# The Routledge Handbook of Comparative Territorial Autonomies

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# WHAT ARE TERRITORIAL AUTONOMIES AND WHY THE HANDBOOK?

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## Introduction

Territorial autonomies (TAs) are curious beasts. We know, as an empirical fact, there are several geographically defined political units which enjoy varying degrees of autonomy in many states across the world, from Ache to Catalonia, Hong Kong and Zanzibar. However, there is no clear consensus among scholars as to what TAs are. Instead there is a bewildering range of questions and debates about them: Are they subunits of federation or a political entity of a different order? What are their purposes—resolving ethnic conflict or a means of achieving 'self-determination' for some? Are there common denominators that define what TAs are? To add to this vast range of questions, TAs have been studied from different disciplinary angles, mainly comparative politics and comparative legal studies, which have provided sometimes overlapping but funda-mentally different kinds of answers to these questions. In other words, while there have been ample scholarly efforts to understand what TAs are, the findings and insights that have been produced have not yet been synthesized into a clearer, overall picture. And this is where the current *Handbook* aims to make its contribution: to serve as a reference point in this bewildering pool of research on TAs. The aim is not to provide a definitive account of what TAs are, as it has been proven simply impossible, but to serve as a helpful starting point for anyone interested in the study of TAs where key theoretical and conceptual discussions from both comparative politics and comparative legal studies are brought together and basic data of various TAs across the world are presented to serve as the basis of further empirical research.

In order to achieve this aim, the current introduction sketches out some of the key theor-etical and conceptual debates concerning TAs, which will be further explored in Part 1. It also provides a brief introduction to the empirical cases to be examined in Part 2.

## Key theoretical and conceptual debates concerning TAs

Needless to say, debates about TAs are deeply intertwined with those about the nature of the modern state. What is meant by the modern state here is otherwise referred to as the nation-state, understood to be a constitutive element of the so-called Westphalian order. In the words of Max Weber, the modern state is 'the form of human community that (successfully) lays claim to the monopoly of legitimate physical violence within a particular territory', and he

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emphasizes the importance of territoriality of the modern state by stating that the idea of territory is 'an essential defining feature' (Owen and Strong, 2004, p. 33). It is 'a bordered power-container' which is pre-eminent in the modern world (Giddens, 1985, p. 120).

Territoriality is the key feature of the modern state because territory 'deriving from the Latin *terre*, means land, earth, soil as well as nourishment and sustenance' (Malloy 2015, p. 2); it is a fundamental condition for human existence. Malloy further points out that 'territory may also derive from the Latin *terrere*, which means to frighten, to terrorize, and to exclude' (ibid.). Combined, we can argue that territory is what sustains human life by providing sustenance and that it is something to be defended by frightening human beings (pacification) and by excluding those who are not deemed to be entitled to be in the territory. This understanding precisely traces what Weber and subsequent scholars have pointed out as the feature of the modern state: its territoriality and link to violence which the territoriality of the state necessitates.

Consequently, the debates about TAs mirror the critique of the modern state, which is probably most clearly shown in the critique of TAs presented by those who advocate non-territorial autonomy (NTA) as a way of managing difference in a polity. NTA is otherwise referred to as personal or cultural/functional autonomy (Gunes, 2020; Weller, 2012). Simply put, the former guarantees that an individual can exercise his/her preference and the latter aims to do the same for a minority group. In other cases, NTA can be seen as an existential critique of the modern state, in particular, its territoriality, by asserting an individual's or group's right not to be subjected to uniform rule within a clearly demarcated territory, and it is often embedded in discourses of autonomy, self-determination and human rights. In this instance, we can see attempts are made to supersede/overcome the limitation put in place by the territoriality of the modern state in order to protect autonomy at the most basic level. In other words, in the discussion of NTA, what is articulated is a critique of the modern state due to its exclusionary process that is an inevitable consequence of its territoriality.

In particular, in its linkage with human rights, NTA might appear as a relatively novel suggestion for governance, but it goes back at least to the proposal of national cultural autonomy by Austro-Hungarian Marxists such as Karl Renner and Otto Bauer, who attempted to sever the taken-for-granted linkage between territoriality and the autonomy of ethnocultural groups in order to bring about a plurinational state in reality (Smith, 2020). Of late, interest in NTA has been growing in the face of increasingly entrenched ethnic conflict which is becoming even harder to resolve by territorially based solutions, as seen in the mention of NTA in the *Lund Recommendations on the Effective Participation of National Minorities in Public Life & Exploratory Notes* (OSCE High Commissioner on National Minorities, 1999). Various versions of NTA have been introduced mainly in Central and Eastern Europe, and Ephraim Nimni (2020) has recently suggested NTA as a credible alternative to the two-state solution to the Israel/Palestine conflict as in his view, the conflict has 'no territorial solution' (Nimni, 2020, p. 339). What is problematized here is the very fundamental nature of the modern state: imposition of uniform rule within a clearly demarcated territory. Under this condition, autonomy for minority groups is feasible if they constitute a sufficient geographic concentration to form a 'mini nation-state', and if there are clear boundaries, laws and regulations which are slightly different from the center but uniform within that territorial unit that could be implemented. But without clear geographic boundaries, ensuring a minority group's self-determination is near impossible.

The above point—the limitation placed by the fundamental nature of the modern state in pursuing autonomy—has been conceded by legal studies scholars who have investigated the possibilities that NTA could bring to minority protection and ensuring better democracy (Kössler, 2015; Palermo, 2015; Hannum, 1996). This lends itself to an exploration of what autonomy is, a vast philosophical question, which exerts profound influence on debates about TAs. The history

of pondering what autonomy is goes back to Emmanuel Kant (Malloy, 2015). In discussing TAs, several kinds of autonomy have been mentioned: personal, cultural/functional, political and territorial to name but a few. Clearly the idea of autonomy itself produces a vast amount of discussion that the current *Handbook* simply cannot cover in full. Instead, we start with descriptions of autonomy suggested by those working on TAs: autonomy is 'the idea that a person has the freedom and the right to be in control of her own life within reasonable parameters' (Malloy, 2015, p. 5), or 'the right to be different and to be left alone; to preserve, protect, and promote values which are beyond the legitimate reach of the rest of society' (Hannum, 1996, p. 4). Our deliberation, then, moves on to think about the level at which autonomy thus described should be investigated. When focusing on the individual level, we are dealing with the question of human rights; a person's right to be what he/she wants to be. Albeit a profoundly important issue, this is not what the current *Handbook* is focused on. When the focus is placed at the group level, on the question of how to deal with the autonomy of people who share certain characteristics, it can be an issue of either TA or NTA, or both. The current *Handbook* therefore deals with the issue of autonomy at the group level in geographically defined cases.

There are other key debates about TAs. One of them is on the relationship between TAs and federalism: do TAs constitute a subunit of federalism or not? Many scholars agree that the relationship between TAs and federalism needs further investigation, as in Markku Suksi's words: 'There is a lack of terminological clarity in the study of territorial autonomy and federalism' (2012, p. 60). Here the issue is about the understanding of a system of rule/governance, which is a great concern for those engaged with comparative politics. Federalism is a form of governance that is contrasted with the unitary state in which state sovereignty is not divided. In federalism, the state's sovereignty is divided between the center and the federated unit, which is usually codified in the form of a constitution. Some take the view that TAs are one version of federalism because, for instance, federal states 'can be considered as examples of autonomy settlements if self-government is adopted as a means of accommodating demographic diversity' (Weller, 2012, p. 6). Cengis Gunes (2020) also takes the view that TAs are a version of federalism that involves division of power between the central government and regional autonomous entities. Liam Anderson (2013) argues that while the term 'ethnoterritorial federation' is inelegant, it is descriptively accurate as it fuses 'the logic of territorial and ethnic federalism to produce systems that are structurally and functionally distinguishable from both' (Anderson, 2013, p. 6). In this regard, a TA should be understood as a subgenre of federalism as it achieves self-government/autonomy by dividing power between the center and periphery.

Markku Suksi (2012), however, places federalism and TAs on the same analytical level and proposes a new classification of substate arrangements based on institutional and material dimensions (see Table 1.1).

*Table 1.1* Institutional and material dimensions of substate arrangements

| *Material dimensions* *Institutional dimensions* | *Enumerated powers at the state level, residual at the substate level* | *Residual powers at the state level, enumerated at the substate level* |
| --- | --- | --- |
| Institutional representation of regional entities at national level + regular representation of voters through elections | 1. Classical federation | 2. Modified federation |
| Regular representation of voters through elections | 3. Modified territorial autonomy | 4. Territorial autonomy |

Source: Suksi 2012: 69.

According to his classification, neither federalism nor TAs are homogeneous arrangements, and they are essentially the same in that they represent different combinations of ways to govern substate units.

Others argue that TAs are qualitatively different from federalism. Thomas Benedikter (2009) is categorical that TAs are not a subspecies of federalism. In his view, TA (in his terminology, regional autonomy) is

> a specific territorial political organization having its own constituent features. [...] It is based on a specific formula of the political and legal relationship between a central state and a regional community within its traditional territory. Regional autonomy is a political and constitutional organization *sui generis* that deserves distinct attention and analysis in theory and practice.
>
> *Benedickter 2009, p. 9*

The nuanced relationship between TAs and federalism is further articulated by Yash Ghai (2013). Ghai argues that the 'dynamics of relations between the centre and the sub-national unit in a federation are likely to be different than in an autonomy, more fluid and changing, especially in federations built on "co-operation"' (Ghai, 2013, p. 19). This is for a number of reasons, including that federalism is often a response to the difficulties of governing places far away from the capital (ibid., p. 16); that federalism 'normally means universalising self-government on certain national principles, while the rationale of autonomy is the desirability, even necessity, of a special form of self-government for a particular group different from other parts of the country' (ibid., p. 18); and that 'federalism places greater emphasis on "shared rule", that is, all the units are represented at the national level, especially the legislature' (ibid., p. 17). In other words, federalism is more a universalizing principle of decentralization and fair representation within a state, while autonomy does not demand universality but to be 'left alone' (ibid., p. 17). This, according to Ghai, enables the autonomy settlement to 'fudge the thorny issue of sovereignty' (ibid., p. 11), a factor which often contributes to protracting or entrenching conflict.

Further into the nature of TAs, one of the questions asked in the field of comparative politics is whether TA is a primarily means of resolving ethnic conflict. TAs are often seen as a main means of dealing with ethnic conflict broadly defined (Dieckhoff, 2016; Gunes, 2020; Weller, 2012; Kössler, 2015; Barter, 2018). Based on empirical observation, Woodman and Ghai (2013) suggest we see TAs as a prominent way of resolving internal conflict, be it ethnic, cultural, regional or historic. It is difficult to conceive cases such as Macau and Hong Kong as an example of settlement of ethnic conflict; these two cases represent a temporary settlement of differences that have derived from diverse geo-historical development. Michael Keating (2012) also considers TAs within a context of minority accommodation.

So, what are TAs? Below is a list of select definitions of TAs that have been proposed so far (see Table 1.2).

When going through the table in reference to the preceding discussion, we can identify several keywords in wide-ranging descriptions of TAs, including asymmetrical territorial units and within a sovereign state. This leads us to propose a working definition of TAs for the purpose of the *Handbook*: a territorial political entity within a sovereign state, which exercises asymmetrical self-governing competences. How asymmetrical it is and what kinds of asymmetrical self-governing competences have been granted are, of course, subject to different cases, given the fact that TAs are usually pragmatic arrangements which are relational and contingent on the politics of different places.

Table 1.2 Definitions of TAs

| Author(s) | Definition |
| --- | --- |
| Wolff and Weller (2005: 12) | An autonomous entity is defined in territorial terms … Territorial autonomy can be implemented to various degrees, from so-called administrative autonomy to full self-government. |
| Olausson (2007: 25) | Territorial autonomy is a defined geographic territory that, in relation to the majority of other subnational territories, enjoys a special status including some legislative powers, within the state, but does not constitute a federal unit, or an independent state. |
| Weller and Nobbs (2012: 4) | … asymmetric autonomous entities within a sovereign state … |
| Benedikter (2009: 19) | Territorial autonomy in a proper sense not only encompasses administrative powers of local bodies, but requires the existence of a locally elected legislative assembly independent from central state institutions with a minimum power to legislate in some basic domains, as well as an elected executive who implements this legislation in the given autonomous areas. |
| Henders (2010: 12) | Territorial autonomy refers to the authority of a territorial political unit within a state to be self-administering or self-ruling. |
| Suksi (2011: 624) | Territorial autonomy involves a singular entity in what otherwise would be a unitary state or a federal state, so that the entity introduces an asymmetrical feature in the state through a transfer of exclusive law-making powers. |

Source: Compiled by the author.

## Comparative law versus comparative politics approaches

One of the points which has emerged in the above discussion that merits highlighting is the contrast between comparative law and comparative politics approaches to the study of TAs. In fact, most of existing comparative autonomies studies are built upon a 'comparative law approach'. In this approach, scholars examine the constitutional law and international law dimensions of Tas, such as constitutional design (e.g. Suksi, 2011; Ghai and Woodman, 2013), autonomy as a form of self-determination (e.g. Hannum, 1993; Welhengama, 2000), or territorial autonomy as a conflict resolution mechanism under international law (e.g. Hannum, 1996; Weller and Wolff, 2005; Weller and Nobbs, 2012).

On the other hand, there is an emerging group of literature on TAs that adopts a 'comparative politics approach'. This approach covers various issues such as central-peripheral identification (Henderson et al., 2014), autonomous legislatures (Laforest and Lecours, 2016) and party competition (Alonso, 2012). While Keating (2012, p. 21) emphasizes TAs to be understood as a way of accommodating minorities in modern states and while autonomy is often investigated legalistically, he is categorical about the fundamentally political nature of TAs: 'Autonomy is pre-eminently political rather than legal matter, but such politics can be conducted within a normative framework and with regard to functional practicalities'.

The contrast between the two major approaches derives from a focus on different aspect of TAs. In the former, concerns with TAs mainly concentrate on securing a variety of rights and institutions that could facilitate securing these rights in different TA regimes. In the latter, what scholars are concerned with is the question of order or governance and mechanisms through which better order/governance is achieved. These two approaches are therefore not mutually

exclusive but simply shed light on different dimensions of TAs. While the current *Handbook* does not aim to propose a new, integrated methodology to study TAs, by overcoming the comparative law versus comparative politics dichotomy, it certainly aims to show that how these approaches are complementary and can be used together to produce a more rounded understanding of TAs.

## Typology of TAs

As the identity of TAs is still hotly debated, a number of classifications of TAs have been proposed. Some of them, such as the one by Suksi which we have seen above, are proposed to offer some analytical clarity in discussing the relationship between federalism and TAs (Suksi, 2012).

Others are proposed for the purpose of more systematic data gathering. One recent attempt has been made by Christoph Trinn and Felix Schulte (2020). Using three individually necessary and jointly sufficient criteria, namely, constitutional protection, territorial quality and strength of self-rule, they have proposed a total of eight types of territorial self-governance: federated entity (FD), semi-federated entity (SF), regionalized entity (RG), deconcentrated entity (DC), autonomous entity (AN), semi-autonomous entity (SA), devolved entity (DV) and territorialized entity (TR) (Trinn and Schulte, 2020, p. 8). These categories are devised to facilitate quantitative comparison among territorial self-governments as well as to introduce more conceptual clarity. Applying this classification to the Territorial Self-governance data set (TERRGO) containing data of 87 full and defective democracies, Trinn and Schulte (2020, p. 12) have shown that the federated, semi-federated, regionalized and deconcentrated entities, the four standard types of territorial self-governance, account for almost 93% of the cases, confirming that what is conceptually 'standard' constitutes an empirical majority. Trinn and Schulte's work is certainly useful in showing a way of using quantitative data to verify/falsify qualitative assumption, an important step in building/refining theory.

Another attempt which has provided useful insight is the Regional Authority Index (RAI), a data set that measures the authority of regional governments in 81 democracies and quasi-democracies from 1950 to 2010 (Hooghe et al. 2016). The database is currently updated to 2018 and to include more countries. Having examined the completed database, Hooghe and Marks (2016, ch. 7) proposed five theses on regional governance. First, regional governance has undergone a quiet revolution as the growth of often informal regional governance arrangements in the postwar era has substantially altered the territorial character of the state. Secondly, regional governance has been differentiated; in other words, the period from 1950 to 2010 has seen a wider variety of regional governance across the world, which points back to our earlier problematique: the bewildering range of definition of TAs. Thirdly, the data set has shown that regional governance grows with affluence. Fourthly, their deliberation on the data set has shown that regional governance is profoundly social; it is, after all, fundamentally political as it is about who gets what when and how. Fifthly, following the fourth thesis, regional governance is democratic as it is often the outcome of efforts to respond to local/regional demands. As in the case of the TERRGO, the work on the RAI indicates triangulation of quantitative data with qualitative exploration can produce plenty of insight into the study of TAs (in this case, in the form of regional governance).

While it is fiendishly difficult to come up with a definitive typology of TAs, for the purpose of the *Handbook*, we propose the following categories to start with (see Table 1.3).

*Table 1.3* Typology of TAs

| TAs arising from intra-state politics (usually set up by special domestic legislation or constitutional provisions) | TAs arising from interstate politics (usually set up by international treaties) | TAs arising from decolonization (former colonies that have not achieved independence in the postwar decolonization period) |
| --- | --- | --- |
| The Basque Country, Catalonia, Corsica, Quebec, Sarawak, Sabah, Scotland, Wales | Åland Islands, Hong Kong, Macao, Northern Ireland, South Tyrol | Guam, Gibraltar, Puerto Rico |

Source: Compiled by the author.

## Theoretical issues to be examined in the *Handbook*

The introduction has so far outlined the state of art in the study of TAs. It has pointed out that there is a scholarly consensus that terminological/conceptual confusion needs to be clarified, and that there are mainly two major approaches to the study of TAs: the comparative law and comparative politics approaches. It has also sketched different typologies of TAs proposed and discussed so far. It appears the study of TAs has plateaued and is in need of some breakthrough to move forward. The current volume proposes to establish the TA as a unit of analysis as a future research agenda. It therefore brings theoretical contributions from both comparative law and comparative politics together and provides a number of case studies, which are described and examined based on the common criteria. In this manner, we hope that the volume will serve as the basis for future comparative studies of TAs and a first step to show how to use the TA as a unit of analysis.

The Part 1 of the *Handbook* brings together seven scholars to address six theoretical dimensions to the question of TAs. In Chapter 2, 'Constitutional Frameworks of Territorial Autonomies: Global Legal Observations', Markku Suksi provides a global overview of the ways in which TAs as substate units introduce asymmetries into unitary states and federations, drawing from a wide range of examples. The chapter shows that TAs are entrenched in the legal order of the state in a highly differentiated manner and that sometimes their existence is also linked to international treaties, thus making the legal/constitutional aspect of the TA even more complex.

Following Suksi's global overview, in Chapter 3, 'Territorial Autonomies as a Form of Self-Determination: The Legal Right to Internal Self-Determination', Hurst Hannum explores a highly contentious question of the right to self-determination in reference to TAs. Hannum points out that the legal status of the right to self-determination remains highly uncertain and is not readily available to legitimate TAs under the current international law system. However, he argues that the inherent flexibility of TAs can be a gift for those who are seeking some form of autonomy in realizing their aim in a manner which is compatible with the respect for human rights and a meaningful way of political participation.

In the subsequent chapter, 'Territorial or Non-territorial Autonomy: The Tools for Governing Diversity', Tove H. Malloy engages with the question of autonomy in reference to territoriality. The chapter provides an institutional overview of both type of autonomies and introduces readers to contemporary debates about non-territorial autonomies in order to highlight what the two types of autonomies can bring about as a way of managing ethnocultural diversity within a single polity while upholding democratic principles and ideals of human rights.

David McCrone, then, expands on the question of belonging and identity in reference to TAs in Chapter 5, 'Autonomous Belonging: The Politics of Stateless Nationalism'. Shifting the focus from the legal or institutional side of debates about TAs to a more sociological one, McCrone argues that TAs are key to understanding the modern political world, as studying how they have come about would highlight the complex (and ongoing) negotiation between processes of nation-building and state-making in order to reconcile the claim for belonging and the legitimacy of the state.

Chapter 6, 'Societal Minorities and Legislatures in Territorial Autonomies: A Critical Introduction', by Félix Mathieu and Guy Laforest, then shifts the attention to the legislative processes. Mathieu and Laforest provide a timely introduction to the study of autonomous legislatures, which is an underexplored topic. In doing so, the chapter shows that an investigation into autonomous legislatures is inextricably linked to constitutionalism, state architectures, nationalism and non-sovereign democratic projects, which underscores the importance of study of the topic in understanding democratic regimes.

The theoretical part concludes with Klaus Detterbeck's contribution, 'Electoral and Party Politics in Territorial Autonomies: Dynamics between State and Peripheral Parties'. Upon identifying that party competition revolves around the two axes of socio-economic interests and sociocultural identities, the chapter traces structural development of party competition in reference to the two axes in TAs in the twenty-first century. The chapter then articulates four trends in party competition in TAs: the instability and fragmentation of political competition, the denationalization of voting behavior and party systems, the rise of non-statewide parties and the territorial adaptation of statewide parties.

The contributions collected in Part 1 have led us to articulate the key research agenda in the study of comparative territorial autonomies: to shift the unit of analysis from sovereign states to TAs. We believe by doing so, a range of new and under-researched topics will emerge across different disciplines, for example, comparative legislatures of TAs, comparative party systems of TAs, comparative education systems of TAs, comparative language politics of TAs, comparative budgetary systems of TAs and so on. These have been, of course, well researched at the sovereign state level over the decades, and what we propose to do is to break the impasse in the study of TAs by conducting research afresh, taking TAs as a unit of analysis.

## Empirical cases to be examined in the *Handbook*

The Part 2 of the *Handbook* has assembled diverse cases of TAs in order to provide a baseline for further comparative research. Below we provide an outline of each case and why it has been included in the *Handbook*.

**The Åland Islands**: Chapter 8, 'The Åland Islands: 100 Years of Stability', by Maria Ackrén, investigates a TA guaranteed by international agreement par excellence. The territory was granted autonomy by the Parliament of Finland in 1920, which was endorsed by the League of Nations in 1921, and its autonomous status has been accommodated by the European Union with Finland's accession. The chapter examines the 'Åland Example' in reference to three elements: international treaties regulating the demilitarization and neutralization traced back to the peace negotiations in 1856; the Act on the Autonomy of Åland (originally from 1920 but revised in 1953 and 1991) regulating its status in relation to Finland; and the guarantees for protection of the Swedish language and culture as part of the decision from the League of Nations.

**Aceh**: Chapter 9, 'Aceh: Fading Autonomy', by Danil Akbar Taqwadin, focuses on a TA which was granted a special autonomous status in 2005 following long conflict with the

Indonesian central government and the 2004 tsunami disaster. Aceh is also an example of a TA in Asia that is facilitated by international agreement, similar to the Åland Islands. However, Taqwadin argues that the prolonged conflict and violence between the Indonesian central government and Ache from 1873 to 2005 still casts a shadow on the autonomy arrangement Ache has won and that Aceh's autonomy is receding. The case highlights that international intervention does not necessarily secure autonomy in a given territory.

**The Basque Country**: Chapter 10, 'Basques: History and Autonomy', by Víctor Aparicio Rodríguez, investigates a case of asymmetrical decentralization in a unitary state. The chapter highlights the impact of the history of pro-independence terrorist violence and that of the uniqueness of the Basque language on the establishment of Euskadi as one of Spain's autonomous communities.

**Catalonia**: Following the analysis of the Basque Country, a fellow autonomous community in Spain, Marta Soler Alemany presents a case study of Catalonia entitled 'Catalonia: From Autonomy to Self-Determination'. The chapter focuses on the relationship between Catalonia and the central government through the prism of conflict. It argues that the attempted independence referendum in 2017 decisively shifted Catalonia's relationship with the Spanish central government.

**Gibraltar**: Christian Menage, in his chapter, 'Gibraltar: Democracy without Decolonisation', argues that 'Gibraltar is a peculiar place for many reasons'. He drills down to the peculiarity of the place, a British overseas territory (therefore, not part of a nation, nor a sovereign state), in reference to democratization without clear-cut decolonization after World War II. The decoupling of the two, together with economic prosperity has made Gibraltar stand out in the region as the polity with a deeper-rooted tradition of democracy than its neighbors.

**Greenland**: Benedikte Brincker introduces Greenland, an autonomous territory in the Realm of Demark, in her chapter, 'Greenland: Autonomy in the Artic Region'. The chapter examines the historical development of Greenland from a colony to a country and further to self-government in reference to indigeneity and climate change. It sheds light on interesting dynamics between anti-colonialism and a quest for sovereignty by suggesting that Greenland could seek to secede from the Realm of Denmark without claiming sovereignty on its own and to place itself in a different network of dependencies.

**Guam**: An unincorporated US territory, the case of Guam is included in order to shed light on the diverse nature of TAs across the world. In his 'Guam: The Place Where America's Day Begins', Kevin K. W. Ho traces the history of Guam from Spanish colonization to the present, when the Covid-19 pandemic has clearly demonstrated that Guam is fundamentally dependent on the federal government's support while at the same time seeking opportunities for self-determination. He asks: 'With these backgrounds, when Guamanian have the opportunity to make their self-determination, should they opt to get closer to or further away from the U.S.?'

**Hong Kong**: A territory which is in the transitional period from a British colony to a part of the People's Republic of China (PRC). Its time-limited autonomous status is guaranteed by the *Basic Law of 1997* under the 'one country, two systems' formula. Hoi-yu Ng presents a concise overview of Hong Kong as a Special Administrative Region of the PRC in 'Hong Kong: Autonomy in Crisis', and provides some insight into the structural weakness in Hong Kong's autonomy in light of the recent events.

**Jammu and Kashmir**: In Chapter 16, 'Jammu and Kashmir: Contested Autonomy', Chietigj Bajpaee sheds light on the importance of domestic sociopolitical and geo-economic considerations in the examination of the state of autonomy in Kashmir, which is conventionally analysed in reference to competing nationalisms of India and Pakistan, and competing visions

of regional order and security of India and China. He concludes: 'a lasting solution to the quagmire of Kashmir lies in resolving this dichotomy between internal and external pressures'.

**Macao**: Another Special Administrative Region of the PRC, and its development has a similar trajectory to that of Hong Kong. In his chapter 'Macao: Undemocratic Autonomy in Harmony', Ying-ho Kwong uses the idea of 'undemocratic autonomy' to dissect the nature of autonomy in Macao, which provides a contrasting analysis to Ng's view of Hong Kong. The chapter provides insightful material for further analysis of the relationship between autonomy, democracy, decolonization and geopolitics.

**Northern Ireland**: One of the devolved nations of the United Kingdom of Great Britain and Northern Ireland. Together with Scotland, the case of Northern Ireland represents a system of devolution in what is often described as a union state. In his 'Northern Ireland: A Place Apart?', Henry Jarrett first provides a concise outline of the development of Northern Ireland, highlighting its unique geographic, political and cultural positions in the British political space, and argues that Northern Ireland's uniqueness makes it 'a place apart' in the UK.

**Québec**: A province of Canada with recurring movement for independence. Jean-François Dupré provides a portrait of Québec within the dynamics of Canadian federalism highlighting language policy and immigrant integration as the areas where the province enjoys autonomy and projects its identity in Chapter 19, 'Québec: From Autonomism to Sovereignism and Back Again'. Dupré directs the reader's attention to ongoing trends in autonomy politics, including 'an apparent turn away from sovereignist to autonomy politics, renewed concerns with French language protection, and increasing emphasis on secularism (or *laïcité*)'.

**Scotland**: Another devolved nation of the UK. Unlike Northern Ireland, where devolution is introduced to settle its internal conflict between nationalist and unionist communities, devolution to Scotland has been introduced to manage differences between Scotland and the rest of the UK. Justin Chun-ting Ho, in his 'Scotland: A Distinct Political Community in the United Kingdom', provides a concise outline of Scotland as a constituent nation of the UK while paying attention to Scotland's engagement with the wider world through its civil society as well as the Scottish government.

**Sarawak**: A state of the Federation of Malaysia since 1963 which has been seeking more autonomy. Arnold Puyok provides a concise account of Sarawak's experience of fighting for autonomy from the federal government and draws the reader's attention to the balance of power between local political elites and the federal government as a key to maintaining Sarawak's hard-won autonomy in Chapter 21, 'Sarawak: Quest for Autonomy'.

**Sabah**: A state of the Federation of Malaysia since 1963. Just like Sarawak, it was a colony of Britain and Japan before its incorporation into the Federation. Unlike Sarawak, its autonomy has been arguably gradually eroded. In 'Sabah: Autonomy and Integration within the Malaysian Federation', Yew Meng Lai revisits Sabah's position in the Malaysian Federation in reference to state autonomy and national integration and provides rich data enabling us to understand where Sabah is as a territorial autonomy in the twenty-first century.

**South Tyrol**: An autonomous province in northern Italy whose autonomy is underwritten by an Austro-Italian treaty of 1971. Together with the case of the Åland Islands, South Tyrol is often seen as a model of peaceful conflict resolution. In 'South Tyrol: From Conflict to Consociationalism', Verena Wisthaler, Josef Prackwieser and Marc Röggla first trace how German and Ladin language groups in South Tyrol have come to be known as the 'best protected in the world' and then provide an in-depth analysis of what characterizes South Tyrol as a successful TA, including 'conflict as well as complex power-sharing arrangements based on consociationalism, and territorial and cultural autonomy'. It concludes with a discussion of South Tyrol's global connectedness and challenges it has brought to the TA.

**Tatarstan**: A federal subject (republic) of the Russian Federation representing an autonomy settlement in the former Soviet Union. Mustafa Gökcan Kösen, in 'Tatarstan: A Landlocked Republic', highlights a few aspects of the relationship between Tatarstan and the Russian Federation which are related to the constraints of federalism and the protection of national identity, including the 'preservation of the title of Republic, the Tatar language as an official language and having National Bank'. By doing so, the chapter provides fresh material for further analysis in investigating how territorial autonomies come about.

## Lastly...

The editors of the current *Handbook*, Brian C. H. Fong and Atsuko Ichijo, have embarked on this project as we are witnessing changes to TAs across the world, some profound and some incremental. Our aim is to better understand what TAs are and what role they play in realizing democracy and respecting human rights. We sincerely hope that the *Handbook* will be received in a similar spirit and that it will spark a new wave of research into TAs.

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# 21
# SARAWAK
## Quest for autonomy

*Arnold Puyok*



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wikimedia.org/wiki/File:Sarawak_in_Malaysia.svg.

## Introduction

### Early history

Sarawak came under the Brunei sultanate's rule in the early nineteenth century. The British
adventurer James Brooke arrived in Kuching[1] in 1839 to stop a local rebellion against the
Brunei sultanate. Brooke managed to thwart the rebellion and was installed as the rajah of
Sarawak,[2] starting the Brooke family's reign over Sarawak for more than 100 years.

The successive rulers of the Brooke family expanded Sarawak's territorial areas further from
Kuching up to Baram, Limbang and Lawas in the north. Charles Brooke, who ruled from 1868
until 1917, established a formal government and built more infrastructures in Sarawak. In 1917,
Vyner Brooke, Charles Brooke's second son, became the third rajah of Sarawak. He formulated
a new constitution for Sarawak to end the rajah's absolute rule in 1941.

The Japanese occupied Sarawak from 1941 until 1945, forcing Vyner to leave Sarawak and
live in exile in Australia and London. After the end of the Japanese occupation, the British
Military Administration (BMA) ruled Sarawak from August 1945 until April 1946.

After much deliberation in the Council Negri (previously known as Majlis Umum or General Council—Sarawak's first legislative assembly) and opposition from the anti-cession movement.[3] The Bill of Cession was passed in 17 May 1946, making Sarawak a British Crown colony.

## Self-government and the founding of Malaysia

Sarawak entered another, different phase of its history with the founding of Malaysia in 1963. The idea to form a new federation called Malaysia was mooted by the prime minister of the Federation of Malaya (a precursor to the Federation of Malaysia), Abdul Rahman, in 1961.

The idea of a new federation, involving Sarawak as one of the founding territories, was received with mixed reactions. The Malaysia Solidarity Consultative Committee (MSCC) was established in July 1961 to explore the idea. Sarawak leaders were concerned about the status of the state in the federation and the rights of Sarawakians, leading them to submit the 18-Point Memorandum, containing conditions for the state's incorporation into the new federation.[4]

The findings of the MSCC led to the formation of the Cobbold Commission[5] in January 1962 to ascertain the views of Sarawakians regarding the formation of Malaysia. The commission concluded that the formation of the new federation was 'in the best interests of [sic] Sarawak' after discovering that one-third of the people in each territory supported the idea of Malaysia, while another third favored it with conditions; another third opposed the idea, preferring independence and the continuation of the British rule for a little bit longer (Luping, 1994, p. 47).

Another committee, the Inter-Governmental Committee (IGC), was formed in July 1962 to work out the constitutional guarantees for Sarawak. The report of the IGC was crucial as it became the basis for the inclusion of Sarawak's special rights and privileges in the federal constitution. The findings of the Cobbold Commission led to the signing of the Malaysia Agreement on 9 July 1963 by Malaya, Sabah, Sarawak and Singapore.[6]

On 22 July 1963, Sir Alexander Waddell, the governor of Sarawak, announced the appointment of Stephen Kalong Ningkan, a Sarawakian who was also the chairman of the Sarawak National Party (SNAP), as the first chief minister of Sarawak. Following this, on 16 September 1963, the formation of Malaysia was announced and Sarawak became one of the member states of the federation.

## System of government

Sarawak's system of government is modeled on Malaysia's parliamentary democracy and constitutional monarchy.

The Yang di-Pertua Negeri (or governor) is the head of state, while the chief minister acts as the head of government. As head of state, the Yang di-Pertua Negeri, however, has no real executive power as his role is mainly titular and ceremonial.

Since 1963, Sarawak has had six chief ministers, representing different parties and coalitions (Table 21.1). The current state cabinet has 29 ministers—11 are senior ministers and 18 junior (or assistant) ministers. The state legislative assembly has 82 members, making it the largest state legislature in Malaysia. Sarawak's electoral system is based on the first-past-the-post (FPTP) principle in which members of the state legislature are elected based on the plurality of votes in single-member districts. The candidates who lose have no representation at all.

From the founding of Malaysia until the historic general election of 2018, Sarawak was ruled by the Barisan Nasional (BN) coalition.[7] In 2018, Sarawak leaders disbanded the BN and formed the Gabungan Parti Sarawak (GPS or Alliance of Sarawak Parties).

*Table 21.1* Chief Minister of Sarawak, 1963–2021

| Year | Chief Minister | Party | Coalition |
|---|---|---|---|
| 1963–1966 | Stephen Kalong Ningkan | Sarawak National Party | Alliance Party |
| 1966–1970 | Tawi Sli | Sarawak National Party | Alliance Party |
| 1970–1981 | Abdul Rahman Ya'kub | Parti Pesaka Bumiputera Bersatu | Alliance Party (later, Barisan Nasional) |
| 1981–2014 | Abdul Taib Mahmud | Parti Pesaka Bumiputera Bersatu | Barisan Nasional |
| 2014–2017 | Adenan Satem | Parti Pesaka Bumiputera Bersatu | Barisan Nasional |
| 2017–present | Abang Johari Openg | Parti Pesaka Bumiputera Bersatu | Barisan Nasional (later, Gabungan Parti Sarawak) |

Source: Author's compilation.

*Table 21.2* Sarawak's constitutional guarantees in the federal constitution

| Provision | Constitutional Guarantee |
|---|---|
| Financial | Special sources of revenue under Part IV of the 10th Schedule |
| | Special grants under Article 112D (6) |
| | Additional sources of revenue under Part V of the 10th Schedule |
| Legislative | Special legislative powers on items in the Supplementary State List and the Supplementary Concurrent List of the 9th Schedule |
| | Legislative powers on land, agriculture, forestry and local government (Articles 95D and 95E) |
| Immigration | Restrictions on West Malaysian lawyers practicing in Sabah and Sarawak (Article 161B) |
| | Exclusive control over immigration (Article 161E [4] and Part VII of the Immigration Act |
| Judicial | Special consultative processes relating to appointment, removal and suspension of judges in the High Court of Sabah and Sarawak (Article 161E [2][b]) |

Source: Federal Constitution (2014).

Article 1 of the federal constitution states that '[the] [s]tates of the [f]ederation shall be Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Sabah, Sarawak, Selangor and Terengganu'. It is, however, important to mention that being one of the 'states' in the federation does not render Sarawak 'similar' to the other states in peninsular Malaysia.

Sarawak has certain financial, legislative, executive and judicial powers in the federal constitution, as illustrated by Table 21.2. These autonomy and constitutional guarantees were only granted to Sarawak and Sabah before they agreed to sign the MA63.

Sarawak's special position in the federal constitution is justifiable for a number of reasons: 1) 'Sarawak's cultural and religious distinctiveness from Peninsular Malaysia'; 2) 'Sarawak's huge territories and massive resources'; 3) 'problems of poverty and underdevelopment in the state'; 4) '[t]he pact between the Federation of Malaya, United Kingdom, North Borneo, Sarawak and Singapore'; and 5) '[i]nternational law basis to the guarantees for [sic] Sarawak' (Faruqi, 2012, p. 24).

Even though Sarawak enjoys some degree of autonomy compared to other states in the federation, local leaders accuse the federal government of ignoring state rights through its political

dominance and tendency to centralize powers. This has become a bone of contention between Sarawak leaders and federal authorities since 1963.

## *Geography and economy*

Sarawak has a land area of 124,449.51 km², or 37.5% of Malaysia's total geographic area, making it the largest state in Malaysia in terms of land size, which is almost equal to that of peninsular Malaysia. Sarawak is located in the northwest of the Island of Borneo and borders Brunei in the north, Sabah in the northeast, Indonesia in the south, and the South China Sea in the west. Sarawak has a tropical geography with an equatorial climate.

Sarawak's economy was not really the main priority of the Brooke family. James devoted much time to consolidating his political influence and expanding Sarawak's territorial area. Economic activities in Sarawak picked up a bit under Charles, who promoted international trade and agriculture, particularly sago. Charles also relaxed land policy to encourage the planting of cash crops. Vyner continued with his predecessor's economic approach through land cultivation.

Sarawak's economy changed course following the demand for primary commodities such as liquefied natural gas (LNG) and crude petroleum. The state's economy, however, is not as diversified compared to peninsular Malaysia due to its reliance on primary commodities (Furuoka, 2014). In 1990, for instance, the primary sector accounted for 51% of the state's gross domestic product (GDP), in contrast with peninsular Malaysia's 20% and the whole of Malaysia's 28% (Furuoka, 2014; Wee, 1995 cited in Furuoka, 2014).

From the early 1990s until the mid-1990s, Sarawak recorded GDP growth of 8% yearly. The growth in the state's GDP was in tandem with the reduction in the poverty rate from 56.5% in 1976 to 17% in 1995 (Okposin et al., 1999).

The state recorded an upward trend in its GDP growth from 2000 to 2005. In 2000, Sarawak's share of Malaysia's total GDP was 8.9%, amounting to USD7 billion. Sarawak's GDP continued to increase in 2003 to USD8 billion and in 2004 to USD9 bilion. In 2005, Sarawak's share of Malaysia's total GDP was 10.4%, amounting to USD13 billion (Furuoka, 2014).

In 2018, the state's GDP growth was 2.2%, which represented 4.8% of Malaysia's GDP. The state's total GDP in the same year was USD32 billion. Even though Sarawak had one of the highest income per capita of USD12,655, the urban-rural income gap remains a key issue in the state.

Sarawak's GDP share by sector is as follows: services (34.4%), manufacturing (27.7%), mining & quarrying (21.1%), agriculture (13.5%), construction (2.7%) and import duties (0.5%) (Department of Statistics 2016)

## Demographics

Sarawak is one of the most ethnically and culturally diverse states in Malaysia. It has a total population of 2.3 million people, making it the fourth most populous state in Malaysia (Table 21.3). Of the 2.3 million people, 2.2 million, or 95.25%, are Malaysian citizens, while noncitizens are 113,772, or 4.74%.

Sarawak shares a long border—spanning more than 1,000 kilometers—with Kalimantan in Indonesia, making cross-border movement of people difficult to monitor. This close proximity with Kalimantan not only increases cross-border trade but promotes cultural interactions among people living in the border areas.

The Bumiputera,[8] or indigenous people, comprise 1.7 million, or 71.24%, of Sarawak's total population compared to non-Bumiputera at 576,211, or 24.01%. The Iban is the biggest

*Table 21.3* Sarawak's population according to ethnic groups

| Ethnic Group | Total |
| --- | --- |
| Citizen | 2,286,067 (95.25) |
| *Bumiputera* (Indigenous People) | 1,709,856 (71.24) |
| Malay | 551,567 (22.98) |
| Iban | 693,358 (28.89) |
| Bidayuh | 192,960 (8.04) |
| Melanau | 119,897 (4.99) |
| Other Bumiputera | 152,074 (6.33) |
| *Non-Bumimputera* | 576,211 (24.01) |
| Chinese | 560,150 (23.34) |
| Indian | 7,188 (0.29) |
| Others | 8,873 (0.36) |
| Noncitizen | 113,772 (4.74) |
| Total Population | 2,399,839 |

Source: Department of Statistics (2020).

indigenous group at 693,358, or 28.89%, followed by the Malay at 551,567, or 22.98%; the Bidayuh at 192,960, or 8.04%; other Bumiputera at 152,074, or 6.33%; and Melanau at 119,897, or 4.99%. The other Bumiputera is the Orang Ulu, or people of the interior, comprising several ethnic minorities (Jehom, 1999, pp. 83–98).

According to the Orang Ulu National Association (OUNA), the Orang Ulu include the following indigenous minorities: Kelabit, Kenyah (including Sebop, Seping, Kiput, Badang and Berawan) Bukitan, Bisaya, Kayan, Kajang (including Sekapan, Kejaman, Lahanan, Punan, Tanjong and Kanowit), Lugat Lisum, Lun Bawang, Penan, Sian, Tabun, Ukit and Saban (Langub and Seling, 1989, p. 35, cited in Jehom, 1999, p. 90).

Most of these indigenous groups live in the rural areas. Some, particularly the young ones, have migrated to urban areas for greener pastures. The growing number of Iban males who have migrated to urban areas accompanied by their spouses and children have resulted in what Soda (2001, pp. 92–112) describes as the 'extinction of family line and the bonds between families'. This trend is expected to continue in the years to come.

The relationships between these different ethnic groups are generally cordial. Previous conflicts due to tribal wars are now considered as a thing of the past. Sarawak is regarded as a model for racial and religious tolerance in Malaysia. It is normal, for instance, for the different ethnic groups to mingle freely at coffee shops and the markets. What differentiates Sarawak from peninsular Malaysia is that mixed marriages are quite rampant, deepening cross–cultural interactions among the ethnic groups.

Politically, as no particular ethnic group commands the majority, everyone has to come together to form the government in order to run the state. Ethno-religious issues are not as profound as well, making ethnic politics less divisive as compared to peninsular Malaysia.

## Language politics

Given Sarawak's multiethnic societies, it is normal to see people speaking in more than one ethnic language. The Iban language, for instance, is widely spoken among the young and old from non–Iban ethnic groups.

The founding fathers, prior to the formation of Malaysia in 1963, agreed to choose English as the official language for Sarawak. This was clearly written in the 18-Point Memorandum submitted by Sarawak leaders. Despite the elevation of Bahasa Melayu as the official language of the federation, chief minister Stephen Kalong Ningkan insisted on using English in Sarawak, arguing that Sarawakians needed to equip themselves with English in order to enhance their educational attainment (Mansor and Pawi, 2019, pp. 125–135).

Ningkan also argued that the decision to use English was in line with the spirit of MA63 and wanted the implementation of Bahasa Melayu delayed until Sarawak was ready (Jawan, 1991).

Ningkan's insistence on prioritizing English over Bahasa Melayu did not go well with the federal government. The issue deepened the conflict between Sarawak and federal leaders, leading to Ningkan's removal as chief minister in 1966.

Article 152 (1) of the federal constitution states that:

[t]the national language shall be the Malay language and shall be in such script as Parliament may by law provide:

Provided that—

(a) no person shall be prohibited or prevented from using (otherwise than for official purposes), or from teaching or learning, any other languages; and

(b) nothing in this [c]lause shall prejudice the right of the [f]ederal [g]overnment or of any [s]tate [g]overnment to preserve and sustain the use and study of the language of any other community in the [f]ederation.

Sarawak leaders remained unperturbed. Under the fifth chief minister, Adenan Satem, English was elevated as the second official language in the state alongside Bahasa Melayu.

The decision received mixed reactions, with some saying that it was detrimental to national integration and ran counter to the federal constitution. The then-social and cultural affairs adviser to the federal government, Rais Yatim, asked the state government to reconsider the decision 'in the name of unity between the peninsula, and Sabah and Sarawak' (Povera, 2015). But Adenan and Sarawak leaders disagreed, insisting that the move was 'in accordance with MA63' (Povera, 2015).

For Adenan, the promotion of English as the main language of communication in Sarawak, was '[a] practical and logical [move]':

There is no need for any official correspondence between government departments to be in Bahasa [Melayu] all the time, you can use English in your correspondence at the same time. I have been labelled as not being nationalistic or patriotic enough by others when I advocate for the use of English in Sarawak. I am just being practical and logical.

*Tawie, 2015*

The present government led by the GPS has decided to retain the policy. It remains to be seen whether the policy can stand a constitutional challenge, if any, in the future.

## Executive-legislative politics

The term of the present state legislative assembly expired on 6 June 2021. An election, however, had to be postponed due to the nationwide state of emergency imposed by the federal

government to contain the spread of the COVID-19 pandemic in January 2021. Even though the federal government decided not to extend the state of emergency after it ended in August 2021, Sarawak remained under emergency rule until February 2022.

The state's twelfth election that is expected to be held in early or mid-2022 will see the incumbent GPS contesting the fragmented opposition comprising state-based parties, the PSB (Parti Sarawak Bersatu/Sarawak United Party) and the PBK (Parti Bumi Kenyalang/Land of Hornbill Party), and national-based parties, the DAP (Democratic Action Party) and the PKR (Parti Keadilan Rakyat/People's Justice Party).

The GPS—a loose coalition representing state-based parties—comprise the PBB (Parti Pesaka Bumiputera Bersatu/United Bumiputera Heritage Party), the PRS (Parti Rakyat Sarawak/Sarawak People's Party), the SUPP (Sarawak United People's Party), and the PDP (People's Democratic Party).

All the local-based parties are pro-autonomy. PBB leans to the right of the political spectrum, while PRS and PDP are closer to the center. The SUPP, given its past, leans to the left but closer to the center. The PSB's political outlook is almost similar to the PRS and PDP. Even though the PBK also supports autonomy for Sarawak, it is seeking 'independence' for the state based on the principle of self-determination.

In the current assembly, the PBB holds 47 seats, making it the largest party in Sarawak. The second largest is the PRS, largely an Iban-based party with 11 seats, followed by the SUPP with seven seats, the PDP with three seats, and the national-based BERSATU (Parti Pribumi Bersatu Malaysia/Malaysian United Indigenous Party) with one seat (Table 21.4).

The opposition consists of the PSB with six seats and the DAP with five seats. One seat remains vacant in the assembly,[9] while the other one is represented by an independent.[10]

The GPS plays a crucial role in the national political arena, too. It has 18 seats in the national parliament, which is crucial in tilting the balance of power at the federal level. In 2020, it

*Table 21.4* Distribution of seats in the Sarawak State Legislative Assembly between government and opposition lawmakers

| Party | Ethnic Dominance | No. of Seat |
|---|---|---|
| *Government* | | |
| Parti Pesaka Bumiputera Bersatu (PBB or United Bumiputera Heritage Party) | Malay/Melanau | 47 |
| Sarawak United People's Party (SUPP or Sarawak United People's Party) | Chinese | 7 |
| Parti Demokratik Progresif (PDP or Progressive Demogratic Party) | Bidayuh/Iban | 3 |
| Parti Rakyat Sarawak (PRS Sarawak People's Party) | Iban | 11 |
| Parti Pribumi Bersatu Malaysia (BERSATU or Malaysian United Indigenous Party) | Iban | 1 |
| *Opposition* | | |
| Democratic Action Party (DAP) | Chinese | 5 |
| Parti Sarawak Bersatu (PSB) | Chinese/Bidayuh/Iban/Other Bumiputera (Orang Ulu) | 6 |
| *Other* | | |
| Independent | | 1 |
| Vacant | | 1 |

Source: Author's compilation.

formed the federal government with the PN (Perikatan Nasional/National Alliance)[11] and the BN led by Muhyiddin Yassin. Following Muhyiddin's resignation in August 2021, the GPS continued to support the federal government under the PN and BN, now led by Ismail Sabri from the UMNO as prime minister.

In the current federal cabinet, five ministers and four deputy ministers are from the GPS, with Fadillah Yusof, the member of parliament for Petra Jaya, holding a senior ministerial portfolio as minister for works. As the incumbent ruling coalition with the government machinery and resources at its disposal, the GPS is expected to return to power when the election is held in 2022.

The GPS's main challenge is to maintain popular support among the indigenous voters in the interior—some of whom have complained that they have been neglected in terms of development by the ruling coalition. It also remains to be seen whether the issue of Dayakism[12] is strong enough to break the PBB's dominance in state politics and to weaken the GPS. The opposition can only give the GPS a run for its money if they unite and avoid challenging each other.

## Global connectedness

Sarawak is well known for its tourism industry, attracting millions of visitors annually. In 2018, 2.1 million foreign visitors came to Sarawak (cited in Immigration Department of Sarawak, in Ministry of Tourism, Arts and Culture Sarawak, 2021)

Visitors from around the world also come to Sarawak to participate in the state's noted flagship program, the Rainforest World Music Festival, that is held annually in the capital city of Kuching.

In 2017, Sarawak hosted the Thirteenth World Islamic Economic Forum, attracting over 2,500 participants, including world leaders and industry players from 77 countries (Zainul, 2017). The event saw 16 memoranda of understanding (MOUs) totaling US2.43 billion (RM9.93 billion) signed, covering areas from technology to *halal* food to energy (Zainul, 2017)

In August 2019, the state government established the Sarawak Trade and Tourism Office Singapore (STATOS), aiming 'to strengthen and develop new trade, investment and tourism linkages between Singapore, Sarawak and the world' (Sarawak Trade and Tourism Office Singapore, 2021). The setting up of such an international trade office was seen as timely as Singapore contributed roughly 2% of Sarawak's total trade of USD35.6 billion in 2018 (Tuah, 2019).

Sarawak also has paradiplomatic ties with foreign countries such as China, Romania, Brunei and Indonesia. Relationships with these countries are trade- and cultural-related. Sarawak's bilateral relationship with China dates back to the fifteenth century when Admiral Cheng Ho arrived in Southeast Asia. The economic ties between the two countries remain strong. Sarawak's trade value with China was USD3.80 billion in 2017 (Official Website of the Chief Minister of Sarawak, 2021). The amount of the state's export and import to China in 2017 were USD2.40 billion and USD1.37 billion respectively (Official Website of the Chief Minister of Sarawak, 2021). Numerous MOUs on investment, trade and economic cooperation were also signed between Sarawak with the provinces of Yunnan and Fujian.

Sarawak looks at Romania as a potential state in Europe where it can market its agricultural products such as oil palm and rubber (Suara Sarawak, 2021). Even though Romania is not as technologically developed as other countries in Europe, it has potential in terms of its agricultural industry, which Sarawak desires to tap into.

Sarawak's ties with Brunei and Indonesia are not only influenced by trade but also geography. The two countries share their borders with Sarawak. Thousands of people living along the border areas of Lawas, Limbang and Miri in Sarawak commute to Brunei either to work or for social visits. In 2019, the number of Bruneian visitors to Sarawak was 1,296,017, generating estimated tourism receipts of USD0.87 billion (Kew, 2021).

Like Brunei, Sarawak also shares its long land borders with Indonesia's province of Kalimantan. Those residing on the Sarawak-Kalimantan borders are culturally related as well, increasing border crossings, either legal or illegal. In 2017, the total value of exports and imports between Sarawak and West Kalimantan was USD121 million (Pilo, 2018). The total value of trade between the two territories is expected to increase with the relocation of Indonesia's capital city to East Kalimantan.

## Recent developments

Sarawak had a stormy relationship with the federal government in the past under the first chief minister, Stephen Kalong Ningkan. Ningkan's strong pro-Sarawak stance led to his dismissal. State-federal relationships was restored under Ningkan's successor, Tawi Sli, who was seen as more pliant and friendly toward federal leadership.

Sarawak's relationship with the federal government was cordial under Abdul Rahman Yaakub. Rahman also brought Sarawak closer to the center of power at the federal level by consolidating Malay-Muslim Bumiputera dominance in the state through the PBB and other state apparatuses.

The successive chief minister, Abdul Taib Mahmud, maintained Sarawak's close relationship with the federal government. The 'unwritten agreement' between Taib and the then-prime minister Mahathir Mohamad was that as long as Taib supported the federal leadership, Mahathir would let Taib administer Sarawak freely. Taib's more than 30 years in power ended in 2014 and he was replaced by one of his staunch allies, Adenan Satem.

Adenan, who was bent on proving that he was different from his predecessor, went on to introduce a slew of populist policies such as lowering electricity tariffs, abolishing toll payments and quit rents, recognizing the Unified Examination Certification (UEC),[13] and elevating English as the official language for Sarawak (Weiss and Puyok, 2017) . In less than a year after taking over, Adenan came to be known as the 'champion' for Sarawak for his vehemence in fighting for state autonomy.

The growing call for autonomy by Sarawak leaders happened when the federal government under the BN was at its weakest, having lost its customary two-thirds majority in parliament in two national elections in 2008 and 2013. In the two elections, Sarawak (and Sabah) emerged the kingmakers (Puyok, 2013, pp. 226–238). Realizing the importance of keeping the support of the state BN intact for the coalition's survival, the then-prime minister Najib Razak reacted somewhat obligingly, agreeing to devolve certain administrative provisions to Sarawak (Pover, 2016).

Adenan's massive victory in the 2016 state election emboldened him further to pressure the federal government to decentralize power to the state. In the 2016 election, the ruling state BN at the time returned to power, winning 72 of 82 seats contested (or 87.8%) (Weiss and Puyok, 2017).

With Adenan's untimely death in 2017, the effort to restore Sarawak's autonomy hung in the balance for months as Sarawakians waited for Adenan's successor, Abang Johari, to reveal his plan. While maintaining a cordial relationship with the federal government, Abang Johari had to deal with the fragile federal politics, following a tussle for power among the national political

elites. Facing pressure to continue with Adenan's MA63 struggle, Abang Johari went on the offensive, combining political and legal actions in pursuing state autonomy.

In 2019, the state government filed a lawsuit against Petronas (Petroliam Nasional Berhad),[14] the national oil and gas company, for failing to pay tax on petroleum products under the State Sales Tax Ordinance 1998. Petronas sought a judicial review but was dismissed by the court in 2020.

The court ruled that the state had the right to impose the sales tax as provided for in Article 95B (3) of the federal constitution and the MA63. The state government saw this as a major victory as it would give Sarawak an additional revenue of RM3 billion (Tawie, 2020).

Nevertheless, critics argued that the key issue was about the ownership of the oil and gas industry (*Dayak Daily*, 2020). Under the Petroleum Development Act (PDA) 1974, Petronas was given exclusive rights to control the oil and gas industry in Malaysia (Wan Zahari and Shuaid, 2020).

In December 2020, the state government and Petronas released a joint statement announcing that Sarawak would receive 'a greater share of revenues from oil and gas found in the state' and be involved more actively 'in the oil and gas industry through the management of onshore oil and gas resources' (Petronas, 2021). The statement also said that

> [b]oth the Sarawak [s]tate [g]overnment and Petronas, continuing its current role as Malaysia's national oil company, remain committed to working together to create and maintain a stable, conducive business and investment environment for the sustainable growth of the oil and gas industry, both upstream and downstream in Sarawak.
>
> *Petronas, 2020*

The joint statement ended temporarily the constitutional battle between the state government and Petronas over the control of the oil and gas industry. Like the issue of the implementation of Bahasa Melayu in Sarawak, as discussed previously, the matter of the oil and gas industry will remain constitutionally contestable.

Changes in Malaysia politics since 2008 have paved the way for various parties to challenge Malaysia's centralized federal system. Mahathir strengthened his grip on the federal structure further through the BN's political dominance (Yusoff, 2006). The opposition broke that dominance in 2008 and 2013, weakening the BN's power at the federal level and allowing Sarawak to assert its rights based on the MA63.

Questions remain as to whether the weakening of federal power will lead to the empowerment of states in various constitutional provisions and the restructuring of the federal make-up. The Sarawak government, for instance, sought the amendment of Article 1 (2) in the federal constitution in order to restore the state's status as 'equal partner' in the federation.

In 1976, Article 1 (2) was amended to place Sarawak in the same paragraph in the federal constitution as other states in peninsular Malaysia. The original wording of Article 1 (2) placed Sarawak in a separate paragraph, denoting its regional distinctiveness and status as a state (with a capital 's').

If this amendment—which requires two-thirds majority support in parliament—goes through, what implications will it bring to Malaysia's federal structure? Will Malaysia become a super-federation or a confederation? Will it give Sarawak, one of the key signatories of the MA63, even more constitutional powers?

## Conclusion

Sarawak's call for autonomy is based on the MA63 and the provisions in the federal constitution for the rights and privileges accorded to the state. The federal government's political dominance

and its attempt to centralize powers were opposed by state leaders. The conflict between the federal and state governments in 1966 resulted in the ouster of Sarawak's first chief minister, Stephen Kalong Ningkan. Sarawak's relations with the federal government normalized under Ningkan's successive successors—Abdul Rahman Yaakub and Abdul Taib Mahmud—who believed that the state's development could only be achieved when there was a reciprocal relationship between the federal and state governments.

State autonomy and MA63 became a mainstream issue once again under Taib's successor, Adenan Satem, whose popularity contributed to the BN's major electoral victory in 2016. After Adenan's untimely death in 2017, Abang Johari continued with the state's MA63 struggle, albeit with different approaches and strategies.

Sarawak is expected to maintain its pragmatic approach in its relationship with the federal government. This means that the present ruling local leaders will support whoever is in power at the federal level irrespective of ideology and affiliation. Nevertheless, it remains to be seen whether the federal government is willing to make more concessions to the demands by Sarawak for more autonomy. As long as the ruling local political elites are in control of state politics and federal influence is weak, Sarawak has the political leverage to pressure the federal government to give more power to the state by way of devolution of power and decentralization.

## Notes

1 Kuching is located on the Sarawak River at the southwest tip of the state. It was known as the *Sarawak Asal* (Original Sarawak) and was regarded as an independent kingdom. Kuching became the capital for the state of Sarawak after the territory was ceded to James Brooke in 1841.

2 The 'Rajah of Sarawak', or 'White Rajah', was a title given to the ruler of Sarawak under the dynastic monarchy of the Brooke family.

3 The anti-cession movement, or widely known as the anti-cession movement of Sarawak (in Malay, *Gerakan Anti-Penyerahan Sarawak*), was a movement to fight against the attempt to place Sarawak under Britain's control as a Crown colony. The movement started in July 1946 lasted until March 1950. It reached its zenith after the assassination of Duncan Steward, Sarawak's second governor in 1949.

4 The 18-Point Memorandum was a list of 18 points prepared by Sarawak leaders as conditions before the state's incorporation into the proposed Federation of Malaysia. The 18-point Memorandum covered the following matters: religion, language, constitution, head of federation, name of federation, immigration power, right of secession, Borneonization, British officers, citizenship, tariffs and finance, state government, transitional period, education, constitutional safeguards, representation in parliament, name of head of state, and land, forests, local government, etc.

5 The Cobbold Commission was established as a commission of enquiry to ascertain the views of the people of Sabah and Sarawak regarding whether they supported the formation of Malaysia. It was headed by Lord Cobbold, the governor of the Bank of England. The commission's members included Wong Pow Nee (chief minister of the state of Penang), Ghazali Shafie (permanent secretary to the ministry of foreign affairs), Anthony Abell (former governor of Sarawak), and David Watherston (former chief secretary of Malaya).

6 The Malaysia Agreement 1963 has 11 articles and annexes. Article 8 in particular necessitates the implementation of the assurances for Sabah and Sarawak as contained in the Inter-Governmental Committee Report (IGC). The signing of the agreement was significant because it paved the way for the enactment of the Malaysia Act (Act No. 26 of 1963), which sealed the formation of Malaysia. Singapore, however, was expelled from the federation in 1965.

7 In the 2018 general election, the opposition coalition PH defeated the BN, ending the ruling coalition's rule since independence. The historic election also saw Mahathir Mohamad's return as prime minister for the second time after successfully leading the opposition in securing enough of a majority in parliament.

8 The term *Bumiputera*—originally a Sanskrit word and incorporated into Malay—is translated as 'son of soil' or 'son of the land'. In Malaysia, the term is used to describe the *Malays*, the *Orang Asli* (indigenous people) in Peninsular Malaysia and the various indigenous groups in Sabah and Sarawak.

9  The seat became vacant following the disqualification of its representative, Ting Tiong Choon, for possessing dual citizenship.

10 Wong King Wei won the Padungan seat in the 2016 state election on the DAP ticket. He announced his resignation from the party on 27 July 2020.

11 The Perikatan Nasional, or National Alliance, was formed in March 2020 by Muhyiddin Yassin following the fall of the PH from power. It comprises BERSATU, PAS (Pan Islamic Party), STAR (Homeland Solidarity Party/Parti Solidariti Tanah Airku), SAPP (Sabah Action People's Party), and GERAKAN (Parti Gerakan Rakyat Malaysia/Malaysian People's Movement Party). The PN is still part of the ruling coalition that has governed the federal government until today.

12 Dayakism is a term denoting the rise of the political consciousness of the Dayak in Sarawak. Dayak is used to describe the indigenous people of Sarawak, including Kalimantan such as the Iban, Bidayuh, Orang Ulu and others. While the origin of Dayakism is still being debated, it is generally believed that the term was first coined by Sarawak's former deputy chief minister Daniel Tajem. Tajem used it as a political battle cry to rally support among the Dayak people through the Parti Bansa Dayak Sarawak (PBDS), or the Sarawak Native People's Party, in 1983.

13 The Unified Examination Certificate (UEC) is a test used by independent Chinese high school students for qualification entrance into institutions of higher learning. It is recognized by many tertiary educational institutions around the world and by some private colleges in Malaysia. The UEC, however, is not recognized by the public universities. The Sarawak government under Adenan made an exception for UEC holders, allowing them to apply for jobs in the state civil service and to apply for scholarships from the state government.

14 Petronas was established in 1974 to develop Malaysia's oil and gas industry. The Petroleum Development Act (PDA) 1974 vested in the national oil and gas company 'the entire ownership in, and the exclusive rights, powers, liberties and privileges of exploring, exploiting, winning and obtaining petroleum whether onshore or offshore of Malaysia'.

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