advantages and disadvantages of colonial policies in relation to fostering or inhibiting Sarawakian multicultural practices of the past and their implications for present-day pluralism. Her own fieldwork confirms that there is still continuing tolerance of intermarriages, and that tolerance has also been extended into other domains of public space and cultural practices, even religion. However, she also notes possible areas of pluralist contestations especially in the field of business and notably the Bumiputera versus non-Bumiputera (Chinese) dichotomy. Poline Bala (2008), meanwhile, explores what the conception of “nation” and its notion of “national culture” or “national integration” (with its constructed model of multiculturalism) mean to the indigenous minorities inhabiting the margins of the nation-state, in her particular case study the Kelabit of the Bario highlands. She utilises the Kelabit experience as a way to explore “heterogeneity in experiences, meanings and historicities within Malaysia’s nation-building process”, embedded in localised multiculturalism, undefined by any official political boundaries. Adaptation to the exigencies of modern political realities have helped “to crystallise a new set of ethnic and national identities”, which includes their affiliation to Christianity and an ability to strengthen their identity by using the eBario ICT-based project for community development as a means to attain social mobility, “power, class and cultural status” for themselves (ibid.: 143, 146, 149).

Against the dominant state–capital narrations of development, couched in the language of modernisation, my own research attempts to present a postmodernist-cum-storytelling ethnography with a particular focus on Penan deterritorialisation (Zawawi, 1996, 1997, 1998, 2000b, 2001, 2008, 2015; Zawawi and Hong, 2021). The fundamental premise here is that indigenous narratives are equally

capable of generating their own legitimate forms of knowledge and discourse on development (Zawawi and Noor-Shah, 2012). I foreground my analysis of Penan deterritorialisation via a representation of an overview of the impact of the state-sponsored modernisation process on the traditional landscape and *communitas* (Zawawi, 2008). Penan deterritorialisation intensified under the impact of the both the Sarawak and federalist developmentalist states, especially with the large-scale logging of the rainforest. In the final phase of this process, the Penan, who were initially given a special protected subject status by the colonial rulers, began to be viewed as an object of development, being officially perceived as “an ungrounded people who wander aimlessly through the forest in search of food, living a hand-to-hand mouth existence, a people without history and a sense of place” (Brosius, 2000: 22). My argument on the process of Penan being deterritorialised from locality and sustainability is empowered by the storytelling of Penghulu James, who offers “a representation of an indigenous notion of place, space and territory” in defence of Penan claims to “stewardship” over the land despite their traditional status as non-cultivators, to contest the current bureaucratic rational-legality of the land code and the official discourse which governs the present Penan landscape, and which grants claims of ownership of land only to those cultivating indigenous tribal groups who have “*temuda*” (cultivated land plots) Zawawi 2008: 86–87).

Through the epistemology of a decolonising anthropology in mediating knowledge from the margins, to narrate not only the realities of deterritorialisation but also, and more importantly, the reterritorialising imaginings of indigenous society, Penan society does have a voice. In this context, I perceive Penan storytelling as a form of agency, as an attempt to subvert dominant discourses and their regimes of truth.




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8. Conclusion

In reviewing the NEP as a policy with regard to achieving the objectives of eradicating poverty eradication and economic restructuring, with a central emphasis on targeting communities defined as Bumiputera, we have divided this socially constructed identity into two: a dominant *ethnie* and a subordinate *ethnie*. The former is constituted by Malay Muslims who have assumed the status of both the objects and subjects of what can be called central Bumiputeraism, and who are, according to Mahathir's well-known formulation, the "definitive people" of country and who have benefited from privileged access to the political shell of the state (see Postill, 2008). The subordinate indigenes comprise predominantly non-Malays and non-Muslims (with the exceptions of Malays, Melanau, Kedayan and Meirek of Sarawak, and Bajau of Sabah) – the "Bumiputera minorities" – who include Orang Asli and the majority of indigenous groups in both Sarawak and Sabah. The focus in this paper has been on the position of the subordinate Bumiputera indigenes, with a view to examining the contestations from within these communities as counter-narrations to central Bumiputeraism.

From the beginning, the implication – as enshrined in the Federal Constitution that came into force in 1963 – was that the indigenous populations of Sabah and Sarawak (the "natives") would possess a similar status as the Malays of the peninsula. (On the rights of Orang Asli the Constitution remains silent.) That being the case, then it follows that the principles and policies that informed the NEP less than a decade later – seeking to eradicate poverty and to restructure the economy to create greater equity and a reinvigorated national unity – should have had this constitutional assertion at its heart. But this misunderstands the political rationale of the invention of Bumiputeraism that eclipsed legal niceties for two reasons. The framing of Bumiputeraism derived from the particular political struggle towards independence from the British over the issue of "special rights" of the Malays, and not of other indigenous communities. Second, the immediate context for the NEP's implementation was the aftermath of the 1969 racial conflict and UMNO's claim that Malays needed "protection" through a policy of "trusteeship" and advancement vis-à-vis the Chinese, projected as being economically dominant. These two factors set in motion the particular direction that the NEP policies would take over the next twenty years and beyond. They became a vehicle for the instrumentalisation of ethnicity (usually presented in terms of primordial "race relations") as the primary means of social, cultural and political mobilisation. The same logic remains largely in place half a century later, an inescapable fact of political life.

The NEP itself had to be mediated by the apparatus of the state. We have argued in strong terms that Malaysia was an exemplar of a hybrid developmental and ethnicised state. A great deal has been written about the significance of the developmental state, notably in Asia, with Malaysia's relatively robust growth in the core NEP period – the 1970s to 1990s – cited as evidence for its status as one such state, a second-generation "Asian tiger" economy (Jarvis, 2017). But developmentalism was always much more than just economic growth and attendant socioeconomic indicators such as the creation of an urban middle class or rising incomes for some. Developmentalism is a specific ideology and state-managed model of political-economic interventions, placed at the service of the goal of managing accumulation in an increasingly globalised capitalist system (Dirlik, 2012). Developmentalism became the way to justify the reorganisation of society into more efficient units of production, the unfettered exploitation of the environment and natural resources, and political repression. It is a trajectory that has been oblivious to social and environmental costs so long as it contributed to a narrow vision of "national power" and the class interests of a small elite. This is of course not just a Malaysian problem, but a global one, cutting across many ostensibly different societies.



What does make the Malaysian version of developmentalism unique is the way it was harnessed to the ethnicising state already in the making by the time of the implementation of the NEP. To all intents and purposes, the privileging of elite ethnic “bargains” and forms of power-sharing (usually described as a form of consociationalism) was already instantiated in the years leading up to Merdeka in 1957 and reinforced by the creation of the Federation of Malaysia in 1963 and thereafter. The state assumed to itself the legal, political, bureaucratic and cultural power to mediate competing ethnicities that were vying for recognition. The 1969 racial conflict served as a political watershed for the state to further legitimate its ethnicising project and, in so doing, adopted a range of authoritarian surveillance powers that cemented Barisan Nasional (and in reality UMNO) hegemony for a generation. It was this constellation of developmentalist and ethnicising political power that permitted the imposition of a central Bumiputeraism on peripheral indigenous minorities.

There have of course been various forms of resistance to and counter-narrations against this hegemonic project of the Malaysian state. Some of this resistance has been advanced by political leaders who, in both Sarawak and Sabah, sought to navigate the tensions between their role as representatives of Bumiputera constituencies in the periphery and the integrationist demands of the centre that were underpinned by NEP goals. These elite resistances, however, have generally been contingent upon a full commitment to the replication of developmentalism in sub-national contexts and also formal political collaboration with the Barisan Nasional government at the centre. So elite counter-discourses have been heavily circumscribed by the logic of capital accumulation and the retention of political power at the state level. The relationship at elite level is best characterised as one of collusion and compromise. The result, at *both* the centre and the periphery, has been a political economy riven by autocracy, cronyism, corruption, rent-seeking, and a lack of transparency and accountability, in short politically compromised management and leadership in governance.

After fifty years it is necessary but insufficient to view the NEP as an example of policy failure or the inadequate implementation of policies that were otherwise sound. In the final analysis, any assessment of the NEP must be political in scope. It must take into account how the state itself – in its developmentalist and ethnicising guises – has produced and reproduced a political system that has purposely permitted dispossession and deterritorialisation, that has deliberately treated significant sections of society, its indigenous people, as second-class citizens, as Others whose rights and very existence are called into question, and that has generated a discourse of ideas that claims that there is no alternative. Each of these elements – a narrow, elitist political class, a relationship that treats the land and nature as a commodity to be alienated and commercialised, and a range of common sense understandings of what development means – are all deeply embedded in the multiple layers of state practices at the centre and periphery. Any sustainable way out of the present impasse will have to deal head on with these resilient realities.

The analysis presented here has included some critical analyses of the deep-seated malaise of maldevelopment as it affects indigenous communities, mainly derived from scholars committed to particular research projects that have an emancipatory goal or potential. Added to these critiques should be those civil society and non-governmental actors whose mission has been to hold the powerful to account and to offer policy alternatives, since it is evident that “there can be no truly sustainable development without protecting the traditional knowledge and territories of indigenous peoples” (Lasimbang and Onn, 2021: 17). One powerful example of what this might entail in practice lies in the full use of customary law and the system of legal pluralism that is still a viable and sustainable mechanism for protecting indigenous claims to identity, of both place and land. In fact, Malaysian superior courts have recognised the pre-existing rights of Orang Asli and other indigenous peoples to their ancestral

and customary lands in a number of landmark judgments. This offers a powerful mode of resistance to dispossession and deterritorialisation in the face the unabashed attack by the developmental state on indigenous land rights and customary sovereignty (Bulan, 2011; Majid Cooke and Sofia, 2019). And above all, there are the voices of the indigenous communities themselves, articulated through storytelling and narratives of various kinds, in testimony or music or fiction or the performing arts (Zawawi, 2021).

Taken together, critical research, policymaking and counter-stories constitute part of a crucial alternative indigenous project of activist discourse and action to contest statist grand narratives of developmentalist governance that tyrannise indigenous communities both in Malaysia and all over the globe (Zawawi and NoorShah, 2012). As Linda Tuhiwai Smith (2021: xiii) eloquently states, these efforts at reworking indigenous identities from within suggest not merely an effort of critique and amelioration of what has gone wrong in the past, but more importantly offer the possibilities of “the indigenous agenda of self-determination, indigenous rights and sovereignty, on the one hand, and, on the other, a complementary indigenous research agenda that [is] about building capacity and working towards healing, reconciliation and development”. If this development is to be at all meaningful it will have to take critical account of what has gone wrong over fifty years in relation to the actions of the developmentalist and ethnicising state in Malaysia, and set the agenda for a politics that truly empowers the whole of society.

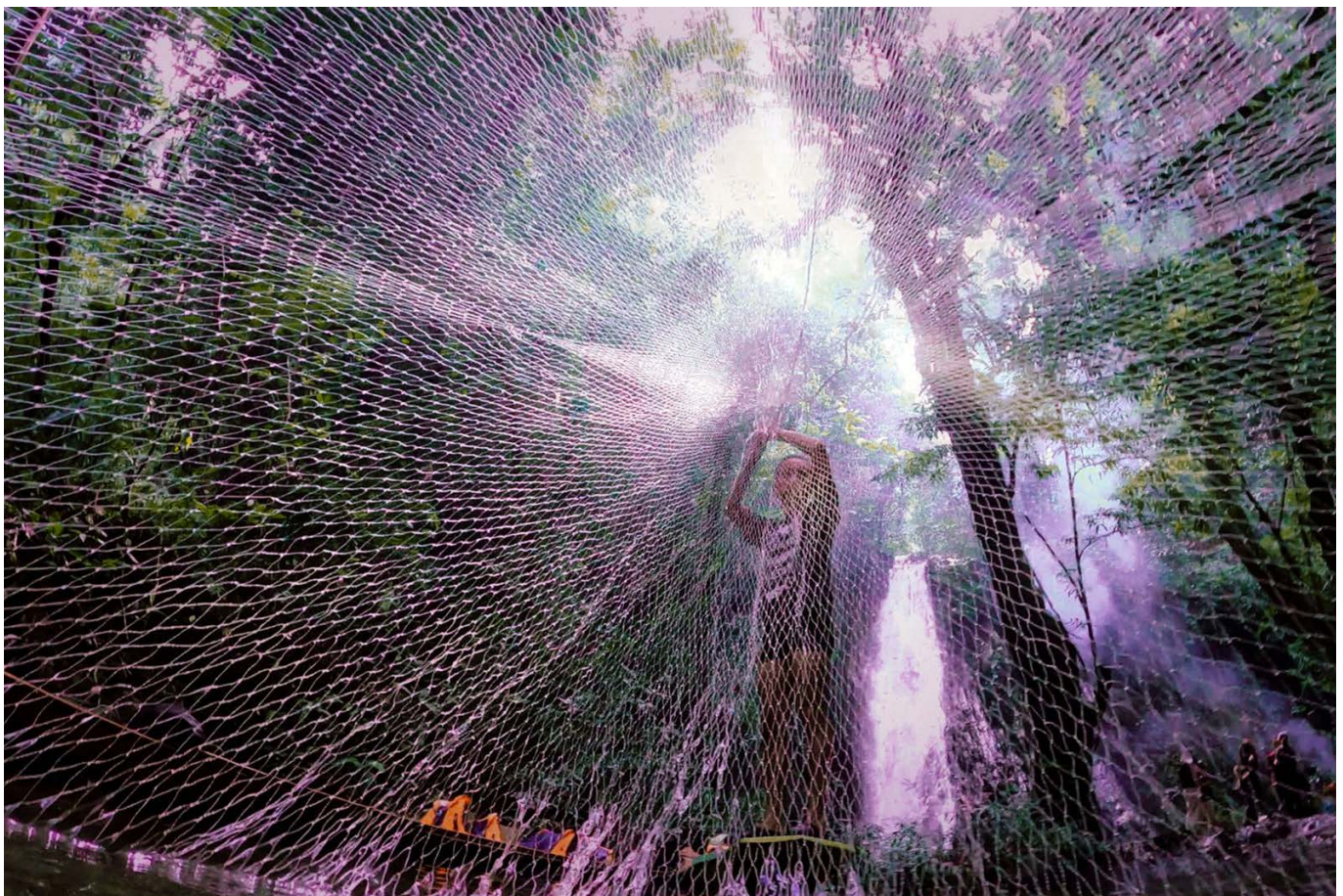


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