

2h1: Sabah

Preamble

There are 33 indigenous groups, 50 languages and 80 ethnic dialects in Sabah, according to the state government's records. The indigenous communities make up three-fifths of the local Sabahan population, yet their languages and customs are not included in mainstream state education. This goes against the tenets of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which states that the indigenous people have the right to determine their own educational system. They also have the right to the lands, territories and resources which they have traditionally owned, occupied, used or acquired, and that governments must give legal recognition and protection to these.

Another defining problem of Sabah is statelessness. An estimated 800,000 of the people are stateless and have no access to healthcare, education, legal employment and other benefits accorded to a citizen. Not having a national identity also deprives them of diplomatic protection of the origin country and the right to exercise their fundamental rights, for which it is often a legal or practical requirement. Although there is a structured procedure to apply for legal citizenship, stateless communities still face a challenging process doing so due to the complex documentation pathway that includes going through the courts.

I: Legal status of the Bajau Laut

The Bajau Laut population in Sabah are a semi-nomadic seaborne community, with a historical mobility straddling the borders of Malaysia, Brunei, Philippines and Indonesia. Since the emergence of these nation-states and formalisation of territorial boundaries, the Bajau Laut have faced continual challenges in attaining legal recognition as citizens of any state. This, combined with the establishment of maritime borders, has led them to be denied customary freedom of movement.

1. Address the issues of access to citizenship for the Bajau Laut.

(Maalini Ramalo, DHRRRA Malaysia, Proposal 2H1-1)

2. Amend the immigration law to restore the rights of people born in Sabah.

(Elihanis, Proposal 2H1-2)

The complex immigration policy in Sabah has caused difficulties in MyKad registration for many Sabah-born children. While birth certificates are issued to foreign children born in Sabah, these certificates do not affirm their citizenship but are merely a way to regulate their presence. The immigration officers still regard these children as being of foreign origin (depending on the nationality of their parents, usually either Filipino or Indonesian), and would thus reject their MyKad application.

Amend the relevant laws to protect children from being sent back to their ‘origin’ country.

II: Indigenous Education

Currently, mother tongue lessons, such as on Kadazandusun and Iban languages, are offered in schools where there is a minimum of 15 students from the relevant indigenous groups to a class. To increase inclusiveness within the education system, the Ministry of Education should look into incorporating local cultural elements in the primary and secondary syllabi, and introduce greater flexibility in the national education curriculum to allow schools to determine the appropriate syllabus for the local community. It is important to foster and include indigenous cultural knowledge and understanding in the national education curriculum.

3: Incorporate local material, especially on the culture of the indigenous people of Sabah and Sarawak, in the education syllabus.

A subject on indigenous mother tongues and a curriculum on indigenous customs should be offered in primary and secondary schools as well as all public universities in Malaysia.

(Esther Sinarisan Chong, Agora Society Malaysia, Proposal 2H1-3)