CHAPTER THREE

CULTURAL DIVERSITY AND MINORITY RIGHTS IN MALAYSIA

Malaysia’s historical development reflects its cultural evolution into a multiethnic society. Malays became aware of the socio-economic consequences of Malaysia’s multiethnicity towards the end of colonial rule, and felt disposed by the prevalence on non-Malays (Harding 1996: 29). At the time of independence, Malays demanded greater socio-economic control and claimed an entitlement to preferential policies to remedy this perceived imbalance. Malays based their claim on their majority ethnic status and on the basis that they were the traditional owners of the land (Harding 1996: 29). A series of special measures recommended by the Reid commission attempted to remedy this socio-economic imbalance.

However, following the closely fought 1969 elections and the subsequent race riots, the government was moved by political considerations to increase pro Malay preferential policies to address continued Malay dissatisfaction over their lesser socio-economic status (Harding 1996: 13). The 1969 riots resulted in the political weakening of UMNO and saw a new group of Malay nationalist take over the party. They used the NEP to expand their political base by devoting more of society’s resources to the creation of a broader Malay capitalist and middle class (Harding 1996: 194). This included the introduction of defined quota systems in the education, business and employment sectors (Harding 1996: 25). Non-Malays were expected to accept these policies unconditionally. During the legislative council debates, the then minister of finance stated

"An economically depressed Malay community in prosperous Malay will not mean a peaceful Malay. An economically depressed Malay community will never be able to achieve the desired degree of cooperation with the substantially more prosperous non-Malay communities. It is therefore in the long term interest of all of us to support any measures which will enable our Malay brethren to improve their economic status. Such an attitude and policy is dictated not only by sentiments but by
sheer common—sense.” (Legislative council debates, 13th and 14th meeting of the Legislative council of the federation of Malay, speech by Minister of Finance. www.parlimen.gov.my/eng-index.php).

Despite the inflammatory nature of such sentiments, non-Malays were prohibited from challenging its legitimacy due to the curtailment placed on raining ‘ethnically sensitive issues’ by parliament in 1971. The government, in attempting to address the competing racial interest post the 1969 riots, embarked on a preferential policy which resulted in the open and accepted discrimination of non-Malays.

3.1. Language policy planning

This section considers Malaysia’s language policy planning since 1957 and its practical effects on the language rights of ethnic minorities, particularly in the education and employment sectors. By undertaking this examination, this section will determine whether Malaysia’s national language policy discriminates against non-Malays pursuant to principles of language rights recognized at international law.

Given the nature of Malaysia’s multi-ethnic society, which lacked a common culture, language had a peculiar significance to its political and social development. The reasons for naming a national language were considered by the Reid commission during pre independence discussions. Symbolically, the naming of the Malay language over the non Malays allowed Malays to reclaim their majority status that has largely been relegated to the background during colonial rule. The symbolism of naming a national language ought not to be underestimated. “For groups uncertain about their worth, the glorification of the language is also intended to reflect a revised or aspiration value. The status of language is a symbol of new found group identity. Claims for official status for a language are typically demands for an authoritative indication ‘that some people have a legitimate claim for a greater respect, importance, or worth in society than some others” (Horowitz 1985:219-220). In saying this, it should be acknowledged that the majority of the countries do have a nominated national language and it should be borne in mind that language fulfils a communicative and symbolic function.
By naming a national language, Malays aimed to promote a national identity and encourage national unity amongst the multiethnic society. As a national majority, and given their traditional association with land, Malays opposed the suggestion that the Malay, English, Chinese, Tamil languages be jointly named as national languages. Instead Malays stressed the importance of *bahasa* being named as the sole national language in response to the threat of being overpowered by immigrants, viz. the Chinese and the Indians, who were becoming increasingly involved in the economic progress of the states concerned. Recognizing the need for national unity and a national identity and a national identity, the FMA recognized *bahasa* as the national language and required its use for all official purposes. Accepting that most non-Malays were not proficient in *bahasa*, the FMA allowed for the dual use of English and *bahasa* for a 10 year period (i.e. until 1967) to alone non-Malays to gain proficiency in the Malay language. To enable non-Malays to gain proficiency in *bahasa* the education system has to be standardized.

Pre-independence the education system had been divided into four systems, each with differing mediums of instructions. Malays were taught in *bahasa*, Chinese in mandarin and Indians in Tamil and each group attended their respective vernacular schools. Students who attend vernacular schools ceased their education at primary level, with only the Chinese community providing the opportunity for secondary and even tertiary education in Mandarin. The ruling Malays, Ceylonese, wealthy Chinese and Indians attend the English schools and this group represented the only real heterogeneous mix of people. To remedy this lack of standardization, the Razak report proposed the formation of a national school system for primary and secondary schools in which *bahasa* and English would be the taught as compulsory subjects. The Razak report envisaged a system of national schools, which taught in *bahasa* and national-type schools, which taught in some other languages but in which *bahasa* and English were compulsory. To promote this proposal only those schools that choose to convert to national or national type schools were eligible for state funding (Tan 1978: 9). The Razak report's recommendations were adopted by the education ordinance 1957 (the 1957 education ordinance). Therefore the Rahman Talib report and the education ordinance 1961 extended this system to secondary schools.
The preamble to the education act 1961 provided that the education act sought 'the progressive development of an educational system in which the national language is the main medium of instruction. This system appeased both Malays and non Malays given it promoted the use of bahasa whilst simultaneously ensuring that non- Malays were not disadvantaged because of their lack of knowledge of bahasa (Tan 1978:24). By 1961, bahasa had been introduced in all national and national type schools whilst other languages continued to be taught. With the creation of Malaysia in 1963, article 152 of the federal constitution re affirmed the status of bahasa as the national language (proficiency in bahasa is required by articles 16, 16A, 19 and 152 of the Federal constitution.). Article 152(2) and 152(3) of the federal constitution maintained the bridging provision allowing for the dual use of English for official purposes until 1967. In addition, article 152(1) of the federal constitution recognized that it was permissible further languages to be taught and learnt, otherwise than for official purposes. The federal constitution preserved the rights of non-bahasa speakers to speak and teach their languages.

By 1967, Malays were able to focus on internal policy issues following the end of confrontasi with Indonesia. In recognition of the lapse of the 10 year bridging period and to appease Malay continues discontent over their socio- economic status, the government revised the language and education policy with the national language act 1967 and the national education bill 1967. As a result bahasa was to be used for all official purposes, and all other national languages, including English could only be used where convenient. Further, a time table was implemented for using bahasa as the medium of instruction in all national and national type schools except for classes in mother tongue and English. On a practical level, this plan could not be immediately introduced given the poor preparation for this to occur during the ten years of bridging period. Accordingly, very little was done to enforce the modification to the education system introduced by the 1967 national education bill. However, it heightened tensions amongst non-Malays, who were aware that the implementation of both the 1967 national language act and the 1967 national education bill would be a disadvantage to them socially and economically as they were non- bahasa speakers. Practically, these policies did not affect non-Malays until the 1969 race riots which brought to head Malay demands for immediate and effective solutions to their lower socio economic status.
Recognizing these concerns, the NOC redefined Malaysia’s nationhood emphasizes Malay dominance, most visibly through the consolidation of bahasa as the national language and restructuring the education system to produce increasing numbers of Malay graduates. This was done in conjunction with the NOC’s ideology of the need for state determined ethnic quotas and targets in most social and economic sectors to benefit Malays (Barlow 2001:136). To address these demands, the NOC increased the educational opportunities available to rural Malay communities in the 1970’s and pushed for the implementation of bahasa in the education system (Barlow 2001:107). Based on the NOCs recommendation, the 1967 national language was amended in 1971, to reflect that bahasa was to be used for all political purposes. It differed from the 1967 national language act as no recognition was given to the use of English language at all (parliament did not exercise its discretion to fully restrict the dual use of bahasa until 5 October 1981). As part of the restructure, urban secondary school facilities were expanded to include boarding facilities to enable rural Malay students to attend schools, ‘remove’ classes were introduced to teach Malay students English for a year before they commenced the ordinary curriculum and a considerable number of bahasa vernacular schools were introduced in the rural areas (Barlow 2001:s:120). In addition, most standard 1 subject in national schools were to be taught in bahasa, in the next year standard 2 would follow teach all subjects in bahasa. It was hoped that those mechanisms would help to increase Malay participation in the secondary and tertiary institutions. Private institutions such as MARA were created to further Malay educational interests in science and technology. In addition, universities such as the University Sains Malaysia, university Kebangsaan Malaysia (UKM) and University Pertiniaan Malaysia (UPM) taught it a subject in bahasa. The standardization of the education system throughout schools and universities enforced the gradual use of bahasa by non Malays (Ratnam 1982:126-140).

In addition to these measures, the NOC also introduced quota system to favour Malaysia. These quotas reflected the racial composition of the population and resulted in a fixed proportion of university places for Malays and non Malays and similar quotas in the employment sector. The quotas system intended to achieve ‘at least 30% bumiputera ownership of wealth’. Recognizing that Malays were unable to meet this target unassisted, government resources were redistributed in favour of Malays, and at
the expense of non-Malays to attain the 30% threshold (Malaysia Economic Report 1990). Despite these measures, university surveys conducted at the time revealed that the majority of Malays continued not to qualify for university positions in spite of the special scholarships awarded (Ratnam 1982:238).

Knowledge of bahasa significant as language criteria was to assist in filling quotas in universities, although that was not the original intention of the national language policy. Non-bahasa speakers were encouraged to learn bahasa. Incentives for learning bahasa were offered in terms of opportunities in job recruitment, study grants and bonuses. Proficiency in bahasa was deemed a prerequisite for applying for government position and for confirmation in government jobs already held.

Malaysia’s national language policy overhauled to create a standardized system of education. The fact that Malays wanted bahasa to be recognized as the national language was not reasonable given their connection to the land. Furthermore, as the language policy was gradually implemented through reliance on the constitutional bridging provisions, non-Malays were given a reasonable amount of time to gain proficiency in the national language. The revision of the educational system by the 1967 act was also not unreasonable. However, the NOC’s forced implementation of race based quota system in 1970, after the sensitivities over the race riots, and in addition to the special measures granted to Malays by the federal constitution, would not have been well received by non-Malays. From the perspective of the Malays, the language and education legislation was intended ‘to safeguard and enhance their political rights, to enable them to compete on at least equal terms with non-Malays in the economic system, and to develop the use of the Malay language for purposes of integrating the nation. Having considered this progression, the question is whether Malaysia’s language policy, and its ancillary effects on the education and employment sectors, is unreasonable enough to constitute discrimination at international law.

Before undertaking this assessment, it should be noted that language is a measurable right of international law. Protection is afforded by article 1(3) and 55 of the UN charter which refer to language in the context of respect for human rights, fundamental freedoms, equality and non-discrimination.
3.1. a. Naming a national language

The naming of a national language in spite of the existence of differing linguistic groups, whether they are traditional ethnic minorities or new immigrants, is a common feature of most countries. The nomination of a national language in itself may not be discriminatory, even it may be unfavourable to speakers of a minority tongue (Varennes 1997). The policy may be reasonable in light of its interest and particular demographic, historical and cultural context. In this case, it is not in dispute that the Malays had a strong historical relationship with the land over on Malays (Note that this does not include the Orang Asli. Although the Orang Asli is included in the Malay definition of bumiputera, the demographic location of the Orang Asli meant that they did not benefit from the national language policy and planning). Nor were non Malays concentrated in any specific geographic territory. Therefore, from a demographic perspective, the government could not excuse the application of the 1967 national language Act to any one group because of their demographic concentration. The only minority group likely to be concentrated in any one areas of the exclusion of other groups would by the large numbers of Indians relocated to the estates by the British in the latter half of the 19th and 20th centuries.

It is also not wrong for a national language to be nominated in the interests of national unity as long as minorities are not prohibited from learning and using their own languages in private. Non-Malays are permitted to use, teach or learn their native languages in private. Non-Malays are permitted to use, teach or learn their native languages pursuant to article 152(1) (a) subject to this right not extending to use for official purposes. As noted, article 152(6) of the federal constitution defines official purposes as any purpose of the government, whether federal or state and includes any purpose of a public authority. In addition proficiency in *bahasa* is a prerequisite to citizenship eligibility and is required by articles 16, 16A, 19 and 152 of the Federal constitution.

Requiring non-*bahasa* speakers to use *bahasa* for official purposes as defined by article 152(6) of the federal constitution is also not discriminatory. In assessing the discriminatory value of language preferences by public authorizes, the need to balance a state's legitimate interests and goals in prescribing certain preferences with the ensuing disadvantage, denial or burden that this may affect on individuals, must be taken into account and measured against what is reasonable and fair (Vareness 1997).
In addition, even if a state behaves in a discriminatory manner and shows a definite presence for a specific language to the extent of restricting access to services based on language differences, an individual must demonstrate that he or she was somehow disadvantaged or denied something which others are entitled to. According to the UN general comment on non-discrimination, the individual must demonstrate a state measures or practices which nullifies or impairs the recognition, enjoyment or exercise by all persons, on an equal footing, or all rights and freedoms’ (UNHCHR, General Comment on Non Discrimination 1989). Malaysia’s language proficiency requirements fall far short of this test. More importantly, Malaysia’s language policy planning accommodated for non- \textit{bahasa} speakers by allowing for a 10 year bridging provision, until 1967, which thereafter continued to a limited extent until formerly revoked by parliament in 1981.

Malaysia’s language policy symbolized Malay dominance but was not discriminatory. Its national language policy meets the international requirement of ‘positive’ linguistic rights, which refers to those rights which impose obligations on state to provide positive measures of support to speakers of minority languages (Dunbar 2001 :107). This includes the rights of minorities to develop their language in community with other members of the group. Its federal constitution also provided adequate safeguards to protect the linguistic identity of minorities within the meaning contemplated by article 1(2) of the UN General Assembly’s declaration (the Minority Declaration’).

\textbf{3.1. b. The education rights of ethnic minorities}

The right to education is an economic, social and cultural right recognized by article 13 and 14 of the ICESCR and articles 28 and 29 on the convention on the rights of the child (In addition to the International Bill of Rights, the Right to education is recognized by the ICEFRD (article5) ). Malaysia’s national education policy recognized the right of all citizens to education. However, the national language policy significantly altered the education system by introducing a standardized medium of instruction in primary and secondary schools by the 1970’s. As noted, this meant that non Malays were required to learn \textit{bahasa} and therefore gained proficiency in \textit{bahasa}. However, non-Malays continued to be able to retain primary level vernacular schools. The education rights of non Malays were protected
by article 12 of the federal constitution, article 12(1) of which proclaimed that 'without prejudice to the generality of article 8, there shall be no discrimination against any citizen on the grounds only of religion race, descent or place of birth'. In recognition of the language and education and education rights of non Malays, article 152(1) (b) of the federal constitution acknowledged that the nomination of the bahasa as the national language ought not 'prejudice the right of the federal government or of any state government to preserve and sustain the use and study of the language of any other community in the federation. Although article 12(1)(a) prohibits discrimination 'in the administration of any educational institution maintained by a public authority, and, in particular the admission of pupils or students or the payment of fees, or pursuant to article 12(1)(b), in providing out of the funds of a public authority financial aid for the maintenance or education of pupils or students in any educational institution( whether or not maintained by a public authority and whether within or outside the federation), the education act promoted race based preferential educational opportunities in the school and university system. Similar opportunities were not provided to non Malays. Non Malays also felt that the rights granted to them by article 12(b) were not preserved. For instance, although vernacular schools ceased at the primary level, some allowance was made for the teaching of other languages as a subject in secondary schools where at least 15 pupils requested it. Non- Malays argued that in practice the government did not facilitate the teaching of other languages given the shortage of full-time qualified teachers, non-compulsory classes and the ministry of education’s unwillingness to take responsibility for the programme (These complaints resulted in the pupils own language memorandum which alleged that government was not performing its statutory duties pursuant to the education act 1971. Non- Malays felt threatened by the government’s failure to support their cultures and language. When a DAP MP, V David published a document about those concerns, the government relied on the internal security act to ban the document).

This would have created a perception amongst non- Malays that the government did not protect their right to ' preserve and sustain the use and study of their mother tongues contrary to article 152(1)(b) of the federal constitution. The issue was further addressed in the high court case of Merdeka University Berhad Vs government of Malaysia [1981]2MLJ; 356(the MUB case). The Chinese community
had attempted to set up an independent university in which the subjects were taught in Chinese vernacular. The high court held that as the university was classified as a public authority, it fell within the definition of 'official purposes' which required the use of *bahasa* in accordance with article 152 of the constitution. In reaching its decision, the high court commented that 'a university established under the education act, even if private, clearly has requisite public element, as it is subject to some degree of public control in its affairs and involves a number of public interest and is eligible for grants in aid from public funds'. On this basis, the high court found against the Chinese communities attempt to establish a Chinese vernacular university.

The court's decision in the MUB case to prevent the Chinese community from funding a privately run university in the Chinese vernacular is contrary to article 2(b) of convention against discrimination in education 429 U.N.T.S.93 entered into force on May22, 1962 (CARD). That article allows for 'the establishment or maintainence of private educational institutions, if the object of the institution is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, in the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level'. In the MUB case, a broader interpretation of article 152(6) of the federal constitution would have allowed the Chinese community to establish the university without it contravening Malaysia's domestic law. Given interethnic sensitivities, and especially as the Chinese community had sought to establish the university through their own resources, the high court's attitude would not have been well received.

Did the education policy discriminate against non-Malays because of an apparent lack of government support for the continuation of vernacular education at the secondary and tertiary levels? Article 5(e)(v) of the ICEFRD guaranteed the right of everyone, without distinctions as to race, colour, or national or ethnic origin, to qualify before the law, in the enjoyment of inter alia economic, social and cultural right, including the right to education and training.
Unfortunately in the case of Malaysia, these special measures continued to be applied indefinitely despite the success of the policy. This also appears to be contrary to the 1971 language act with envisaged a standardized system of education by 1982 which was achieved as intended. Ideally, the government ought to review and revise the education system in recognition of the education milestone achieved. Arguably, some of the preferential measures, such as the provision of remove classes, and teaching facilities to benefit rural Malays ought to remain. There is no longer a need to maintain race quotas, especially at the tertiary level. This is because the national language policy has achieved its aims given non-Malays are now proficient in bahasa. Accordingly, the obstacles previously caused by article 152(6) are no longer an issue. Arguably, the greatest sensitivities felt by non Malays over the introduction of the national language policy were in the area of employment. Following the introduction of the 1971 national language act, non Malays overcame their lack of proficiency in bahasa to compete within the restrictive quota system to secure employment. Not only proficiency requirements disadvantageous to adult non-bahasa speakers, the basis for its imposition and its practical effect was unreasonable given the ultimate intention of the policy was to ensure that Malays received preferential employment opportunities. Despite the national language policy achieving its intended effect, the preferential policies introduced to promote Malay education and employment interest continued to be applied. The ongoing implementation of such policies will not be viewed favourably by non Malays. Article 23 of the UDHR provides that ‘all persons have the right to work, to free choice of employment, to just and favourable conditions at work and to protection against unemployment’. Article 23(2) of the UDHR further states that ‘everyone, without discrimination, has the right to equal pay for equal works’. These provisions have been reiterated by the ICESCR. Non Malays are not denied the right to work but do not have the equal right to work because of the quota system.

The setting of pro-Malay quotas to tertiary institutions, the allocation of scholarship to Malay students without a corresponding allocation to non Malays is discriminatory as it denies equal access to all to educational institutions. Accordingly, the ongoing application of unnecessary preferential measures in the educational system, such as race based quotas, would appear to be unnecessary and contrary to the article 3(c) of the UNESCO convention which forbids any differences of treatment
by the public authorities between national except on the basis of merit and need. Ultimately, there must be a ‘fair balance’ between the needs and interests of the state and interests rights and freedoms of the individual. This balance has not been met in Malaysia because of the unnecessary and ongoing application of its preferential quota system in the education and employment sectors.

3.2. Religious freedom in Malaysia

Malaysia remains one of the world’s most religiously diverse Islamic states, due to the cultural heterogeneity of its population. The majority of Malays are Muslims, the Chinese are Buddhists, Taoists or Christians, Indians are Hindus, Sikhs or Christians and the Ceylonese are predominantly Hindus. Christianity is also practiced by the Orang Asli of Sabah and Sarawak. Malaysia’s Muslims are predominantly of Sunni Islamic stream and governed equally by the federation’s law as well as Islamic law (Vareness 1998:133). In a society such as Malaysia, it is important for all religious groups, particularly the religious minorities, to feel that their religious rights are safeguarded. “for the religious individual, the right to believe leads ineluctability to the rights to assemble, speak, worship, proselytize, educate, travel or to abstain from the same on the basis one’s belief”(White 1994).

Accordingly to ignore religious rights is to overlook the conceptual, if not historical, source of many other individual and association rights. These rights included the right to exist, the right to corporate property, collective worship, organized charity, and parochial education, freedom of press and autonomy of governance (Ibrahim 1978:48). This section examines the role of Islam in Malaysia and considers the extent of religious freedom available to non-Muslims in Malaysia.

The right to freedom and belief is a recognized right in international law (It is interesting to note that none of these international instruments have actually defines what is meant by religion. Fortunately, in the case of Malaysia and in the context of this thesis, Malaysia’s religious minorities are grouped into traditional and easily recognizable religions). Article1 (3) of the UN charter guarantees fundamental freedoms for all without distinction as to religion. Article 18 of the UDHR guarantees freedom of religion and belief and protects the right of freedom from discrimination on the grounds of religion and belief. That article provides:
“Everyone has the right to freedom of thought, conscience and religion: this right includes the right to change his religion and belief, and freedom either alone or in a community with others or in public or private, to manifest is religion or belief in teaching, practice, worship and observance” (UDHR, Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948).

Consideration should also be given to the universal Islamic declaration (‘The Islamic Declaration’), enacted by the international Islamic council on 19 September 1981, given Islam is Malaysia’s official religion. The Islamic declaration mirrors the UDHR but incorporates Islamic teachings. The Islamic declaration recognizes the individual’s right to freedom of religion, belief and thought. Clause XIII of the Islamic declaration provides that ‘every person has the right to freedom of conscience and worship in accordance with his religious beliefs’, and the freedom of belief, thought and speech, is protected by clause XII. The religious beliefs and practices of non-Muslims and ethnic minorities are protected by clause X that provides; ‘there is no compulsion in religion’ and religious minorities shall have the choice to be governed in respect of their civil and personal matters by Islamic law or by their own laws.

Given the integral part of religion to that of cultural identity, the denial of religious rights would be a fundamental affront on the rights of minorities in Malaysia. This section considers the extent to which the religious rights of minority groups are observed and protected.

3.2. a. Constituional guarantee

Islam is Malaysia’s official religion pursuant to article 3 of the federal constitution, which also recognizes that ‘other religions may be practiced in peace and harmony in any part of the federation’. It was the intent of the Reid commission that Malaysia was to remain a secular state despite Islam being nominated official religion (Ibrahim 1978:48). Furthermore it was agreed that the nomination of Islam as the official religion would not in any way affect the civil rights of the non Muslims (Ibrahim 1978:49). This is reflected in article 3(4) of the federal constitution that proclaims that nothing in article 3 ‘derogates from any other provision of the constitution’ that is the provisions guaranteeing the fundamental liberties and civil
rights of the non Malays. Therefore, although the Islam was declared 'the official religion of the state', it is not however the religion 'of the state'. Accordingly, Malaysia is not an Islamic state in which Islamic law is the constitutional basis of the state and its legislation (Schuman 1991:242).

Religious freedom is recognized by article 11 of the federal constitution which allows 'every person to profess and practice his religion' subject to article 11(4) which states that 'federal law may control or resist the propagation of any religious doctrine or belief amongst persons professing the religion of Islam'. Article 11(3) recognizes the right of every religious group 'to manage its own religious affair, to establish and maintain institutions for religious and charitable purposes, and to acquire and own property and hold and administer it in accordance with law'. Religious freedom is also protected during a state of emergency. Articles 149 (dealing with preventive detention) and 150(6A) of the Federal constitution. Both articles limit the ordinarily expensive powers of the emergency government by providing that during the emergency the government may not interfere with the legislative powers of the states with regard to Islamic law.

State legislatures do have jurisdiction over matters of Islamic law by virtue of article 74 of the federal constitution. Islamic law covers family matters such as marriage, divorce, inheritance, guardianship, custody, commercial matters such as Islamic banking and insurance and Islamic commercial law (Federal Acts on Islamic Laws and Islamic Matters are Islamic family Law Act 1985 Act 303, Syariah Courts Act 1965 Act 355, Administration of Islamic Law Act 1933 Act 505). Islamic religious laws are administered by the state authorities through the sharia (Islamic) courts. However, non - Muslims are not subject to the sharia courts and are subject to the jurisdiction of the ordinary courts s defined in article 121 of the federal constitution. Similarly, pursuant to article 121(1A), those courts defined in article 121 do not have jurisdiction over any matter within the jurisdiction of the sharia courts. Accordingly, the constitutional guarantee of religious freedom to non-Muslims, who are predominantly non-Malays, are not impinged upon by the states autonomy over Islamic laws given non - Muslims are not governed by such laws.
The jurisdictional effect of article 121(1A) was considered in the Supreme Court cases of Faridah Dato Talib Mohammed bin Mahmood [1990] 1 MLJ174 (HC) ('the faridah case'). The respondent Faridah sought a temporary injunction against husband restraining him from assaulting, molesting or harassing her and members of her family. The injunction was granted in the first instance. On appeal, the appellant argued that as a Muslim woman the respondent was subject to Islamic sharia law which did not permit a wife to bring an action against her husband in tort. The Supreme Court indicated that when a challenge to jurisdiction occurs, the correct approach is firstly to ascertain whether the sharia court has jurisdiction and secondly, whether the state legislature has power to enact the law conferring jurisdiction on the sharia court. The injunction was set aside on the basis that the subject matter of the appeal occurred during the course of the marriage and not actionable under ordinary criminal law. In the context of non-Muslims, the Faridah case upholds the constitutional immunity of article 121(1A) by recognizing that Islamic law can only apply where the Sharia court has jurisdiction. As sharia court has jurisdiction over Islamic matters, the Faridah case reaffirms that non Muslims are unaffected by the Islamic laws.

Religious discrimination in education is prohibited by article 12 of the federal constitution. Article 12(2) recognizes that 'every religious group has the right to establish and maintain institutions for the education of children in its own religion, and there shall be no discrimination on the ground only of religion in any law relating to such institutions or in the administration of any such law'. However, article 12(2) also distinguishes this right by recognizing the special position of Islam by deeming it to 'be lawful for the federation or a state to establish or maintain or assist in establishing or maintaining Islamic institutions or provide or assist in providing instruction in the religion of Islam as incur such expenditure as may be necessary for the purpose'. This funding privilege is afforded to Muslims alone, to the exclusion of other religions, although there is no prohibition placed on non Muslims establishing and maintaining similar institutions at their own expenses.

Article 11(5) of the federal constitution provides that the constitutional guarantees of religious freedom 'do not authorize any act contrary to any general law relating to public order, public health and morality'. This limitation is not
unreasonable and mirrors article 18(3) of the ICCPR that allows for a limitation of these rights 'as are prescribed by law and are necessary to protect public safety, order health or morals of the fundamental rights and freedom of others'. A similar limitation is expressed in article 14 of the ICESCR. The primary intent of article 11(5) is not to restrict religious freedom although it may be used to prohibit the open proselytizing of religious groups in the interest of preserving public order.

Accordingly, the religious rights of Malaysia's ethnic minorities are constitutionally protected in accordance with the standards recommended by the international instruments canvassed above. This is subject to restriction on proselytizing and in case in forced conversion to Islam.

3.2. bRestrictions on religious freedom
(a) LIMITATION ON PROSELTYISING
Article 11(4) limits the proselytizing of religion amongst Muslims and allows the federal legislatures 'to control or restrict the propagation of any religious doctrine or belief among persons professing the religion of Islam'. Whilst article 11(4) applies to all Muslims, it greatly affects all Malays, who must by definition, be a Muslim pursuant to article 160 of the federal constitution. The effect of article 11(4) was considered in the Supreme Court case of minister for home affairs Vs Jamaluddin Othman [1989] 1MLJ 369 ('the Jamaluddin case').

The Jamaluddin case is of significance to non-Muslims in Malaysia given it upheld the supremacy of religious freedom in circumstances when no contravention of article 11(5) occurred. The Jamaluddin case further recognized that whilst article 11(4) imposed restrictions on proselytizing, a breach of article 11(4) did not warrant reliance on the emergency powers conferred by article 149, including the ISA. The Jamaluddin case did not go so far as to say that conversion out of Islam by Muslims was a right recognized by article 11(1). Arguably, the right to disseminate religious beliefs forms a part of freedom of speech and expression but may be restricted when read in conjunction with article 11(4). To overcome this confusion, state legislatures
have imposed additional restrictions on proselytizing. For example, section 156(2) of the Malaccan legislation states as follows;

"Any person, whether or not he profess the Muslim religion, who propagates any religious doctrine or belief other than the religious doctrine or belief of the Muslim religion among persons professing the Muslim religion, shall be guilty of an offence cognizable by a civil court and punishable with imprisonment for a term not exceeding one year or a fine not exceeding three thousand dollars" (U.S Department of State 2000).

Similar provisions have been enacted in various Malaysian states. In 1991, the state of Johor passed the control and restriction of the propagation of non-Islamic religion bill, article 4(1) of which deemed any proselytizing to Muslims to be an offence and provided that Christians may be fined up to M$4,000 or imprisoned for up to four years for "exposing a Muslim to Christian literature, gospel music or even an evangelistic car bumper sticker" (Wark 1999). Clearly, legislation of this nature would not be well received by non-Muslims. In April 2000, the state of Perlis passed a sharia law which stipulated that Islamic 'deviants' and apostates were subjected to one year of rehabilitation. Similarly in Selangor a teaching contrary to Islamic law outside the home may attract six months of imprisonment.

Accordingly although Malaysia recognizes religious freedom, it attempts to strictly enforce the prohibition on proselytizing as much as possible. This restriction may limit the religious practice of some non Muslim groups, in which evangelism and proselytizing are at the core of the group’s religious beliefs. Another likely cause of irritation is that any Muslim authorized to teach Islam is able to proselytize to non Muslims. This creates an inequality between Muslims and non Muslims with respect to proselytizing which can be viewed as unfavourably.

(b) CURTAILING THE RELIGIOUS PRACTICES OF NON MUSLIMS

By and large, religious freedom is not curtailed in Malaysia. However some restrictions are imposed on non-Muslims which have been the source of
interethnic tensions. For example, permits for the construction of non Islamic places of worship such as temple are difficult to obtain. In 1992 Johor mandated that all building applications, including applications to construct churches, be approved by seven state agencies, including the Islamic affairs department. Due to the curtailment of raising any ethnically sensitive issue any concerns about the method of administration and the recognition and right to construct non-Islamic places of worship cannot be raised. This is contrary to the provision of article 11(2) of the federal constitution given it would restrict the rights of religious minorities to question matters such as the allocation of government funding towards the development and maintenance of their places of worship. Neither would religious minorities be in a position to query greater government funding of Islamic mosques and Islamic religious groups. Ethnic tensions over religious freedom in Malaysia are generally not prevalent and do not result in open conflict. However, in March 1998, Hindus and Muslims in Penang village engaged in a violent confrontation over the location of a Hindu temple near a mosque. The situation was contained by the police and the government then announced a nationwide review of unlicencesed Hindu temple and shrines. In July 1999 a collective group of religious minorities officially protested the planned implementation of ministry of housing and local government guidelines governing non-Muslims places of worship. The guidelines required an area to have at least 2000 adherents to a particular non-Muslim faith in order for construction permits to be grated. It was argued that corresponding requirements were not required for the construction of Islamic places of worship. Concern was also expressed over the fact that under the proposed guidelines, the approval of the state Islamic council was required in addition to the requirements above, prior to construction approval being granted to non-Muslim religious groups. Of concern is that this guideline would contravene article 11(2) of the federal constitution and also article 74 of the federal constitution which limits the role of the sharia courts, administered at state level, to Muslims alone. The proposed guidelines would amount to an extension this role of an Islamic body scrutinizing the activities of a religious minority at a state government sanctioned level. The Malaysian government responded in September 1999 by indication that the guidelines would be revised, no further reports were issued regarding the proposal revision. In
addition, interreligious sensitivities have arisen in recent times because of requirements such as making compulsory Islamic civilization courses for all university students regardless of religion. On the whole, the religious practice of non Muslims is recognized and is not curtailed, apart from the restrictions on proselytizing. However non-Muslim minorities question the conditions imposed on them (i.e. building restrictions, granting of licenses) when similar limitations are not imposed on Muslims. This creates unnecessary inter-religious sensitivities.

(c) CONVERSION
The Supreme Court in the case of Teoh case considered the extent of religious freedom in Malaysia. Here, the court found that a person of less than 18 years did not have a constitutional right to choose his own religion. In Teoh, the Supreme Court considered it relevant to take into account matters of national stability given the sensitive nature of the dispute. The supreme court acknowledged that despite the appellant herself converting to Islam, the inter-religious sensitivities which arose during the case made it more appropriate for the case to be tried before the ordinary court as opposed to the sharia court. Had the opposite decision been reached, it is likely that non-Muslims would have seen it as the state encouraging the conversion of non-Muslims to Islam by denying the parents entitlement to exercise control in the circumstances.

Malays encountered more difficulties with conversion than non Malays. The actual legal process of a Malay wanting to either embrace a new religion or to become an atheist is unclear. Given the court’s attitude in the Jammmaluddin case, it is likely that conversion out of Islam is not viewed favourably. In accordance with the Islamic laws of the state, in March 1999, the high court ruled that the secular court had no jurisdiction to hear applications by Muslims to convert, and restrict such matters to the jurisdiction of the sharia courts (Hiebert 1997). This interpretation is consistent with the findings of the Supreme Court in the Faridah case. The restrictions on Muslims to convert out of Islam similarly affect those non-Muslims marrying a Muslim person. Under Islamic law in Malaysia, a non Muslim marrying a Muslim will be required to
convert to Islam. The process is closely monitored by officials of sharia courts whose role is to ensure that the convert properly embraces the teachings of Islam. The forced conversion of non-Muslims will also heighten inter ethnic sensitivities given a necessary part of conversion requires the person to forego his or her given name or surname. In doing this the person converting is effectively required to abandon their ethnic and cultural identity and assume the identity of Malay person which constitutionally means speaking bahasa and adopting the cultural practices of Malays in addition to converting to Islam. In Malaysia’s secular society, this requirement is not likely to be well received by the non Malys.

3.3. Summary of religious freedom

Malaysia places some restrictions on the right to religious freedom and belief. Malaysia is not an Islamic state although Islam is recognized at the official religion. Although religious minorities are generally granted freedom of religion and belief, some restrictions are imposed on the establishment of places of worship. Inter-religious sensitivities arise because of the government’s preferential funding in support of Islamic places of worship and schools. In addition, the quotas system introduced by the NEP, and the national language and education policy planning, benefit Malays, who are necessarily Muslims. In this context, these quotas may be considered to be religiously discriminatory.

However, on a practical level, the races respect each others’ traditions and beliefs. For example, a Muslim restaurateur may decide to close during Ramadan and not serve non Muslims customers, but non-Muslims are not pressured to fast and can freely eat, smoke and gamble during the fasting month (Lee 1988 :403). But any action taken by the government likely to be interpreted as pro - Islam is likely to trigger alarm bells amongst non Malys. For example in 2001, Dr. Mahathir describes Malaysia as a model Islamic state (The Star, Aug 3 2002). In response, the catholic bishops’ conference of Malaysia president Most Rev Anthony Soter Fernandez emphasized that Islam should not be politicized and asked that human rights of religious freedom in Malaysia be respected in accordance with the federal constitution. Although inter religious conflict is not prevalent in Malaysia, religious sensitivities remain high. Religious minorities are likely to feel threatened by legislation which can potentially be used to restrict religious freedom. For example,
the Society's Act 1966 requires that any association of seven or more members register with the government as a society. The government's reliance on the ISA in the Jamalludin case fuels concerns over the ability of the government to severely curtail religious freedom through detention when the circumstances may not warrant such action. In the interest of the internal stability, the government ought to promote inter religious harmony and avoid the politicizing of Islam. Further, the government should preserve the intent of the federal constitution and ensure that to state does not favour Muslims over non Muslims.

3.4. Clamping down on opposition

Many special privileges were introduced at independence and after to remedy post colonial socio economic imbalances between Malays and non Malays. The British proclaimed a state of emergency in 1948 to contain the communist insurgency. The 1964 proclamation was in response to tensions with Indonesia over Sabah and Sarawak (Under proclamation dated 3 September 1964 resulting in the passing of the emergency Act 1964 which conferred power on the Agong to make emergency regulations for securing public safety national defence, the maintenance of public order and of services essential to the life of the community). In 1966, a state of emergency was declared in Sarawak following the crisis over the dismissal of Sarawak’s then chief minister Ningkan. A nationwide state of emergency was proclaimed following the Kuala Lumpur race riots of 13 may 1969. That proclamation has yet to be revoked. In 1977 an emergency proclamation was declared in Kelantan to deal with a political crisis between the Islamic party PAS and UMNO.

3.4. a.Malaysia's emergency powers

Malaysia's law related to preventive detention originated from the emergency regulations of 1948 and the sedition act. The sedition act cited as offences, any acts’ inciting disaffection against the government and provoking discontent among the people’ (Malaysia’s laws relating to preventative detention originated from the emergency regulations of 1948). Against the backdrop of the communist insurgency, the printing presses ordinance 1948 was also introduced, section 7 of which stipulated that in order to use a press for the printing of documents and annual licence from a minister is required, and any person writing to print or publish a newspaper must first obtain a permit in that behalf from the appropriate minister. The minister has the
decision to grant a permit, and one granted, can be revoked by the minister if he
thinks fit, although in such an event, an appeal can be made to the cabinet. Under
section 28, the printing and dissemination of false reports likely to cause public alarm,
may entail a year’s imprisonment. Malaysia’s restrictive laws were built upon with
the introduction of the Police Ordinance 1952 which requires any person wishing to
hold a meeting or procession in any public place to obtain a license from the officer-
in charge of the police of the District. If that officer is satisfied that the meeting or
procession is ‘not likely to cause a disturbance of the peace’ a license may be granted.
In addition, a minister may under section 22 of the ISA, prohibited the printing, sale
and circulation of documents ‘likely to promote feelings of hostility between different
classes of races of the population or inciting to violence or civil disobedience or
prejudicial to the national interest (these laws were introduces in response to the 1948
emergency proclamation and was originally aimed at communists and the communist
propaganda).

Following independence, Malaysia’s emergency powers are governed by part
IX of the federal constitution, articles 149 and 150 of which are of the greatest
significance. The ISA is the only law falling under article 149 of the federation
constitution. Pursuant to section 41(A) of the Internal Security Act (Amendment) Act
1962 the appropriate minister can require any person, body or authority having under
any law a power to make any appointment to send him a list of the candidates for that
appointment, and if the minister considers that the appointment of any particular
person would be prejudicial to the interest of the federation, then the appointment
cannot be made.

The 1961 federal constitution wound up the 1948 state emergency which had
ended in 1960. In the process, and through the introduction of the ISA in 1960, the
opportunity was taken to strengthen the powers of the executive in countering
subversion and dealing with the state of emergency. In that year, Article 149 of the
federal constitution was enlarged to cover the non-violent aspects of subversion and
article 151 was amendment. The 12 month limit on an anti-subversion law was
abolished and the positive approval of each house of parliament to action taken in
relation to an emergency under article 150 within two months of such action was no
longer required. The 1960 amendments equipped the executive with wider emergency
powers, subject to lesser parliamentary control, than those contemplated in 1957. Further, the word ‘emergency’ in the context of article 150(1) cannot be confined to the unlawful use of threat of force in any of its manifestations.

In 1971 the sedition act was amended as an emergency measure to make it seditious to question any matter, right, status, position, privilege or sovereignty, or prerogative established or protected by the citizenship provisions of the constitution, together with those articles dealing with the national language, the reservation of quotas in respect of services, permits etc for Malays and rural prerogatives. That sanctity is further protected by an amendment to article 10 of the federal constitution.

3.4. b. Emergency powers and minority rights

In the context of Malaysia’s minorities, article 149(1)(c) is of greatest significance given it was designed specifically to curb inter-ethnic tensions although articles 149(1)(a) to (f) also apply. The terms of article 149 are reasonably broad and do not provide any exact criteria for determining what constitutes a danger to the state of public security. Given this, the executive has the discretion to determine the criteria of such an act on a case by case basis. To add to this discretion, article 150(2) of the federal constitution allows for a proclamation to be issued prior to the occurrence of the event the subject of the proclamation. Read in the conjunction with article 149(1) (c), this suggests that a state of emergency can be proclaimed where there is presumably some indication of the likelihood of hostility between different races. There does not appear to be any evidentiary threshold to be met prior to satisfying the ‘likelihood’ of ‘hostility’ requirement.

Based on this rationale, a joint reading of the emergency powers conferred by articles 149(1) (c) and 150(2) allows parliament to proclaim a state of emergency if there is some indication of inter-ethnic hostilities prior to the physical manifestation of the hostile act (Article 150(2) was amended in 1981 to allow this to occur). The logic behind this is discernible. In the context of inter-ethnic tensions, it is better to adopt preventative measures prior to the outbreak of hostilities to contain inter-ethnic violence and maintain internal stability. The reverse to this is that it allows for a proclamation of emergency to be made without the crystallization of the problem. The concern is the potential for abuse of the emergency powers.
Following a proclamation, article 149 confers wide ranging special powers to the legislature and executive (Jaykumar 1978: 328). For instance as noted above, article 149(1) allows parliament to act inconsistently with some of the fundamental liberties of part II of the federal constitution during a state of emergency.

In addition to the constitutional provisions, the sedition act was amendment during the 1969 proclamation with the introduction of the emergency (Public order and prevention of crime ordinance) 1969 ('the 1969 emergency ordinance'). The preamble of that ordinance recognizes that the Agong is entitled to issue a proclamation once ‘satisfied that immediate action is required for securing public order, the suppression of violence and the prevention of crimes’. In addition, section 4(1) of the 1969 emergency ordinance empowers the minister to make a detention order if ‘he is satisfied that it is necessary to do so with a view to preventing any person from acting in any manner prejudicial to public order, or where it is necessary for the suppression of violence of the prevention of crimes involving violence’. That ordinance cites as offences any acts with a ‘tendency to promote feelings of ill-will and hostility between the different races and classes of the population of Malaysia’.

Emergency provisions introduced following a proclamation of emergency remain paramount during the period of that proclamation. This is recognized by article 150(6) of the federal constitution which states that no provision of any ordinance promulgated under this article, and no provision of any act of parliament which is passed while a proclamation of emergency is in force and which declares that the law appears to parliament to be required by reason of the emergency, shall be invalid on the ground of inconsistency.

Unfortunately, the federal constitution fails to impose any time bound parliamentary controls on the continuance of the state of emergency. This allows for a proclamation of emergency to remain in force indefinitely as occurred with the 1967 proclamation. The effect of this is that it affords the government the luxury to make regulations under emergency ordinances. Recognizing this potential abuse, the Privy Council in the case of the Cheng Poh vs. public prosecutor [1979] held that once parliament had sat following a proclamation of emergency, the power of the executive
to make regulations under emergency ordinances, lapsed. Arguably, the court in Cheng Poh aimed to overcome the limitations of the federal constitution in this regard. The Cheng Poh case effectively made redundant parliaments ongoing ability to rely on emergency ordinances once parliament had sat. Unfortunately, the court in Chinn Hock case overturned the Cheng Poh case and upheld the validity of parliament continuing to make regulations under the essential powers act.

The consequences of the virtually autonomous power of the government as a result, is aptly illustrated by the arrest and detention and eventual dismissal of Malaysia's former deputy prime minister Anwar Ibrahim on 2 September 1998. Anwar was charged with official corruption following his arrest. The case highlighted the potential for the government to erode the civil and political rights of Malaysia's minorities by unnecessarily relying on restrictive laws to contain any anti-government opposition in the interest of maintaining internal stability. However in the context of Malaysia's minorities, the 1969 proclamation illustrates the government's unnecessary and ongoing reliance on emergency laws enacted during a proclamation of emergency to erode minority rights. This is considered below.

3.4. c. Examining the 1969 proclamation

The state of emergency following the May 1969 riots was proclaimed in response to inter-ethnic violence within the meaning contemplated by article 149 (1) (c). In that instance, the act of hostility had crystallized. The 1969 proclamation presents an interesting case study of the potential to abuse the emergency powers in the interest of political gain and arbitrary authoritarianism. It also represented a paradigm shift in Malaysia's party politics.

From a political perspective it enabled the alliance to retain control in circumstances where for the first time, opposition parties had obtained a greater majority. This was because the proclamation was issued before all elections to seats in the House of Representatives were completed. All incomplete elections were suspended. This effectively prevented any opposition party from gaining parliamentary control.
The NOC proceeded to proclaim emergency (essential powers) Ordinance No. 45 (Emergency (Essential Power) Ordinance 1970), declaring the entire federation as a security area in accordance with the ISA. Under this directive, articles critical to the NOC’s actions were deemed to be taboo. Following the 1969 proclamation preventive measures were introduced to minimize the repeat of the occurrence of the inter-ethnic violence. That proclamation not only dispensed with the procedural requirements for amendments to the federal constitution, it also allowed for laws to be passed which otherwise might be substantively contrary to the provisions of the federal constitution. The 1969 proclamation afforded the NOC autonomy over re-structuring Malaysia’s legal system in response to inter-ethnic tensions. Because of this, the NOC was able to develop plans for the ‘restructuring’ of Malaysian society. This restructuring meant emphasizing to minorities the special position of Malays as reflected by the NOC’s statement after the 1969 race riots;

“The present multi-racial character of the country is the direct result of British economic policy before the war which encouraged mass non-Malay immigration....Malay’s vast economic potential and the liberal, tolerant attitude of the Malays, exploited by the colonial government, caused an influx of Chinese and Indian immigrants, and mass migration continued until the thirties” (National Operations Council, 1969).

A striking feature of Malayan society at the time (which continues today slightly abated) was the voluntary cultural segregation – while the Malays lived in a cultural milieu that institutionally continued in a local context, there was no effort made by the colonial authorities to oriented the increasing number of immigrant races towards local institutions. For the most part, the immigrant races were administered independently and led an independent existence. This partly explains some current attitudes among certain sections of the non-Malays communities, and some difficulties experiences today in the nation-building.

The NOC’s cryptic announcement, which barely touched on the tensions of the 1969 race riots, nevertheless captured Malay sentiment towards the economic success of non-Malays during British rule. The NOC clearly felt that it was necessary to remedy the socio-economic status of Malays to avoid a repetition of the 1969 race...
riots and to allow the alliance to retain power. The proclamation of emergency enabled the NOC to introduce legislative policies unchallenged. Racially based opposition parties such as the MCA, MIC and MCC were unable to speak out against the implementation of the NEP which aimed to create a Malay business community and achieve 30% bumiputera ownership of the corporate sector by 1990. In achieving this, the NEP aimed to allow a 40% share for non-Malays and 30% for foreign investors.

Ultimately, the aim of the NEP was to advance Malay socio-economic interests. To achieve this, the NEP introduced controls on Chinese business by restricting Chinese participation in sectors where small Malay business were concentrated, or making Chinese businesses share ownership with Malay interests at discount prices (to attract Chinese investors). The NEP gave new support to UMNO leaders who were able to regain the confidence of the Malay peoples that had moved the PAS in the late 1960’s (immediately prior to the 1969 race riots). The NEP itself was meant to meet Malay expectations much more than non-Malays (Khoo 2002:136). As bluntly put by Mahathir;

“The only thing to do is to admit that in giving the Malays their place in the sun, there must be denial for some non-Malay. Some non-malay will have to be sacrificed in order to bring the Malays up. The thing to do is to be honest about it. The politics of fact is that the Chinese will have to pay, whether you say nice things to them or not. They will have to accept what the Malays want; otherwise they will have to pay the price of harmony” (Yap 1976).

Mahathir’s brash sentiment was characteristic of the collective perception shared by Malays of their rightful entitlement to special and preferential treatment regardless of the cost of such policies on non-Malays. In the Malay dilemma, Mahathir expressed his views on the reason for the 1969 riots. He claimed the essence of the Malay dilemma was that ‘although the Malays were the definite people of Malaysia, they could become dispossessed in their own land’. He was pessimistic of the capacity of Malays to compete with non-Malays, particularly the Chinese (in business) (Yap 1976).
The 1969 proclamation represented a turning point in Malaysia’s legal development. It was during this state of emergency that the provisional ruling government, the NOC, introduced a series of policies which continues to impact on the economic, social and cultural rights of Malaysia’s minorities in the interest of assisting the socio-economic growth of the Malay community. As noted, to contain minority opposition, the government can continue to rely on article 153 of the Federal constitution, the emergency ordinance and the ISA. In addition to the government’s reliance on these restrictive laws to curb opposition, the NEP was able to implement with minimal ethnic tensions because of Malaysia’s strong economic growth.

3.5. Implications of Malaysia’s restrictive laws

Despite the clear lapse of the cause of the proclamation (i.e. the 1969 race riots ended on 15 May 1969), the 1969 proclamation has not been revoked. This means that Malaysia’s government is at liberty to limit fundamental freedoms by relying on restrictive laws which were only intended to be applied to preserve internal stability during a state of emergency. This is of concern given the undertones of dictatorial system of government under the guise of democratic leadership. This is because the 1981 amendment, and the fact that the 1969 proclamation has yet to be revoked, allows the NOC and the parliaments’ actions to continue to go unchallenged. This detracts from principles of natural justice and democracy. Malaysia’s decision to rely on the 1969 proclamation to limit freedom of expression and to control and contain any questioning of the NOC and the government’s actions following the 1969 proclamation is questionable.

The fact that the 1969 proclamation has yet to be revoked allows the government to continue to rely on ordinances enacted following the proclamation of emergency. The government has relied on these restrictive laws to curb anti-government opposition. For example, in 1996, the government threatened to use the ISA to detain NGO organizers who had arranged a forum on police abuses. On 24 October 1998, the government relied on the ISA to disassemble a forum organized by SUARAM, a group of Malaysian human rights activists. The 1981 amendment further increased the autonomous powers conferred to the NOC following a proclamation. Accordingly, parliament and/or the Agong need only proclaim a state of emergency on accordance with articles 149 and 140 of the Federal constitution, which in itself is
not subject to judicial review, to exercise autonomous decision making powers. This may be exaggerated perception of the intent of the 1981 amendment. However, it is difficult to discern any merit in the government’s decision to limit the function of the judiciary in this respect. The 1981 amendment is contrary to principles of natural justice and reflects the Malaysian government’s increasing interference with the judiciary. The 1981 amendment suggests that Malaysia’s government considers it necessary to continue to rely on restrictive laws which were enacted during a state of emergency to contain the act of hostility.

The Malaysian government continued reliance on the 1969 proclamation in unwarranted circumstances is contrary to international law principles and represents an abuse of the purpose of international emergency power provisions.

3.6. Evaluating Malaysia’s preferential policies

Malaysia is a member of the Southeast Asian regional organization, ASEAN (Association of Southeast Asian Nations). At the ASEAN summit in 1997, the heads of government, including Malaysia’s adopted vision 2020 which endorsed;

‘vibrant and open ASEAN societies consistent with respective national identities where all people enjoy equitable access to opportunities for total human development regardless of gender, race, religion, language or social and cultural background’.

Of relevance to non-Malays is the phrase where all people enjoy equitable access to opportunities for total human development regardless of gender, race, religion, language or social and cultural background’ in vision 2020. Despite this assurance, Malaysia’s government has failed to establish a time frame for the implementation of the preferential policies introduced in 1957 and significantly built-upon by the NOC following the 1969 race riots. This concluding section considers the reasonableness of the ongoing implementation of Malaysia’s race-based preferential policies.

Malaysia’s preferential policy was introduced to further the socio economic needs of the Malay community and was justified on the grounds that Malays had been discriminated against during British rule. These policies accorded benefits to Malays
and the Orang Asli with regard to higher education opportunities and participation in government supported business projects in order to achieve the NEP’s goal of restructuring Malaysian society (Torri 1990:209). The net effect of these policies was the introduction of quota system based on ethnicity, language and to a certain extent, all of which was done to benefit the Malay community in line with the NEP’s vision of 30% bumiputera ownership. Preferential policies continued to be applied and the Malay ideology of an ‘entitlement’ to government induced socio-economic dominance persists.

However, preferential treatment is justified only when based on the specific needs of the group and the general trend is to temporarily approve of these measures. The race based preferential treatment should cease once the intended aim is achieved to avoid the policies deteriorating into discrimination. The preferential treatment to benefit the Malay community was introduced via the national language policy and the quota systems. The NOC combined language based quotas with race based quotas to benefit Malays. This was integrated with the NEP which aimed to restructure Malay ownership to ensure that Malays owned 30% of corporate wealth and for Malays to have 40% of employment in all sectors of the economy by 1990. The NEP was intended to be an interim measures given its aims was to have been achieved by 1990. By 1995, the Malay communities share of national wealth jumped from 2.3 per cent in 1970 to 20.6 per cent in 1995(Hiebert 1997). The NEP’s objectives had been achieved within the intended time frame. As Shamshul AB (Shamshul 1990:251) wrote:

“In the NEP it was specifically mentioned that within two decades (1971-1990) the successful implementation of the policy should create a community of Malay entrepreneurs. This was to be done not only through direct government intervention and economic support but also through an aggressive training and educational strategy to create much needed professionally trained Malay manpower... within two decades the NEP has successfully created and expanded the Malay middle class as new rich. In fact, many of its members have now become extremely rich and are active corporate players in the country and globally. The NEP, through the implementation of its first objective of ‘poverty eradication’ has also created many rural-based entrepreneurs”
Despite its success, the preferential policies were modified and currently, university quota system ensure a 60% bumiputera intake and corporate quota systems stipulate a 60% bumiputera composition of any privately run business. Neither is the policy achieving its primary purpose which was to assist all bumiputera (which includes Malays as well as indigenous peoples) to gain a stronger socio economic position in post-independence Malaysia. There is growing recognition of this amongst the Malay elites themselves. Abdullah Ahmed Badawi conceded, “I would like to see affirmative action focus... on those bumiputera who genuinely need a head start by way of income and opportunities. For those mollycoddled by the state, their survival can only be measured in the arena of free competition.” (Speech by Badawi before the alumni of the Harvard Business School in KL, February 2000, The Star). Following the introduction of these preferential policies, favoured Malay businessmen have benefited at the expense of the rural Malays who continue to be socio-economically inferior. The least to benefit under the so called bumiputera policies have been the true people of the land- the Orang Asli. Apart from the reasonableness of Malaysia’s preferential policies, the maintenance of separate rights for Malays detrimentally impacts on the rights of the non Malays as it does not allow for a merit based system. In the 34 years post the NEP, it can be seen that Malays have clearly benefited from the preferential treatment afforded to them. A trade-off following the 1969 race riots, the NEP ensured that Malay demand for greater socio-economic growth was appeased. Non-Malays were required to accept that they would be discriminated against in the interest of the meeting the needs of the Malay community. Against the backdrop of the NEP Malaysia’s remarkable economic growth which resulted in real average per capita income increased 2.5 times and the poverty rate shrank from slightly over half of the population to 7.8 per cent, between 1973-1995. Accordingly, although non-Malays were discriminated against by the NEP and were made to recognize that they were in fact second class citizens, the success of Malaysia’s economic growth meant that all races prospered financially.

Malaysia however, cannot expect this trade-off to continue indefinitely. At some point, non-Malays will question the ongoing need for the preferential treatment received by the Malays, especially as the Malay community continues to prosper at the expense of non-Malays. Even when the policies were first introduced in 1957, the china press, in an editorial observed that:
"the question of special rights for a particular community may be excusable at the start of the building of a nation, but if the point of ‘special rights’ is not restricted, or the scope of special rights is not clearly defined, then endless disputes... will arise later on. For the granting of special rights whether right or wrong, has in fact caused those without them to be in opposite position a cause which may breed mutual distrust and aversion among the people" (Quoted in Ratnam).

Clearly, non-Malays are aware that the preferential policies have impacted on their rights, particularly economic rights. Events such as the 1997 financial crisis and the threat of recession heightened non-Malay sentiments that they were being marginalized by the NEP because of discrimination faced in educational opportunities, public sector jobs and promotions, and securing contracts for government procurements. Non-Malays were disgruntled when the government implemented the National Economic Recovery Plan (NERP) to assist Malays following the recession (Abidin 1999). The NERP aimed to revive failing and failed Malay businesses through the establishment of funds to buy over non-performing loans and to facilitate the recapitalization of the finance sector.

The reality is that in the event of an economic slowdown, the ongoing implementation of preferential policies is likely to antagonize non-Malays. To compensate for the sentiment shared by non-Malays that they are suffering from a deprivation of rights through such preferential policies, the government ought to seriously consider revoking pro-Malay preferential policies in favour of a need-based as opposed to race-based preferential system.

3.7. Education system and Ethnic minorities in Malaysia:

Education has been always a key factor in existence and development of every society throughout the history of human being. As a matter of fact, this very important factor plays a central role in achieving a sustainable developed society. However, before entering to any further discussion, we have to define the meaning of a sustainable society and its relation with the concept of education.
Based on the classical definitions a sustainable society provides a high quality of life for all of its members without harming the integrity and efficiency of the natural systems and resources upon which all life depends. We have to pay attention that the limit of the human desires is nature. Human can design its dreams based on the borders of nature. Therefore, Sustainability can be defined as achieving a pleasing existence for everyone within the means of nature for now and in the future.

On the other hand, we have to be aware of this important fact that a sustainable society is not just about environment and nature. It covers a wider range of issues and phenomena. A sustainable society has to provide opportunities for each member of the community to reach his/her potentials. Some issues such as cultural diversity, providing adequate food, clothing, shelter, and a life of dignity for all people should also be addressed in a sustainable society. Diversity is one of the most important issues that a sustainable society has to recognize and promote its existence as diversity gives birth to strength and flexibility of the human community. This cannot be achieved without a system of education designed to address these issues. Therefore a system of education for a sustainable society has to make a balance between the human needs and natural systems.

As it has been mentioned, an appropriate system of education is a key to a sustainable society. In order to achieve such appropriate system of education, many elements should come into consideration such as; the geographical situation of the society, the population texture of the society, socio-economical background of the society, etc. however, the issue of designing and running a suitable system of education in societies with a mix ethnic backgrounds is very different from a homogenous society (Isa Badrul 2006).

The issue of ethnic diversity makes many things more complicated in a multiethnic society such as; the governing system, political system, economical system and of course education system. The backbone of all these complexity is how to address the needs and wills of each single ethnicity equally in the frame work of national identity. The Malaysian education system is consisted of three different forms of schools; firstly the government-sponsored schools (National Schools), secondly, private schools and thirdly, home- schooling. As the matter of fact, the
Malaysian system of education is extremely centralized especially when it comes to primary and secondary schools.

Based on the Malaysian constitution, the Malaysian Ministry of Education is responsible of providing the National Education Policy based on the National Ideology or as it called "Rukunegara" in Malay language. The principles of the National Ideology are; Believing in God, Loyalty to the King and the country, Upholding the constitution, Rule of law and Good behavior and morality.

The main aims of the Government Educational Policy are to 1) Equip students with the essential skills in a holistic and integrated manner, in order to produce individuals who are intellectually, spiritually, emotionally and physically balanced; as well as functionally literate; 2) Inculcate and nurture national consciousness by promoting common ideals, values, aspirations and loyalties to foster national unity and national identity 3) Produce skilled manpower for economic and national development; 4) Instill desired moral values in students so that they can contribute effectively towards nation building.

Vision Schools:

In order to tackle these issues, the Malaysian government decided to introduce a new type of primary schools in 2004 under the name of Vision Schools (Sekolah Wawasan). Vision schools are primary schools with the concept of children learning together within an area without regard for race or religion. Under this concept, two or three primary schools of different streams are placed in the same area. Each school will have its own building which can be joined to the other schools by a link-way.

This system is at its testing period and there are just 5 of them throughout Malaysia. In this system, as it has mentioned before, 3 main types of schools (National, National Chinese and National Tamil) gather together at a same place under the name of Vision School Complex. Each school is separated from the other one and acts independently from its administrative system to its curriculum. Each school follows its national curriculum without interfering with the other one.
The most important factor which makes this type of school different from the ordinary schools is the notion of making students from different ethnic backgrounds enable of interacting with each other during the break times and also some other joint co-curriculum activities. This plan is being considered as an innovative option to address the main issues of preserving ethnic cultures and supporting inter-racial integration to sustain the national unity of the country.

Some of the main objectives of this system of schooling have been demonstrated by the Malaysian Ministry of Education as; fostering solidarity among the pupils of different races and backgrounds, instilling the spirit of integration among pupils of different streams, producing a generation that is tolerant and understanding so as to realize a united nation and encouraging maximum interaction among the pupils through the sharing of school facilities and implementation of other activities at school.

However, can this pattern of schooling system fulfill the principles of education in a diverse multiethnic society like Malaysia? What are the challenges, advantages and disadvantage of this plan? How successful this plan has been in achieving its goals and objectives? In order to answer such questions, we have to look at some basic and fundamental characters and principles of multiethnic education systems and evaluate the output of Vision Schools based on them.

As the matter of fact, there are still arguments of how to define a multiethnic education system. Some experts believe that a multiethnic education system can be achieved by adding some special courses to the current curriculum to make it possible for each ethnic group to have a voice in the mainstream curriculum. And on the other hand, some other experts believe that the change should be happen in the classrooms and the climate of schools to make it possible for the students from different racial backgrounds to interact and integrate with each other in a more constructive way.

It is clear that the Malaysian Vision Schools follow the second school of thought in which the climate of classrooms and social interactions among students with different racial backgrounds is prior to the change of curriculum. As it has mentioned before, the Vision Schools follow the national curriculum which has been
designed for them based on their language type and the interaction of the students happen outside of the official curriculum and classrooms.

At the same time we have to pay attention to this important fact that even National (Malay), Chinese National and Tamil National schools are not homogenous schools. There are a lot of students from different racial backgrounds in each school and calling these schools Chinese or Tamil does not mean that here is no other students rather than Chinese and Tamils in those schools. The naming has been made based on the majority of the students. This fact makes the issue of addressing the needs of each individual student in term of his/her identity even harder and more difficult.

Basic principles of Multiethnic Education System and their relation with Vision Schools:

However, there are some academically recognized principles in preparing Curriculum Guidelines for Multiethnic Education Systems which should be addressed in all multiethnic societies like Malaysia.

The first important principle in this issue is that the Ethnic and cultural diversity should be advocated in whole school environment. The sense of celebrating, accepting, understanding and respecting different cultures and ethnics should be well portrait not only in the subjects and the official curriculum of the school but the setting, atmosphere and the climate of the school as well. The unofficial curriculum of the school is as important as the official one in recognizing the ethnic diversity of the society and trying to address everyone equally.

To promote the understanding of ethnic diversity in whole school environment, the students should be able of accessing to first hand updated materials such as books, notes, audio-video resources, magazines, newspapers and internet which provide correct reliable information on different racial groups of their society, their beliefs, their traditions, etc. this can be achieved through at-school libraries or media centers.
This issue has been well understood in the concept of Vision Schools in Malaysia and all the 5 Vision Schools throughout Malaysia are equipped with libraries which provide such information for the students in order to increase their level of understanding about different ethnic groups at their school and society. These libraries contain an acceptable range of materials like literature, music, history, etc on different racial groups of the society.

The setting of the classes, gathering halls, corridors, cafeterias and offices of the schools should also reflect the notion of multi-ethnicity and multiculturalism. The decorations of the spaces at school play a very important role to make students from different ethnic backgrounds aware and familiar with each others' traditions and cultures.

In term of Vision Schools, although the administrative offices and classes of each school are separated, however, all the students share many common spaces such as the cafeteria, school yard and gathering halls. Based on the notion has been mentioned above, all these common areas are decorated by cultural signs of each different main cultures namely Malay, Chinese and Indian. In one of the Vision Schools which is located in eastern part of Malaysia, we can see more cultural signs of the indigenous cultures of that are in compare with mainstream cultures.

Co-curriculum activities occupy a very important position in term of advocating and making students aware of the cultural diversity of their society. Participation of students from different racial, ethnic, and cultural backgrounds should be promoted. Such activities can provide priceless opportunities not only for the development of self-esteem, but for students from different ethnic and cultural backgrounds to learn to work and play together, and to recognize that all individuals, whatever their ethnic identities, have worth and are capable of achieving.

In Vision Schools as the official curriculum of the school is the same as the national one, co-curriculum activities are the most important ways of encouraging students to mix together and work for a common goal. As a multicultural society, Malaysia celebrates many different cultural events of different races and cultures.
These celebrations provide a unique opportunity for the students to experience the cultural diversity of their society in a first hand way.

Vision Schools celebrate some national cultural festivals such as Hari Raya (Islamic festival of ending the fasting month), Diwali and Thaipusam (Hindu festivals) Chinese New Year and Malaysian National Day with participation of all students from different racial background to make the sense of national unity and promote the understanding and respect for other cultures. The students participate in different activities such as drawing competitions, singing competitions, etc in order to celebrate these events together.

The second important factor or principle in multiethnic system of education is the issue of school rules, regulations and policies. These rules and regulations should serve the process of cultural understanding among different racial groups of students with respecting to each individual cultural and religious belief.

In order to keep the school in order, we need some rules and regulations and implementing these rules and regulations can be challenging at some schools especially with a diverse racial and religious background of their students. This is a challenge most multiethnic schools face every day. This issue will lead us to a very important fact which is the issue of equality for everyone in a multiethnic society and how to maintain this equality without disturbing the harmony and sustainability of the diverse racial texture of the school.

The issue of being fair in a multiethnic school is too different form a school with homogenous texture. In a multiethnic school we have to be aware that the definition of being fair is too different. We cannot use the same rule and logic to treat everyone with it. Something which looks fair to one special racial or religious group may seem unjust to the other. That is why the school administration in a multiethnic school has to adopt a policy to attend each ethnic group individually based on respect for their cultural identity and beliefs.

This concept can be translated into everyday rules and regulations of the school. For example in case of Malaysian Vision Schools, there are some certain
concerns about the food which should be served at the school cafeterias. As each school has many Muslim students, the food in cafeteria should be Halal (prepared based on Islamic regulations) and at the same time to respect the Hindu students, beef should be eliminated from the menu. The same policy should be taken during the Muslims' fasting month of Ramadhan to ensure the equality for Muslim students.

On the other hand, any kind of discriminatory policies or regulations based on racial, religious or cultural stereotyping should be removed from the schools and classrooms. It has been cases that the academic achievements of the students have been tied to a stereotypical interpretation of their races and this matter has to be carefully monitored in multiethnic schools to prevent any kind of tension or discrimination.

The third important principle that has to be addressed is the ethnic texture of the academic and non-academic staffs of the school. It is a vital fact for a multiethnic school to have teachers, administrators and other staffs from different racial and cultural background. We have to keep it in mind that especially in primary schools; students view their teachers and school staffs as their patterns. At this stage, teachers and officials of schools have a great impact on shaping the personality and character of each student and this process should be carefully observed. A multiethnic texture of teachers and officials will help the student to practically experience a constructive interaction among different members of their society with different ethnic and cultural backgrounds.

As Ranjit K. Arora (Arora 2005) mentions in her book, a mono-ethnical schooling system within a multiethnic society can seriously decrease the level of interracial understanding, integration and sympathy among students. So as to reduce such difficulties and problems at Vision Schools, the attempt has been made to choose the students and the administrators with different racial and cultural backgrounds in order to sustain the stability and secure the maximum interaction among different races at schools. There are teachers from different races who teach different courses at Vision Schools. This policy provides a trustful positive environment for the students to enjoy the interracial interactions. The role of teachers to navigate these interracial interactions to the proper channel is central on this issue.
The fourth imperative principle that has to be paid attention in a multiethnic education system is the concept of making students aware of their unique racial identity in the framework of respecting the ethnic and cultural pluralism of their society. The curriculum and co-curriculum activities of schools should be designed in the way to help students to discover their ethnic identity and feel positive and proud about it.

The school activities should be planned to enable each student from different ethnic backgrounds to learn more about his/her ethnic history in a positive way. Students should be celebrated and positively encouraged for who they are. Establishing a consciously positive ethnic identity can help the students to form a solid personality for themselves in future life. Students should feel safe and proud of expressing their ethnic identity and history. They have to be assured that in a pluralist society; everyone would be treated equally regardless of his/her ethnicity.

At the same time, the multiethnic education system has to be aware that this sense of self identity has to be defined in the framework of the pluralist society. Students should be taught that pluralism is against polarization.

Students should be guaranteed that having a unique identity or ethnic background does not cause any kind of superiority or inferiority in their social life. At the same time, students should be informed about the realities of the situation. They have to know that there can be conflicts in their society over the ethnic issues; however, many of these conflicts can be avoided by understanding and respecting other cultures and ethnicities. They have to feel that the example of harmony at their school as a sample of their multiethnic society can be expanded to their society in larger scale.

In order to fulfill these concepts, Vision Schools teach the mother tongues of students from different ethnic backgrounds as a tool to make students aware of their roots and ethnic backgrounds. Language can be used as a very powerful mean to make students aware of their cultural identity. Apart from this, there are many co-curriculum activities provided by the Vision Schools for each ethnicity to celebrate their identity like art and cultural classes. At the same times, all the students from
different ethnic background are obliged to learn Bahasa Malaysia the official and national language of the country in order to be able of communication with other ethnicities and also to comprehend the notion of national unity. During the curriculum materials and also co-curriculum activities, students are being informed of their ethnical and at the same time national heroes and heroines to make a balance of their self and national identities. Attitudes and values of living in a multiethnic society are always promoted by the curriculum materials and also co-curriculum activities at Vision Schools.

The fifth main element which has to be considered in a multiethnic education system is the subject of promoting personal cross-ethnical communication among students. This is one of the vital elements in order of having a sustainable multiethnic society in future. The students from different ethnic backgrounds should learn how to communicate with each other without any sort of religious or racial prejudices. Personal interactions between students should be promoted constantly by the education system (Isa 2006).

These kinds of close interactions will bring a greater scale of understanding for students from different ethnic backgrounds and it will prevent any kind of cultural and racial stereotyping or misunderstandings in future. These kinds of cross-ethnic personal interaction should be endorsed from early ages at primary schools where the basis of social identity and personality of each student is under construction. Students should be well educated to realize that ethnicity is just one of the aspects of each human life and there are so many other aspects of human being which are common among all of us. Promoting the common aspects of social and personal life of human being can prevent many ethnical disputes and clashes in future.

In fact to achieve such goal, Vision Schools encourage students to mix up together during class time and especially the break time. Students from different ethnic backgrounds are encouraged to play together, eat together at school cafeteria, participate in group games and also in the process of decision making at school like student committee elections. These active participations will help students to have a better understanding of each others' culture, traditions, beliefs and way of thinking.
The above principles are some of the key factors which have to be considered in every multiethnic education system. In term of Malaysian Vision Schools, as it can be seen, there has been a tremendous effort to make a fair and efficient education pattern (from designing those schools to running them) to address the needs of each student group based on the main principles of the multiethnic education system.

Deficiencies:

However, as it has been mentioned before, Vision Schools are new to Malaysian education system (established in 2004) and therefore they have still a long way ahead of themselves to reach the ideal point. However, it seems there are some urgent deficiencies which have to be addressed sooner than others to maintain the sustainable multiethnic education system at these schools.

The first important deficiency in this case is the lack of cooperative teaching. Co-Teaching is a service delivery model in which two (or more) educators or other certified staff, contract to share instructional responsibility, for a single group of students, primarily in a single classroom workspace, for specific content (objectives), with mutual ownership, pooled resources, and joint accountability. This style of teaching will give the students this opportunity to learn the subjects from different points of view (in this case different ethnic points of view) and it will enable them to have a better comprehension of issues regarding to social and ethnic issues.

The second important deficiency which has to be considered seriously is the lack of special trainings for Vision School teachers. Although all the Vision School teachers are trained in Teacher Training Centers or universities; but all of these trainings were mostly focused on the academic parts of their career. The teachers of such schools should be specially trained on some vital issues such as intercultural communication skills, history of different racial groups of the society, cultural sensitivities, etc. A well trained teacher on these issues can be very helpful in maintaining the harmony among different ethnics at school. The trainings can be easily obtained in short term courses, programs or workshops by the Ministry of Education with the help from different ethnic societies or associations.
The third vital issue which should be taken more seriously by the Vision Schools is the social background of the teachers. It is extremely important to make a balance between the social background of the students and the teachers' in order to make them enable of understanding each other. It is proven that students from lower-income levels of the society are having more loyalty and sensitivity to religious and racial values and attitudes than those from upper classes of the society. These students may find the regulation and value system of their multiethnic school more difficult for them to adapt. It is caused because of their stronger belonging to their racial and religious values. Here, teachers who are familiar with such ideas and thinking can be a great aid to keep the school in harmony and manage the conflicts.

Challenges:

Apart from all the positive aspects and also the deficiencies of this plan, Vision Schools face some challenges from the public sectors and communities. For example in case of Tasik Permai Vision School Complex in Penang, Malaysia, the Chinese Schools refused to join the Vision School plan and they said that joining such complex will end up Chinese students to lose their culture and identity. They argue that having different races at one school can damage the sense of racial nationalism and in long term will make students to forget their roots and culture. That is why the Tasik Permai Vision School Complex is just consisted of one National School (Malay) and one National Tamil (Indian) School.

In another incident, there has been a number of complaints from some of the parents of Muslim students at Vision Schools who were not agree with some of the cross-cultural activities at schools. They were arguing that some of these intercultural activities such as visiting Hindu or Chinese temples or introducing other religions and traditions to Muslim student can be considered as an act to convince Muslim students to convert to other religions.

However, a study about the social background of these parents showed that they were belonging to the rural parts of the society and this problem could have been solved easily if the school had some teachers or staffs from the surrounding rural areas. On the other hand, we should not under estimate the role of local communities and their constructive relations with the Vision Schools. Local communities with
different ethnic background can play a key role in managing such conflicts between
the public and Vision Schools.
Important referred Works


