

CONTROLLING A PEOPLE, CONTROLLING RESOURCES

While policies for Orang Asli integration and development sought to expressly allow the Orang Asli to enjoy the same quality of life as the mainstream society, they had a thinly veiled element of control built into them. This control not only extended over the Orang Asli as a people but over their traditional territories and resources as well.

The state unquestionably played a significant role in the programme of control of the Orang Asli – primarily by maintaining a notion that the Orang Asli need to be managed and developed according to its criteria. However other actors, including state agencies and various individuals, played equally important roles insofar as their implementation of state policies and the execution of their own agenda served to concretise the control over the Orang Asli and their resources.

This chapter discusses how – by an admixture of administrative intervention, policy implementation, legislative fiat and individual action – the control over the Orang Asli and their resources was set in motion and persistently reinforced in subsequent policy programmes. As a consequence, the Orang Asli not only began to relinquish their political autonomy but much of their traditional territories as well.

JHEOA: Governing a People

The Department of Aborigines, first established in 1950 during the Emergency, is the precursor of the JHEOA. It was modelled along the lines of the United States Bureau of Indian Affairs and the Australian Department of Aborigines, not just in terms of administrative structure, but also in rationale: to 'protect' a class of people deemed to be 'wards of the state'. The policy of establishing Orang Asli reserves is an example of policy similarities.

That the JHEOA is an agent of the state for the control of the Orang Asli can be easily gleaned from the powers granted to it under the Aboriginal Peoples Act. Although the Act vests such powers in the Minister in charge of Orang Asli Affairs, in practice, it is the Director-General of the JHEOA who wields these powers.¹ This broad range of powers includes the creation and regulation of Orang Asli settlements, prohibition and control of entry into Orang Asli abodes, appointment and removal of Orang Asli headmen, prohibition of the planting of any specified plant in Orang Asli settlements, permitting and regulating the felling of forest within traditional Orang Asli areas, permitting and regulating the taking of forest produce, birds and animals from Orang Asli areas, and even prescribing the terms upon which Orang Asli may be employed (Aboriginal

¹ There is no Ministry for Orang Asli Affairs as such. The "Minister" referred to in the Aboriginal Peoples Act is usually the Minister in charge of the Ministry which has jurisdiction over the JHEOA. Currently, this is the Ministry of National Unity and Social Development. In the past the JHEOA came under the following ministries: National and Rural Development (1954-63), Land Development (1963-71), Home Affairs (1971-90), Rural Development (1990), National Unity and Social Development (1993-94), National Unity and Welfare Services (1995-present)

Peoples Act 1954, revised 1974, s.19(1)(a-k).² All these provisions work effectively towards destroying the autonomy of the Orang Asli.

Other regulations in the Aboriginal Peoples Act also work towards breaking Orang Asli autonomy by controlling their access to the 'outside world'. For example, apart from allowing the free entry of non-Orang Asli into their communities, section 19(1)(l) prohibits the entry or circulation of any written, printed or other material capable of suggesting words or ideas. The power of the Minister even extends into deciding what the people should be called.³

Some observers would argue that the 'control clauses' were included in the Aboriginal Peoples Act primarily in response to the security situation presented

² While doing fieldwork in the Betau Regroupment Scheme in 1983-84 for my master's dissertation, I had to agree to a list of conditions imposed by the JHEOA. Most of them related to security considerations (since the scheme was then categorised as a 'black area'), but one condition stood out as being rather unusual: If I were to employ any Orang Asli worker, I was *not* to pay a wage more than nine ringgit per day. This 'maximum' wage rate was imposed, I was told by a JHEOA officer at the scheme, in order to ensure that the Orang Asli would still want to work for the JHEOA, and not opt for other employers (such as loggers and resettlement contractors then in the area) who were able and willing to pay better wages.

³ Section 19(1)(m) of the Act actually allows the Minister to make regulations prescribing the terminology by which the Orang Asli are referred. Perhaps to justify the inclusion of this section, a team from the Department of Aborigines, led by R.O.D. Noone, the Federal Advisor on Aborigines, went to a Jakun village in Terengganu in 1956, did their analysis, and promptly pronounced that the people were not what they had always considered themselves to be. In retrospect, the newspaper headline of the day is quite amusing: Surprise! These 'Jakuns' find that they are really 'Semoq-Beris' (*The Singapore Standard*, 17.10.1956). More recently, as mentioned in Chapter 1 (fn. 2), the JHEOA seems to have dropped the Temoq from their list of Orang Asli sub-ethnic groups. Presumably, they are now considered Jakun, although the community still regards itself as Temoq.

by the Emergency. However, the Act was 'revised' in 1974, 14 years after the end of the Emergency, but all the control clauses remained intact.⁴

Similarly, the JHEOA has persistently ignored calls by both Orang Asli and non-Orang Asli observers for it to be managed by the Orang Asli themselves, with the usual excuse being that there are no Orang Asli who are qualified or who have applied for the job.⁵ Both of these arguments are no longer valid, as there are Orang Asli today who have higher qualifications than those presently holding managerial positions in the JHEOA. Some of these are civil servants, holding senior positions (including Director, District Engineer and Medical Officer) in agencies such as the Perak State Town and Planning Board, Public Works Department, the Ministry of Health, and State Economic Development Corporations. These individuals can be easily seconded from their government departments if required, as has been the practice with all JHEOA senior officers since 1992.⁶ Also, there is no programme of working towards the eventual management of the JHEOA by the Orang Asli.⁷

⁴ The revision was in keeping with the prevailing practice of revising laws every two decades or so, to 'bring them up to date'. However, the changes in the Aboriginal Peoples Act were so minimal that even the terminology used in it remain outdated. Thus, for example, the Orang Asli are still referred to as Aborigines, and the Director-General of the JHEOA is referred to as the Commissioner for Aboriginal Affairs.

⁵ The now-classic tale of two Orang Asli personalities is perhaps worth repeating here. In the mid-1980s, when Bah Tony graduated from the University of Malaya with an economics degree, he promptly approached the JHEOA for a job. He was turned down by the Director-General on the grounds that the department needed anthropologists, not economists. Soon after, however, the JHEOA did employ an economist – a Malay. In any case, in 1989, when Juli Edo graduated from Universiti Kebangsaan Malaysia with a Masters degree in Anthropology and promptly applied for a job with the JHEOA, he was told that the department needed economists, not anthropologists.

⁶ The first two Malaysian Director-Generals of the JHEOA were promoted from their positions in the JHEOA. After the term of Jimin Idris, the position of Director-General,

It has also been pointed out that the existence of the JHEOA is contradictory to its goal of integrating the Orang Asli into the wider national society. For, as Wazir (1986: 3) contends, the existence of a separate agency to look into Orang Asli affairs, serves as a constant reminder of their minority status. The current programmes of the JHEOA can be carried out by other existing agencies. In fact, some major development functions – including education, health and agricultural development – have already been transferred, or are in the process of being transferred, to the regular government agencies dealing such matters. Also, in Sabah and Sarawak, this multi-agency approach has always been the practice. So why does the government not want to do away with the JHEOA?

In 1982, Anwar Ibrahim, then a new Deputy Minister and a rising star in Malaysian political life – met in a closed meeting – with a number of Orang Asli leaders at Tapah, and promised to respond to some of their grievances, including those pertaining to the JHEOA. By 1984, some Orang Asli leaders were

as well as other senior positions has been filled by transfers from other government departments. However, given the manner in which the last two positions were filled and vacated – with the individuals concerned not revealing any news of their transfers to the press, or even avoiding the press – there may be some truth in the observations of Mohd. Tap, himself a former senior officer of the JHEOA, that “the department is represented by disgruntled officers, at most times suffering from the problems of the 3Ps, being there because either he is being punished, on probation, or has just been promoted” (Mohd Tap 1990: 506).

⁷ Ilham Bayu, a pen name, writing in the new weekly newspaper linked to the opposition (*Eksklusif* 14-20 June 1999), asked why no Orang Asli, who had completed tertiary education, were given senior positions in the JHEOA. Such opportunities should be provided, the writer added, if only to allow these individuals to serve their community. Instead, they are forced to seek employment in other agencies. He also suggested that the reason for the poor media coverage of the Orang Asli situation was the refusal of the JHEOA to grant the (assumed) necessary permission to the media, for fear of the ‘truth’ being exposed.

unofficially informed that the government planned to disband the Department by 1990, when Malaysia's New Economic Policy was to be re-evaluated (Means 1985: 650). This never happened and it can only be supposed that the government was reluctant to let go of a unique agency that was useful for the control of the Orang Asli. For, as will be discussed below and in the following chapters, the JHEOA performs a vital function other government agencies can only hope for when dealing with communities: the JHEOA has the power to represent the Orang Asli. This, it frequently does when the contest between the Orang Asli and the appropriator for Orang Asli traditional territories comes to a head.⁸

Invariably, in cases where the appropriator is the state, the JHEOA advances the interests of the former, ignoring the obvious conflict-of-interest situation it is immediately placed in. McLellan (1986: 91) sums it up well when she states that "... the JHEOA has continued the British paternalistic and the Malay feudal patronage role toward the Orang Asli, so it settles claims and decides policy

⁸ This function of the JHEOA as legal representative of the Orang Asli was most evident in the case of the families who contested the conversion of their land in the Bukit Lanjan Orang Asli Reserve for a private development. The Orang Asli families had engaged a lawyer of their own, preferring not to accept the compensation package brokered by the village committee and the JHEOA. However, as clearly stated in a letter from the General Manager of the development firm to the heads of two households whose houses were subsequently forcibly demolished, it was clear that this right to legal representation was not recognised by the private corporation. The developer went on to say, "... as is normally done under the Aboriginal Peoples Act 1954 we will therefore only liaise with the Ketua Pengarah, Jabatan Hal Ehwal Orang Asli and your headman." (Letter from Abdullah bin Abdullah Latiff, General Manager, Corporate Affairs, Saujana Triangle Sdn. Bhd., to Elan a/p San Pok and Mustafa bin Hamid, dated 4 April 1998.)

without actively involving or even consulting those concerned.” As will be discussed in the next chapter, the JHEOA’s assumed authority to act on behalf of the Orang Asli is often the bone of contention between the Department and the Orang Asli, and invariably causes much distress to the Orang Asli.

The Act of the State

Apart from giving powers to the state to control the Orang Asli as a people, the Aboriginal Peoples Act also provides the legal basis for the appropriation of the Orang Asli’s traditional territories. While the Act states that the Orang Asli may reside in their traditional areas or reserves, this is not a permanent right, but rather one that is no more than that of a tenant-at-will – that is, at the will of the state authority [s. 8(2)(c)]. Furthermore, while the state authority⁹ is required to compensate for loss of fruit or rubber trees on lands that are being acquired or alienated to others, the state authority is not obliged to pay any compensation for the land itself, or to replace it with suitable alternative land [s. 11(1), s.12].

Commentators on the legal rights of the Orang Asli to their traditional territories (including Hooker 1976, 1991; Liow 1980; Rachagan 1990; Chua 1991; Lim 1997) have acknowledged that while the generality of the law is against the interest of the Orang Asli, one can make out a constitutional argument that the Orang Asli should be accorded rights similar to those enjoyed by the Malays under the Malay Reservations Act. Nevertheless, the point is, this assertion has

⁹ The term ‘state authority’ is used in the Act to commonly mean the ‘state government’.

to be argued, and decided, in the courts; it is not clearly established in the Constitution.

To this end, Hickling (1994: 15-16), has even insinuated that it would be futile for the Orang Asli to assert that, "in spite of the Constitution, he and his ancestors are the true bumiputras" and, as such, can stake a claim to their traditional territories, in line with the *Mabo* decision in Australia.¹⁰ He adds, "The hopeful Orang Asli who reads the *Mabo* decision should not, therefore, hope for a battery of Supreme Court activists [meaning progressive judges] to further his case" (Hickling 1994: 16).

Thus, according to Hickling's interpretation, the Orang Asli were never intended to enjoy any rights to their traditional territories. And, in a thinly veiled reference to the lack of judicial independence in Malaysia, he adds, "Under the watchful eye of Dr. Mahathir, Malaysian judges are unlikely to go the way of 'the Mabo Six' as they are now known" (Hickling 1994: 15).¹¹

A reading of the Aboriginal Peoples Act, in fact, should make clear that this

¹⁰ In the landmark *Mabo* Decision of 2 June 1992, the Australian High Court held that the common law of Australia recognises native title to land and rejected the doctrine that Australia was *terra nullius* (land belonging to no one) at the time of European settlement and said that native title can continue to exist: 1) where Aboriginal and Torres Straits Islander people have maintained their connection with the land through the years of European settlement, and 2) where their title has not been extinguished by valid acts of Imperial, Colonial, State, Territory or Commonwealth Governments. Further, the Court found that the content of native title – the rights which it contains – is to be determined according to the traditional laws and customs of the Aboriginal and Torres Strait Islander people involved (Commonwealth of Australia 1993: 1).

legal instrument of the government has been used to deny Orang Asli control over their traditional territories, thus effectively refusing to recognise them as the autonomous social units that they were in the past.

Integration and Assimilation: Giving Unto Others

The official policy of integration for the Orang Asli, with its assimilationist tendency, effectively advances a process of de-culturalisation among the Orang Asli. This would be in keeping with the goal of controlling the traditional territories of the Orang Asli. For Orang Asli to be willing to give up their traditional territories, their attachment to land must first be eroded. Thus with assimilation, their traditional cultural values and localised identity can be replaced by new ones, including a reduced attachment to a particular ecological niche.

Even if the policy were one of integration, its ultimate social policy framework would be to renounce all recognition, including territorial recognition, of Orang Asli status as a distinct policy category. There would then be no need for special land tenure, social policy, or political institutions. Ethnic and cultural heritage would be an entirely private matter. In fact, as we shall see below, there are already plans to resettle Orang Asli from their traditional communal lands onto

¹¹ The 'Mabo six' referred here are the six Australian judges who sat on the bench during the landmark Mabo case.

individual plots of land, subject to the normal regulations under the National Land Code.¹²

Sometimes, even the policy of assimilation/Islamisation is brought into play to effect the appropriation of the Orang Asli's traditional territories. A case in point is the 'Orang Asli-Malay Twinning Villages' programme of the government launched in August 1997. The aim of the *Program Kampung Berkembar Antara Perkampungan Melayu Dan Orang Asli* is to "bring about integration and brotherhood between the Orang Asli and Malays, and to inculcate a positive culture and positive socio-economic values among the Orang Asli."¹³

The national launch of the programme was held amidst fanfare, and officiated by the then Deputy Prime Minister Anwar Ibrahim in Kampung Bawong, Lasah, Perak on 16 August 1997. Here, the government revealed plans to 'twin' Orang Asli and Malay villages in 26 areas, especially in settlements where the Orang Asli are Muslim or where active *dakwah* activities have been conducted, while the project beneficiaries will only be Muslim Orang Asli.¹⁴

¹² The former Director-General of the JHEOA, Ikram Jamaluddin, recently alluded to this state of affairs as follows: "When the community is fully integrated ... there is no reason for special laws anymore. Orang Asli, as they want to be ethnically identified, will only need the current civil laws, and the Syariah if they were Muslim" (*The Sun* 9.10.1997).

¹³ Programme booklet, *Majlis Pelancaran Program Kampung Berkembar Antara Perkampungan Melayu Dan Orang Asli, Kampung Bawong, Lasah*, 16 August 1997. Incidentally, the integration efforts of the JHEOA have so far only been directed at the Malay community. There is yet to be a programme of integration with the other ethnic communities, suggesting that perhaps assimilation, not just mere integration, is the goal.

¹⁴ That there is a strong Islamisation content to the project is also evident from the fact that one of the organising committee members for the launch was the Director of the Perak State Islamic Religious Council (JAIP) whose assigned role, as listed in the

In the case of Kampung Bawong and the surrounding Temiar settlements, 100 lots of land for 100 families – 50 Orang Asli and 50 Malay – will be developed.¹⁵ Each lot, for which individual title has been promised, will consist of four acres of oil palm, one acre of fruit garden (*dusun*), and a 60-foot by 90-foot wooden house.¹⁶ However, the catch is that the project is in the existing Orang Asli settlement and, as such, this is tantamount to the Orang Asli giving up a part of their traditional territories to enable Malay settlement.¹⁷ In fact, for the launching ceremony in Lasah, existing Orang Asli *dusuns* and houses were bulldozed in order to make way for the site of the launching ceremony, and for the new project. Clearly, therefore, one impact of the policy of integration/assimilation has been to cause the Orang Asli to lose control of their traditional territory.

programme booklet, was “*Pengislaman Orang Asli*” (Islamisation of Orang Asli). The Perak Chairman of POASM, himself a recent convert to Islam, was also invited to be a member of the organising committee.

¹⁵ The Malay participants would be those eligible for the scheme for the hardcore poor *Projek Pembasmian Rakyat Termiskin*, PPRT). This prompted a senior POASM leader to question the genuine goal of the project: “Only those Malays who are eligible for PPRT are involved in the village twinning programme. What sort of integration do you expect to get?”

¹⁶ In metric terms, this is equivalent to 1.62 hectares for the oil palm grove, 0.41 hectares for the home garden, and an 18 metre by 27 metre house.

¹⁷ The Temiar headman at Kampung Bawong was reportedly unhappy with this arrangement, and complained to the Perak Menteri Besar, Ramli Ngah Talib. I am reliably told that the MB’s response was, “Don’t worry, we will begin with only the 50 Orang Asli lots first, and take it from there....” Whether the reverse – allowing Orang Asli to apply for, or reside in, Malay Reserve lands – will be allowed is still an issue unlikely to see resolution in the near future.

Regroupment Schemes for Recouping Resources

The JHEOA's programme of resettling Orang Asli in regroupment schemes (RPS) is considered one of its major functions. The expressed objectives of the regroupment schemes are:

- To eradicate poverty or to reduce the number of hardcore poor among the Orang Asli;
- To modernize their way of life through provision of social services and basic facilities such as education, health, housing, water and electricity supply, etc.;
- To regroup and reorganise (*menyusun*) Orang Asli in suitable centres in their traditional areas; and
- To guarantee the security of the Orang Asli from subversive and anti-national elements (JHEOA 1992: Lampiran A).

The former Director-General of the JHEOA, Jimin Idris (1983: 48-9) acknowledges that the initial proposals for a resettlement policy similar to that adopted during the Emergency of 1948-1960 came from the military establishment in early 1977. For this reason, the early regroupment schemes were located along the spine of the central mountain range, areas thought to be the bases of the communist insurgents. With such an rationale, the other objectives of poverty eradication and modernisation appear to be afterthoughts.

Nevertheless, the security motive was not always the primary reason for a policy of resettling Orang Asli in regroupment schemes. Orang Asli have been regrouped or resettled for a whole host of reasons, e.g. to facilitate projects such as the new international airport (in Sepang), a university campus (in Bangi), and dams (as in Banun). In all these schemes, it is clear that the motivation for

Table 24

Data Sheet on Regroupment Schemes (RPS), 1996.

No.	Project Name	State	Sub-Ethnic Group	Total Area (ha.)	Total Households	Total Population	Total Agric. Area (ha.)	No. of Participant Houses	No. of Staff Houses	Implementation Date	Land Status	Year Yield Began	Main Economic Activity
1	RPS Kemar	Perak	Temiar	4,148	397	1,727	1,278	241	29	4MP	Reserve Application (Not Approved)	(Rubber) 1992	Rattan, Fishing
2	RPS Air Banun	Perak	Jahai Temiar	2,529	176	721	117	6	12	4MP	Reserve Application (Not Approved)	PRKT Selenggara	Fishing, Rattan, Gaharu
3	RPS Dala	Perak	Temiar	2,226	175	680	50	100	20	4MP	Reserve Land	-	Rattan, Fishing
4	RPS Legap	Perak	Temiar	1,287	80	1,242	120	8	9	5MP	Reserve Land	Not Started	Rattan, Bamboo
5	RPS Tonggang	Perak	Temiar	469	41	161	0	0	0	6MP	Reserve Land	Not Started	Rattan, Rubber, Wage
6	RPS Jernang	Perak	Semai	2,226	160	679	0	0	0	6MP	Reserve Land	Not Started	Rattan, Petai
7	RPS Batau	Pahang	Semai	2,835	256	1,125	968	321	36	4MP	Group Settlement Area	(Rubber) 1992	Rattan, Bamboo, Rubber
8	RPS Kedak	Pahang	Jakun	1,616	156	380	737	137	18	4MP	Reserve Land	(Palm Oil) 1991	Oil Palm, Wage, Rattan, Logging
9	RPS Bt.Serok	Pahang	Jakun	798	164	661	639	132	16	4MP	Reserve Land	(Palm Oil) 1991	Oil Palm, Wage
10	RPS Runcang	Pahang	Jakun	1,012	210	1,291	512	192	13	5MP	Reserve Application (Not Approved)	(Palm Oil) 1984	Farming, Wage
11	RPS Tenu	Pahang	Semai	937	70	378	12	12	5	5MP	Reserve Application (Not Approved)	(Vegetables) 1990	Rubber, Wage, Logging
12	RPS Kuala Belis	Kelantan	Temiar	2,955	315	200	655	259	30	4MP	Group Settlement Area	(Rubber) 1991	Rattan
13	RPS Iskandar	Pahang	Semelai	2,364	67	594	0	0	0	6MP	Reserve Application (Not Approved)	Not Started	Rubber, Wage, Logging
14	RPS Buluh Nipis	Pahang	Jakun	2,227	63	293	0	0	0	6MP	Reserve Application (Not Approved)	Not Started	Rattan, Wage, Logging
15	RPS Pulau	Kelantan	Temiar	1,023	12	88	0	0	0	6MP	Under Application	Not Started	Rattan
16	RPS Pasik	Kelantan	Jakun	2,025	80	300	0	0	0	6MP	Under Application	Not Started	Rattan
17	RPS Balar	Kelantan	Temiar	1,738	106	0	0	0	0	6MP	Under Application	Not Started	Rattan, Wage
18	RPS Kudong	Johor	Jakun	1,012	35	190	0	0	0	6MP	Under Application	Not Started	Rattan, Wage
	Total			33,427	2,663	10,700	5,118	1,408	188				

Source: Compiled from JHEOA Taklimat RPS (1992), Nicholas & Williams-Hunt (1996: 469) and Lum Hin Fui (1997: 66).

Legend: MP = 5-year Malaysia Plan. 4MP (1981-85), 5MP (1986-90), 6MP (1991-1995)

relocation or resettlement was not the more altruistic objectives of poverty eradication and modernisation. Rather, it was because their traditional territories were required for an externally-imposed development project. This can be easily supported by the observation, reflected in Table 24, that the promised development projects or basic infrastructure facilities in these regroupment schemes were invariably never in place when the Orang Asli were required to move. In several cases, they were never delivered until several years later (18 years in the case of RPS Banun). Some have yet to be delivered. Invariably, in all schemes, the alternative income-generation projects (usually cash-crop agriculture) were not started until several years into the project. Even when the promised items were delivered, they were often insufficient for all. For example, the JHEOA recognises at least 2,563 households involved in the regroupment schemes, but only 1,408 houses have been planned. Presumably, the other 45 per cent of households were expected to construct their own houses, as seems to be the trend in the schemes.

That the regroupment schemes are not achieving their social objectives can be gleaned from the nutritional status of the Orang Asli children living there. Khor (1994: 123) contends that:

Some 15 years after relocation, the nutritional status of Orang Asli children in regroupment schemes can be described as poor with a moderate to high prevalence of underweight, acute, and chronic malnutrition. Their dietary intakes are deficient in calories and several major nutrients. ... There exists an over-simplified assumption that introduction to cash-cropping will lead to increased income, which will provide more money for food, and in turn result in improvement in nutritional status.... In reality, relocation entails cultural uprooting and lifestyle changes

which may not be overcome by the provision of physical facilities and economic incentives only.

Such lamentable conditions in the regroupment schemes can be attributed to the smaller subsistence base and psychological disenfranchisement caused by uprooting the Orang Asli from their traditional territories. For, while the authorities argue that regroupment does not necessarily entail resettlement or relocation, the reality is their resource base becomes smaller, invariably to be shared with others who have been relocated from their own traditional territories. For example, in the Betau Regroupment Scheme in Northwest Pahang, often projected as the model scheme of the JHEOA, a total of 20 settlements within a 14.5 kilometre radius of the confluence of the Betau and Jelai River were 'regrouped' within a 5.6 kilometre radius (Nicholas 1994: 18). In the case of Kampung Kuala Tual, I estimated that the traditional territory of the community was close to 7,000 hectares.¹⁸ However, on relocating downriver in the Betau Regroupment Scheme, the total land area allotted to Kampung Kuala Tual was 95.1 hectares – or only 1.4 per cent of their traditional *nenggrik* (Nicholas 1994: 18, 52).

The immediate impact of regroupment, therefore, is invariably a dramatic reduction in control over territory and resources. In fact, in all regroupment schemes, the management and decision-making – as to what crops to grow, where the settlements is to be located, how allocations are to be disbursed,

¹⁸ This was done by determining the boundaries of their traditional territories (*nenggrik*, in Semai) by connecting the physical features identified by the villagers onto a topographical map, and working out the area covered by the boundary so determined.

control of entry of visitors and traders – is now in the hands of the local representative of the JHEOA, who is frequently a non-Orang Asli.

Regroupment also brings with it a whole gamut of other social problems especially when a community is expected to impinge on another's traditional territory, or if food and other subsistence needs are hard to come by. The case of RPS Banun in northern Perak illustrates this assertion (Nicholas 1995: s. 99-113).

The 13 Jahai communities in the Banun area were resettled at the Pulau Tujuh Resettlement Scheme in the mid-1970s – at the recommendation of the National Security Council that saw resettlement of the Orang Asli as a military strategy to isolate the villagers from the communist insurgents. In 1979, when it became obvious that the original Pulau Tujuh site would be inundated by the Temenggor dam being constructed then, the resettlement project was moved to the present site at RPS Banun. However, just a few months after the Orang Asli were regrouped at RPS Banun, some scheme participants began to withdraw. Traditional food resources within the new area were quickly depleted as a result of the much higher population density. The government rations – and, later, the cash subsidies (RM50.00 per family per month) – were insufficient to sustain them, and the Orang Asli had to place greater reliance on fishing in the lake, which was two kilometres away, and on the sale of rattan for cash incomes, to subsist. The death of 18 Jahai within a short span also prompted many groups to leave the scheme.

Withdrawal from the scheme also grew as a result of conflicts over land. Officially, at least 13 distinct communities, each led by its own *penghulu* or village head, were technically under the RPS Banun scheme in 1988. However, by 1993, only the group who claimed traditional territorial rights to this part of the Belum area was residing within the 2,529.2 hectares allotted to the Banun scheme.

Furthermore, despite being promised agricultural projects such as rubber and fruit gardens, none were forthcoming, either upon their acceptance of the scheme – not an unusual expectation given that the Jahai's socio-economic system is based on immediate-return activities – or even 18 years after the scheme was established. Apart from unsuitable soils, the JHEOA also recruited incompetent contractors who did not finish their jobs. Another grouse of the Orang Asli of RPS Banun was that as of 1993, only eighteen houses had been built for the 176 households – and of these eighteen, twelve were for the JHEOA administrative staff.

Since regroupment for the Orang Asli does not provide any additional security of tenure to the land, it appears that they would be better off not being regrouped if late or non-delivery of 'development benefits' is the norm. For the state, however, regroupment fulfils its many needs. For one, it is the most effective, socially-acceptable means to appropriate Orang Asli traditional territories for its own use or for use by others. Regroupment programmes also provide the

additional bonus of effecting control over the people, effectively undermining their autonomy.

Land Policies – For National and Orang Asli Safety

In the past three years, there have been new efforts at resolving the land rights issue of the Orang Asli. In fact, the JHEOA is “confident that it will be able to solve the land woes of the Orang Asli within the next 10 years” (*The Star* 25.3.1996). The former Director-General, Ikram Jamaluddin, said that state governments have agreed in principle to give land titles to Orang Asli, and that the JHEOA would apply for the lands “on which others had no claim on, those earmarked for cluster agriculture schemes, and those the under planned villages concept approved by the state governments.” The presumption here is that it is not necessary to give out titles for land that the Orang Asli are currently residing on, nor will the land be anywhere near the extent of their traditional territories.¹⁹

This is the issue at stake. The Orang Asli want the traditional territories on which they are residing to be either gazetted as permanent reserves, or for some form of permanent title to it to be issued. The state governments, however, see relocation

¹⁹ One of the problems facing the JHEOA, according to Ikram Jamaluddin, is Orang Asli staking claim to huge tracts of land. “Some of them seek up to 16.6ha of land while the state governments give no more than 4.04ha per person with the average being 2.02ha to 2.42ha,” he added (*The Star* 25.3.1996). In a seminar organised by POASM in 1992, Ikram’s predecessor in the JHEOA, Hassan Ishak, had questioned the need for so much land for the Orang Asli. He added, “If we give half an acre of land to a Chinese, he will grow vegetables and make lots of profits. Why can’t the Orang Asli do the same?” No one gave him a direct answer then, but an Orang Asli leader sitting next to me, said: “What about Kelantan? Almost all of it is Malay Reserve Land. Why do *they* want so much land?”

to another (smaller) site as a precondition for granting land titles – individually, not communally.²⁰

The recent evolution of land policies for the Orang Asli in Perak perhaps reflects the nature of state interests in Orang Asli traditional territories.²¹ In early 1991, the Perak State Government announced plans to resettle Orang Asli onto permanent sites as, in the words of the Perak Chief Minister, Ramli Ngah Talib: “We cannot afford to convert thousands of acres of land as Orang Asli reserve, as often requested, due to land shortage.” To this, the Peninsular Malaysia Orang Asli Association (POASM) pointed out that the Orang Asli had never asked for new land or reserves. “If there was land shortage in Perak for conversion into Orang Asli reserve land, it merely implies that the Orang Asli had been side-stepped when it came to land allocation,” said then POASM President Bah Tony.

²⁰ The case of the Jakun settlements in Segamat, Johor best illustrates this contention. The state government had in 1996 taken over 1,420 hectares of timber-rich Orang Asli reserve land and assigned the rights to the timber to a private developer. In return, the 187 families affected were offered better housing, improved infrastructure and a higher standard of living. The land in question is spread over Kampung Kudong, Kampung Tamok, Kampung Kemidak, Kampung Selai and Kampung Lenek. However, a condition of the development package was that the Orang Asli had to be relocated in Bekok, where 75 hectares for an Orang Asli settlement and 350 hectares for oil palm plantation were set aside. Upon regroupment, therefore, the Orang Asli stood to lose 995 hectares, or 71 per cent of their traditional territories (*New Straits Times*, 12.4.1999). In earlier reports, however, it was stated that 748 hectares of their land would be developed for “agricultural, housing, infrastructure and other purposes” (*New Straits Times*, 28.4.1997). Even so, this would mean a loss of 672 hectares, or 47 per cent, of their traditional territories.

²¹ The earlier quotes are from my article in *Pernloi Gah*, June 1991, pp. 8-13. More recent references are from *Berita Perak*, March/April 1991; *New Straits Times* 20.2.1997, 25.4.1997, *New Sunday Times* 24.1.1998; *The Star* 18.3.1993, *The Star* 25.3.1996, 25.1.1998.

The Perak government then changed its position. The State Land and Rural Development Committee Chairman, Azman Mahalan, said that the state would not grant land titles "in order to protect the interests of the Orang Asli". He expressed fears that, on granting the titles, Orang Asli families would have to pay various land taxes, which would be a burden to most of them. He added that there was also the possibility of them selling the land to others. To this, the (opposition) State Assemblyman for Dermawan, Mohamad Asri Othman, promptly rebutted that as "taxes were decided upon by the state, it could impose minimal or nominal tax on Orang Asli land. Whether it would, or would not, be a burden to Orang Asli will depend on the state."

On the possibility of the Orang Asli selling the land to others, Asri said that it was baseless and speculative to imagine that the Orang Asli alone would be tempted to sell their land. Land was also given to other ethnic groups, so why single out the Orang Asli? He suggested that to prevent the Orang Asli from selling their land, the titles could be entrusted to a trustee or else the same conditions as those governing Malay Reserve land could be imposed.

However, two years later, in March 1993, the Perak State Land and Regional Development Committee announced that a new land policy for Orang Asli was being submitted to the State Executive Council. Its chairman, Azman Mahalan, said that "the lack of planning had resulted in many Orang Asli having to live in hilly areas where they found difficulty in setting up their settlements or carrying

out farming and hunting.” The new policy would therefore seek to “exchange barren reserve land belonging to the Orang Asli with fertile land.”

According to Azman, the state government would not gazette any new Orang Asli land until the policy was approved. Nor would it allow Orang Asli to sit on the committee in charge of formulating the policy as the committee already had authorities well-versed in Orang Asli matters – in the person of representatives from the District Office, the JHEOA, and the Department of Lands and Mines, Department of Town and Country Planning, and the Survey Department.

This “fertile land for barren land” policy took many Orang Asli by surprise, especially when they did not expect the seeming generosity of the state government in giving them supposedly better land than what they had then – especially without them even asking for it. This move particularly baffled the Semai headman at the 10th mile Cameron Highlands road because he had been informed that his settlement would be a target of the new policy. The government had planned to resettle his community “to more fertile land” elsewhere, and to alienate the existing area to an agribusiness corporation – to grow *durians* on a plantation scale.²²

Knowing that this supposed rationale for resettling Orang Asli was not going down well with the Orang Asli, the Perak State Government laid low for a while,

²² “If the land is not fertile, and we ask for it, why not just let us have it?” said the elder. “Why move us away from our *nenggirik* only to give it to someone else to grow durians? Can’t they see that we too have been growing durians here?” (Personal conversation, 14 April 1993).

but continued, in the interim, to make plans for the eventual resettlement of some Orang Asli settlements.²³ Then, when the Pos Dipang mudslide tragedy occurred on 30 August 1996, killing 39 Orang Asli and 6 Chinese ("due to natural causes as a result of several days of heavy rain" was the official explanation),²⁴ both the Perak State and the Federal Governments saw this as an excellent pretext to ask the Orang Asli to resettle. The government announced plans to resettle Orang Asli in 'high risk areas' to safer sites. A similar tragedy that had killed more than a hundred persons in Sabah when Storm Greg lashed Keningau in December that year added more weight to the new policy of resettling Orang Asli to 'safer areas'.²⁵

²³ For example, word was being leaked out from the District Office that there was a plan to turn an area around Bidor, involving four Orang Asli settlements, into an industrial and commercial area. And in Behrang, near Tanjung Malim, plans were already underway to transform the area into a new Proton City, where the national car industry would have its second manufacturing plant.

²⁴ Within a week - certainly another record for the country - an investigation team was put together, and the findings on the cause of the tragedy announced: it was due to natural causes and not to logging. This was despite the forestry officials themselves remaining puzzled over the obvious presence of old logging stumps. That Mother Nature was unleashing its wrath for past logging activities, was never even considered (Nicholas 1997c: 34).

²⁵ The Minister for National Unity and Social Development, Zaleha Ismail, announced that the government would spend RM52 million to relocate 76 Orang Asli settlements that are unfit for occupancy and located in danger-prone areas over the next three years. This would affect 3,500 families. The allocation was part of the approved RM119.2 million for the JHEOA to improve the livelihood of the Orang Asli. Another RM21.4 million was for economic growth activities and RM45.4 million was for social activities. Zaleha also said that small settlements of between 15 and 20 houses would be regrouped into larger settlements, so that the necessary amenities could be provided. "We have set up a committee ... to identify and relocate them to safer and higher locations," she said (*The Star* 23.4.1997). However, by January 1998, the number of Orang Asli settlements that were in "high-risk" areas had risen to 93 (*New Sunday Times* 24.1.1998), prompting allegations that this new rationale for resettling Orang Asli was being exploited fully.

In keeping with this new rationale for resettling Orang Asli, the Perak State Government revealed in April 1997, that it had already identified several villages prone to floods and landslides and was planning a relocation programme. The villages included Sungei Korbu and Sungei Lenggong in Kuala Kangsar (involving 300 Orang Asli), Sungei Teruntum and Sungei Kinta (450 Orang Asli). "But," the Perak Menteri Besar added, "the Orang Asli must change their nomadic lifestyle if they wanted to receive land titles for their land." He said the state government could not issue land titles to people on the move, adding that the community could apply for land just like others in the state (*New Straits Times* 25.4.1997).

Thus, Orang Asli are to be treated just like others when it comes to the issue of recognizing Orang Asli land rights. They are expected to apply for individual land titles on 'state land' or to participate in Felda-type schemes as ordinary participants – although unlike other ordinary Felda settlers, they are not landless peasants, but once an autonomous and landed people. From the foregoing discussion, it is clear that land policies for the Orang Asli have not been for the genuine development of the Orang Asli; rather, they are there to help the state to appropriate their traditional territories, for itself or others.

Land Titles: Going It Alone

In February 1997, the Director-General of the JHEOA announced that "26 Orang Asli families in Pahang and Perak are expected to receive individual land titles for their ancestral land by the end of the year" (*The Star* 19.2.1997).²⁶ He added that the policy of the JHEOA was to give Orang Asli land titles under the National Land Code "just like other individuals in Malaysia".

As I have argued earlier (*The Star* 12.3.1997), although there are some Orang Asli who want individual titles, there are also those who do not, as this will undermine their traditional rights to their communal territories. Also, with individual land titles, individual lots would be fixed in size and number, and their total area would invariably be smaller than what they are asserting traditional rights over. The community will also face problems with fixed-sized lots as it will not be able to cope with expanding households, in contrast to the traditional land tenure system which had the advantage of a relatively large traditional territory to fall back on.

Also, given the experience of the JHEOA's dealings with village committees, and given the potential for individuals in the community to abuse the system of distribution of rights and allotments, the practice of granting individual land titles is likely to cause splits in the community. Furthermore, no assurance has been given that the titled lots would be in their traditional territories. On the contrary,

²⁶ As of May 1999, however, this has not been effected as announced.

there are indications, discussed in the next section, that to enjoy the security afforded by land titles, the Orang Asli would have to be resettled.

However, rather than debate about the issuing of individual land titles, it has been suggested that, as an immediate first step to the resolution of problem of Orang Asli land claims, the state governments act on gazetting all existing Orang Asli areas and settlements. Once this is secured, then the communities can work out the issuing of individual titles among themselves. Formalising the gazetting of Orang Asli areas as reserves is not a problematic process as the necessary applications have already been made (some since the early 1960s) for these territories to be gazetted, while others have been approved for gazetting, but have yet to be gazetted as of today. Secondly, the majority of Orang Asli are still residing in their traditional territories, and as such, no non-Orang Asli community would have to be dislodged.

Pursuing a policy of granting individual land titles, without first securing title to the communal ownership of Orang Asli traditional territories, as is now envisioned, reveals the position of the state vis-à-vis the Orang Asli on the question of land. For one, Orang Asli customary rights to their traditional territories are not recognised by the state. So too, their traditional systems of land distribution are similarly not recognised. Furthermore, their existence as a

distinct people attached to a particular ecological niche, is also not recognised.²⁷

All these work towards reducing Orang Asli autonomy and threatens the security of their traditional territories and resources.

Privatization: State vs. Orang Asli Interests

As mentioned in the previous chapter, one element of the 10-point development strategy of the JHEOA is "introducing privatisation as a tool in the development of Orang Asli areas". More specifically, the *Ringkasan Program* (JHEOA 1992:

5) lists the methods to achieve this, as:

1. To co-operate with the private sector to develop potential Orang Asli areas, especially in forest-fringe areas with developed surroundings; and
2. To establish suitable organisations to represent the local Orang Asli community in joint-ventures with the private sector.

Basically, such joint-ventures work by having the Orang Asli sign away their rights to their traditional territories – usually through the JHEOA, an ostensibly Orang Asli cooperative, or a representative committee of the community (such as a *Majlis Adat* or Customary Council) – to a private corporation, which may or may not be an Orang Asli entity. In exchange for the right to mine, log, and own the land in perpetuity or on lease, the corporation enters into an agreement to

²⁷ In contrast, for example, the Malay Reservation Act allows for both gazetted Malay Reserves as well as individual titles within the reserves. In March 1998, a coalition of lawyers, academics, POASM and COAC proposed a Draft Orang Asli Reservations Act which takes into account individual titles, as well as trusteeships, within Orang Asli reserves, plus other safeguards to ensure the rights of the Orang Asli to their traditional territories. It will be submitted to the government after feedback from the Orang Asli communities has been obtained.

provide basic infrastructure facilities and housing for the Orang Asli. In some instances, the promise of titled individual plots is thrown in.

As of June 1997, the JHEOA has received a total of 25 applications from corporations interested in developing Orang Asli areas under the privatisation programme (JHEOA 1997b: 15). These applications, of which three had already been approved then, involved 1,176 families and 5,996 hectares of Orang Asli traditional territories.

The first of such privatised Orang Asli regroupment plans was launched in May 1997, with the signing of an agreement between the Johor State Government and Taktik Sejati Sdn. Bhd. Some 600 Orang Asli from 149 families in Kampung Lenek, Selai, Kemidak, Kudong and Tamok in Segamat district in Johor were to receive assistance in terms of "economic, social, personal, mental and outlook (*sic*) development". A total of 748 hectares of the land was to be developed for agricultural, housing, infrastructure and other purposes. Another 290 hectares will be surrendered to the state to be alienated to the Orang Asli once the agreement lapses in the 92nd month (*Berita Harian* 28.4.1997, *New Straits Times* 28.4.1997, *The Star* 28.4.1997).

However, the Orang Asli involved were not happy with this move. Juki Sungkai, an Orang Asli youth leader, had questioned why forest products valued at RM60 million were to be apportioned by the Koperasi Daya Asli Johor Berhad (mainly set up by JHEOA officers) and not by the local community. For this reason

alone, Juki added, "The regroupment project in Bekok should be put on hold because the project was given to a company, which is not in accordance with the Orang Asli Act" (*Utusan Malaysia* 10.6.1997).²⁸

The older Orang Asli, on the other hand, were not in favour of the project as it would mean that three of the settlements would have to move into the traditional territories of Kemidak and Selai – that is, into a smaller area only in order to benefit from infrastructure facilities that they were already enjoying in their existing settlements.

One of these, Batin Keli Osman of Kampung Lenek, disputed the reason, given in a JHEOA working paper for a briefing session, that the village was too far in the interior and therefore needed to be relocated. "The actual fact is," he said, "our village is located next to the Malay kampung of Kampung Panca Jaya, about 6 kilometres from the main road. We have easy access to schools, clinics, shops and others, while enjoying the economic stability that comes with cultivating our own land" (*New Straits Times* 12.11.1997). He added that it was puzzling that two other kampungs located about 64 kilometres in the interior would not be relocated, while his should be relocated.

²⁸ A few months earlier, the Johor Menteri Besar, Abdul Ghani Othman, had accused the state JHEOA of carrying out illegal activities and wanted the federal government to help investigate the matter. He said the Department had been giving out logging concessions without consulting the state government. In one case, he added, the Department gave out a 10-year logging contract to one Goh Ah Seng without referring the matter to the state (*New Straits Times* 12.9.1996, *The Star* 12.9.1996, *The Sun* 12.9.1996).

Earlier in the year, the communities had demonstrated against the company carrying out logging activities on their land. Kampung Tamok headman, Batin Aaer, said that while he was happy with the Johor Menteri Besar's efforts to bring development to the Orang Asli, he felt the state government should first consult the Orang Asli before making plans for them. "We are not the same Orang Asli community thirty years ago, which was then set in its primitive ways and had rejected development." He added, "the government should not think the Orang Asli were stupid people who did not understand what was good for them." (*New Straits Times* 27.1.1997).

The Johor State Government, however, declared that it "would not succumb to the whims of isolated Orang Asli groups who reject projects aimed at providing greater security for them." State Unity and Social Welfare Committee Chairperson, Halimah Mohd Siddique said that it was the state government's prerogative to provide the best for the Orang Asli community, and the state would fervently pursue projects to upgrade infrastructure for them, including organising and restructuring their villages. "Our endeavour is to institutionalise them and make them a part of state's development process," she added (*New Straits Times* 24.11.1997).²⁹

²⁹ In a sad epilogue to this first attempt at privatisation of Orang Asli development, the Orang Asli at Bekok have complained that while more than 1,000 hectares of timber has been logged, there are no signs of the promised infrastructure projects and oil palm plantations being delivered. The Johor State Government is now said to be investigating why the Orang Asli privatisation programme has been delayed for 18 months – with no sign of development (*New Straits Times* 12.4.1999).

The above case is not the only one where Orang Asli are facing unfair deals with the “privatisation of their development”. A similar issue has emerged in the case of Bukit Lanjan, just outside an exclusive area in Kuala Lumpur, while others are emerging in Pulau Carey, Selangor and Buluh Nipis, Pahang. Clearly, the JHEOA’s policy of using privatisation as a tool for developing Orang Asli areas is but another mechanism to effect control and appropriation of Orang Asli traditional territories.

Social Development Programmes and Control

Not all policies and programmes seek to control Orang Asli resources. At times, certain other policies indirectly serve to destroy Orang Asli autonomy and subject them and their resources to the state. In the case of social facilities such as education and health, for example, the control is over the people, not their resources.

Educating for Integration

For a long while, education was not considered a particularly important function of the JHEOA. Consequently, teaching standards were very low, and infrastructure and teaching facilities grossly inadequate. All this caused abnormally high dropout rates at both primary and secondary levels of education (Edo 1989, Hasan 1997). Since 1995, however, the responsibility of Orang Asli education has been handed to the Ministry of Education, with all Orang Asli schools to eventually come under the Ministry by the year 2001 (*The Star*

20.1.1996). Arguably, this is a positive move – if we disregarding the fact that mainstream school curriculum is not an autonomy-augmenting activity – since both the human and financial resources of the federal ministry would then be available to the Orang Asli.

However, it is now well accepted that in programmes of integration and assimilation of indigenous peoples, there is now recognition of the special situation of children, who are considered particularly open to change, education, and 'salvation'. Armitage (1995: 41) notes that in the case of Australia, Aboriginal children were a particular focus of attention, as assimilation was expected to take place through the cultural absorption of the next generation of Aboriginal peoples. That this is also the official approach for the Orang Asli can be gleaned from the remarks of the Director-General of the JHEOA in a TV Forum on RTM1, 17 April 1989:

The objective role of the JHEOA is to integrate, and if possible, to assimilate the Orang Asli with the national society. The objective is integration with the national society; but if there is assimilation, then it is considered a bonus. The crucial target groups are those post-Merdeka Orang Asli – the school-going children, and those between 20 and 30 years old. Those 40-50 years old, we need only to provide them with basic needs.

A cursory reading of press reports on the Orang Asli over the past few years reveals that the Orang Asli schoolchildren are indeed the target of various 'integration' programs such as *Titian Mas* ('golden bridges'/foster family programmes) and the *dakwah* (missionary) programmes of a variety of Islamic agencies, organisations and institutions (e.g. *Berita Harian* 13.1.1997, 31.1.1998; *Berita Minggu* 28.12.1997). It is here that the thin line between what

constitutes integration and assimilation from an official perspective becomes difficult to see. In any case, there is no doubt that 'education' is now used as a mean to achieve assimilation or integration.

Controlling Health

In the field of Orang Asli health, the statistics, discussed in Chapter One and more extensively in Baer (1999), reveal less-than-commendable attempts on the part of the state at securing better health status for the Orang Asli. Nevertheless, even in the area of health, the state is able to find ways for controlling the Orang Asli, even though they may not be necessarily designed as such. For example, when the President of the Malaysian Association of Maternal and Neonatal Health, Dr. Raj Abdul Karim, revealed that Orang Asli women comprised 60 per cent of the 42 mothers who died during homebirths in 1994 (*The Star* 28.9.1996), the Minister responsible for Orang Asli Affairs immediately directed that the seven existing Orang Asli health transit centres be turned into Alternative Birthing Centres (*The Sun* 16.11.1997, *New Straits Times* 17.11.1997).

This may come across as being decisive and prompt, but on the ground, such a directive had varying repercussions. For one, Orang Asli mothers-to-be had to be 'warded' for about a month before the delivery date to 'wait out' their time. Not only was this psychologically stressful for the mother-to-be, it also placed an undue burden on the rest of the family, especially those living near subsistence. Home deliveries were no longer encouraged, and in some cases, even forbidden, by local health staff under pain of various forms of castigation including refusing

to register the birth, not entertaining any request for medical assistance in the event of a difficult birth, and charges of criminality in the event of a tragedy. Alternative solutions to the problem of high maternal deaths – training midwives, better locally available healthcare services, better availability of ambulances and so on – were not considered for the Orang Asli.

Control over the Orang Asli's health programme has also led to disastrous consequences in terms of lives lost unnecessarily. For example, in February 1997, a team from the Health Department carried out an anti-malaria campaign in Kampung Sungei Seboi in Kuala Krau, Pahang.³⁰ Although the community had not complained of any malaria cases, and despite not enquiring about the G6PD³¹ status of the Orang Asli, the team set about dispensing a mix of anti-malarials to infants, children and adults. Soon after the dispensation, some children fell violently ill. Two died while being sent to hospital and another eight had to be hospitalised. Yet, the Pahang Health Director maintained that the deaths were not related to the anti-malarial programme (*The Star* 22.2.1997).

It is, however, well known among medical circles that malarial control among the Orang Asli is not so much for their own health, but rather for the health of others. For, as Mak *et al.* (1992: 575) honestly puts it: "With improved

³⁰ A fuller account of this tragic incident can be obtained from the COAC Memorandum to the Health Minister (1997), Nicholas (1997b), and Baer (1999: 123-32).

³¹ This is short for Glucose-6-phosphate dehydrogenase, a genetic condition of the blood that can cause life-threatening situations if the G6PD-negative individual is administered primaquine (a common anti-malarial in Malaysia) or a few other compounds. This is a fairly common blood condition among the Jah Huts, and there have been cases of violent reactions to some anti-malaria drugs in the past.

transportation, and a policy to integrate them with other communities, there is increased risk of malaria being transmitted to others." As revealed in the subsequent inquest hearings, this was one of the reasons the health team made the visit that fateful day.

The ironic, but sad postscript to this incident is that eight months later, I attended the funeral of a two-year-old Semai girl who had apparently died of malaria. The parents, knowing the symptoms well, and considering that two other children from the same village had been warded in the Tapah Hospital for malaria the same week, had taken the girl to the clinic twice, but on each occasion they were dispensed medicine for an ordinary fever and told to go home. On the day of the funeral, a Semai mother asked me to help bring her young son to the hospital as she feared he too was suffering from malaria. However, at the hospital, similar fever medicine was dispensed and the mother told to come back in two days if there was no improvement in the boy's condition. Only after an explanation to the doctor that we had just come from a funeral of a child whom we believed had died of malaria, and that two others in the village had been confirmed as having contracted the disease, was a blood test done on the boy. He was tested positive, requiring his hospitalisation.

In this particular case, the community affected had informed the JHEOA health personnel in Tapah of the malaria cases and had requested mass screening for malaria. But the official response was rather lethargic. This contrasts with the case of Kampung Sungei Seboi, where the community there had not complained

of any cases of malaria but a mass anti-malarial programme had been foisted on them. Both cases unfortunately resulted in lives lost unnecessarily.

In an further example of control over Orang Asli health, a lawyer friend informed me that when his Rotary Club wanted to extend their community health project to one Orang Asli village in Temerloh, the Kuantan JHEOA office put a stop to it, citing security reasons, without any elaboration on the nature of the threat to security that such a humanitarian activity incurred (personal conversation, 7 October 1997).

Clearly, therefore, even in the area of healthcare, the Orang Asli have lost autonomy.

Individuals in Control

It is not always the state governments, the JHEOA, or other federal agencies that exert control over the Orang Asli through their policies or programmes. On occasion, the actions of an individual, or group of individuals – usually by virtue of their perceived official clout, although they may be acting on their own – can impact on Orang Asli autonomy. For example, individual JHEOA officers may berate Orang Asli women, and insist that they dress properly when they visit the department's premises. They may even block development projects due to personal grudges. There have also been cases of individuals – JHEOA officers, District Office personnel, and even local politicians – using their positions to gain

personal benefit at the expense of the Orang Asli (e.g. by applying for logging concessions in Orang Asli areas, applying for *dusuns* on Orang Asli land, or by getting subsidies for projects supposedly meant for Orang Asli). A former senior JHEOA officer, Mohd Tap (1990: 84, 104 fn.) has acknowledged that:

There are instances recorded when officials of government agencies (including officials of the Department of Orang Asli) have taken advantage of Orang Asli's ignorance, vulnerability and powerlessness by turning into 'exploiters' themselves through non-payment of money due to Orang Asli, and at other times by taking goods and services from Orang Asli without any form of payment or paying too low a price for them.... Some unscrupulous officials would delay payment, or at times downright non-payment, usually putting the blame squarely on the paying agencies.

These may be normal bureaucratic weaknesses, but there are also instances when individual JHEOA officers have actually instructed Orang Asli to change aspects of their cultural practice to conform to their personal or social prejudices. For example, in Kampung Busut/Air Hitam in Banting, Selangor, the Temuan community there traditionally celebrated their *Hari Moyang* (Feast Day for the Ancestral Spirits) on the eve of the Lunar New Year. This is probably due to the close interaction of their ancestors with the early Chinese arrivals in the area. Disliking the association of the Temuan feast day with the Chinese New Year, the JHEOA officer for the district instructed them to choose another day to celebrate their *Hari Moyang*. Out of a desire to avoid confrontation, but also reflecting their subservient relationship *vis-a-vis* the JHEOA, the Temuan shaman conceded to this directive, and since 1996, the feast day is now celebrated on the eve of the *solar* new year (*viz.* 31 December). Majid Suhut, current President of

the POASM, informs me, that the same is true for his village in Batu Kikir, Negri Sembilan (personal communication, 29 December 1997).

To further illustrate the 'power' some individuals can have over an Orang Asli community, the case of the Batek Taman Negara is narrated here. In 1995, the Batek were unhappy with the private corporation managing the resort over losing their tourism business – especially for being displaced by others as guides for the lucrative Gunung Tahan trail, and also over an agreed royalty payment for the use of the image of a Batek boy on the resort's promotional products. The Batek protested and demanded their fair share. The matter became a controversy in the local press because a German anthropologist, Christian Vogt, who was doing his doctoral fieldwork with the group, was accused of "instigating and poisoning the minds of the Batek tribe to demand for their rights over a business deal with a local resort."³² Despite positive statements supporting him and his work from his local academic sponsor, the Pahang Menteri Besar, the JHEOA, and even the minister responsible for Orang Asli Affairs, Vogt was forced to discontinue his studies and to leave the country. The local interests on the ground – the resort manager and the tour operators – thus succeeded in keeping the Batek in check.

In an October 1997 visit with this Batek community in Kuala Yong, Taman Negara, I was told that the settlement had been closed to all visitors, both local

³² Material on this controversy has been culled from Hood (1995: 32-36); Vogt (1995); *The Star* 2.6.1995, 3.6.1995, 4.6.1995, 6.6.1995, 8.6.1995, 23.6.1995; *New Sunday Times* 25.6.1995.

and foreign.³³ Citing a complaint by the newly-appointed Orang Asli senator, the Pahang State Government had apparently become concerned that tour operators in the national park were giving a negative image of Malaysia by allowing tourists to photograph the semi-dressed Orang Asli in their settlement.³⁴ A sequence of events soon followed that resulted in a ban on visits to the Batek settlement at Kuala Yong.

The Batek were visibly angry at losing an important source of income, estimated at about RM2,000 per month for the ten families normally resident there. They saw the issue as a dispute between the Department of Wildlife and National Parks (DWNP) and Datuk Omar Othman, a state assemblyman. Some months before, the latter had gone to Kuala Yong on an official visit. Several bamboo poles were cut to build an archway and to make the tables for the welcoming ceremony. The Batek say DWNP officers at Taman Negara were angry over this and fined the politician RM500 for each bamboo pole, with the total fine coming to RM36,000 in all. In the ensuing tiff between the two parties, the DWNP saw, in Omar's recent statements about the dress norms of the Batek, an opportunity to get back

³³ My colleague and I were not granted permission by the park management to go to the village, and no boatman would drop us off at the settlement. However, we were otherwise able to spend two nights there in order to be able to investigate the matter.

³⁴ The State Culture, Arts and Tourism Committee Chairman, Shahiruddin Moin, said that, "Although it is natural for women of the tribe to live half naked in the village, their photographs may give a wrong impression that Malays here are dressed in that manner." (*The Star* 3.8.1997). The State Rural Development and Growth Centre Committee Chairman, Omar Othman, was then assigned to look into the matter (*Berita Harian* 3.8.1997, 4.8.1997, *Utusan Malaysia* 4.8.1997). No official announcement was however made about the ban on visits to Kuala Yong.

at him. Thus, the village was closed ('*tutup*') and the Batek were to blame their suffering as a result of the closure on Omar's action.³⁵

But the Batek also began to see the whole affair as a ploy by the DWNP to remove the Batek's income source to force them to seek alternative income sources, particularly non-timber forest products such as *gaharu* and rattan. Although it is illegal to harvest both products, some of the DWNP officers are said to be middlemen for the trade in these items.³⁶ The tourists are now taken further downriver to the more permanent (and more 'presentable') Semoq Beri settlement at Sungei Tiang, also on the Tembeling River. The boatmen now get to collect a return fare of RM90 instead of only RM30 if they were merely to bring tourists to the nearer Kuala Yong. Thus, as the Batek have analysed, closing Kuala Yong to tourists has served to benefit several others, all at their expense.³⁷

³⁵ A senior officer of the Department of Wildlife and National Parks headquarters in Kuala Lumpur maintained in March 1999 that the department had no role in the ban on visits to Kuala Yong – suggesting that perhaps local DWNP officials may be acting on their own accord.

³⁶ In fact, at the time of my visit, one Batek had just sold RM300 worth of *gaharu* and another was seen processing two large splinters of Grade C *gaharu* which he expected to get paid RM16 for.

³⁷ The headman and two others followed us back to Jerantut to lodge a formal complain with the JHEOA director there. The Director absolved the JHEOA from having anything to do with the ban, and promised to contact the Wildlife Department within the week to try to resolve the matter. However, as of early 1999, the matter has yet to be resolved amicably.

Policy-wise, the official position on this issue is difficult to gauge. The seventh strategy in the JHEOA's current *Programme Summary* involves "Gearing up Orang Asli activities in culture and the arts not only to preserve their traditions but also as a tourist attraction." (JHEOA 1993a: 5). However, the then Malaysian Permanent Representative to the United Nations Commission on Human Rights, Musa Hitam, said in a speech to the Commission in New York that, "in Malaysia, we do not allow visits to indigenous settlements. This is not because of our fear of critical scrutiny but more because we do not want them to become objects of curiosity or tourist attraction" (Musa Hitam 1994: 4). The apparent contradiction in policy aside, it is quite clear that the Batek episodes came about because of individuals who could – and were allowed to – exercise control over some aspect of the Batek's lives.

No Policies for Empowerment?

It would seem from the foregoing discussion that there has never been any intention on the part of the state to introduce policies and programmes that seek to recognise the Orang Asli as a separate people or to empower them in the context of equal participation in the Malaysian nation state. On the contrary, the JHEOA's 1961 *Statement of Policy Regarding the Administration of the Orang Asli of Peninsula Malaysia*, had several 'broad principles' that most Orang Asli would support. Among these are:

The aborigines ... must be allowed to benefit on an equal footing from the rights and opportunities which the law grants to the other sections of community.... special measures should be

adopted for the protection of institutions, customs, mode of life, person, property and labour of the aborigine people [1(a)].

The social, economic, and cultural development of the aborigines should be promoted with the ultimate object of natural integration as opposed to artificial assimilation.... Due account must be taken of the cultural and religious values and of the forms of social control [1(b)].

The aborigines shall be allowed to retain their own customs, political system, laws and institutions when they are not incompatible with the national legal system [1(c)].

The special position of aborigines in respect of land usage and land rights shall be recognized.... Aborigines will not be moved from their traditional areas without their full consent [1(d)].

Measures should be taken to ensure that they have the opportunity to acquire education at all levels on an equal footing with the other sections of the population. At the same time care must be taken to ensure that their own dialects are preserved and measures should be introduced to enable the teaching of these dialects [1(e)].

Adequate health services should be provided ... and special facilities should be provided for the training of their own people as health workers and medical personnel [1(g)].

In all matters concerning the welfare and development of the aboriginal peoples Government will seek the collaboration of the communities concerned or their representatives [1(j)].

In the implementation of forest conservation requirements the special position of these communities be acknowledged provided any relaxation exercised in their favour will not be detrimental to the effective and proper implementation of accepted Forest policy and objectives [2(iii)(a)].

The basic requirements for settled agriculture are a sufficiency of food crops and a dependable cash crop.... This requires a degree of permanency of occupation, and advance in agricultural technique and the choice of suitable sites [2(iii)(b)].

The Introduction to the JHEOA's current *Ringkasan Program* (Programme Summary) refers to the 1961 *Statement of Policy* specifically to the fact that only

the *Statement's* main objective (of integrating the Orang Asli with the mainstream) remains the same. There is no reference to the 1961 'broad principles' that have apparently been replaced by the new 10-point Strategy discussed in the preceding chapter. Comparing the 1961 *Statement of Policy* with the current development strategy of the JHEOA, the latter has clearly ignored the inherent dignity of the Orang Asli as a people, and removed several provisions safeguarding Orang Asli autonomy and self-development. For example, the assurance that the Orang Asli will not be moved from their traditional territories without their full consent [s. 1(d)] is no longer a basic principle of current strategies for Orang Asli development. So too the assurance that their institutions, customs and mode of life will be protected [s. 1(a)]. Also, the goal of encouraging the natural integration of the Orang Asli into the mainstream through their social, economic and cultural development [s. 1(b)], appear to have been replaced by a policy of artificial assimilation that clearly does not consider their cultural and religious values, that were also to be protected in the 1961 *Statement of Policy*.

Further, the cases mentioned in this study clearly show that, while the 10-point strategy aims to "place the Orang Asli firmly on the path of development in a way that is non-compulsive in nature and allows them to set their own pace" (JHEOA 1993b: 5), much of this is mere rhetoric. In any case, as the goal of the current development strategy is an orderly, modernised and managed Orang Asli society, this can only be achieved if there is at least some element of implicit control over the communities being 'developed'.

In fact, the fundamental principle influencing current development policies and programmes for the Orang Asli is not one that treats the Orang Asli as self-identifying, autonomous communities; rather, it assumes the Orang Asli to be homogenous, discrete aggregates that can be moved about, or rearranged, to meet economically-determined or politically-designed objectives. With such a perception of the Orang Asli, it is inconceivable that these policies, for example, will recognise the need for Orang Asli communities to maintain organic links with their specific ecological niches or traditional territories. This is especially evident when resettlement schemes are planned on the assumption that the Orang Asli will willingly sacrifice their traditional territories in exchange for the benefits of modernisation – to be achieved by their incorporation into the national economy and their assimilation into the dominant culture.

Thus, while the current development strategies of the JHEOA do promise the Orang Asli an improvement in living conditions, they do not however reiterate the protections and assurances of the 1961 *Statement of Policy*. This is especially so as far as the continuity of Orang Asli society and culture is to be protected, and that the control of their traditional territories is assured.

Summary

Policies are often concealing as well as revealing. When set against the facts of what has eventually happened, or not happened, state policy on the Orang Asli can reveal their true position relative to the national society.

In part because Orang Asli lay claim to vast natural resources, because Orang Asli insist on retaining their traditional cultures, and because Orang Asli social structures call for integral elements of autonomy, the state is not sympathetic to recognising discrete Orang Asli political entities. And with the essential resource of the state being power, its principal mode of operation is the use of that power to constrain the options of people and organisations within its jurisdiction. In the case of the Orang Asli, this has been done to some effect, such that a process of de-culturalisation has set in, producing a dependent and controlled Orang Asli community.

Consequently, one of the first felt impacts of government policy on the Orang Asli is the threat to their ownership of their traditional territories. As we shall see in the following chapter, this has provided the basis for a pan-Orang Asli identity and a reassertion of Orang Asli political autonomy.