

AIPP Series on INDIGENOUS PEOPLES' SELF-GOVERNANCE AND DEMOCRACY

AIPP | COAC

LOOKING BACK AND LOOKING FORWARD

ORANG ASLI SELF-GOVERNANCE AND DEMOCRACY

THE ORANG ASLI were once the dominant peoples who inhabited the Malayan peninsula. They governed themselves in customarily-held autonomous areas by developing social, economic and political systems that we now realize have been important in striking a harmonious balance between humans and Nature, and between humans and humans. Their indigenous governance systems, in particular, ensured that every member of the community was the focus of government, but that the interests and continuity of the community took precedence.

Today, they struggle to regain control over their lives and lands. How did it get to this? Just what did they lose? And what do they need to do to recover their governance systems?

THIS VOLUME is part of a series published by AIPP for a course on "Realizing Indigenous Peoples' Autonomy and Self-government". The programme seeks to help Indigenous Peoples critically reflect on the state-of-affairs regarding self-determination and self-government among their own peoples; to help them comprehend the extent of the damage or destruction of their customary self-governance systems; to take stock of what is left; and to explore options to regain, revitalize and reconstruct self-government among their communities and peoples.

COLIN NICHOLAS is the Founder and Coordinator of the Center for Orang Asli Concerns in Malaysia. He has been associated with AIPP since its inception in 1988.

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ORANG ASLI SELF-GOVERNANCE AND DEMOCRACY

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Center for Orang Asli Concerns

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ASIA INDIGENOUS PEOPLES PACT
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Message from
GAM A. SHIMRAY
Secretary-General
AIPP

This series on “Indigenous Peoples’ Self-Governance and Democracy” is inspired by the collective vision of AIPP to reclaim indigenous sovereignty.

Indigenous governance systems were perhaps the only form of democratic governance systems in Asia before colonization. These were different from the liberal form of democracy. They were, in fact, highly functional governance systems due to the complementary nature of the community – which were based on principles of equity, equality, reciprocity, and reconciliation.

Indigenous governance systems were a reality and were of the most rooted kind because they were organic in conception and practice. It represents systems that emerged from layers of our civilization, founded on the spirituality and values of the society, to give harmony to our social, economic, and political problems.

However, indigenous governance systems are waning because indigenous children are forced into schools where none of our languages, knowledge and values are taught. And we are all forced to live under governments where our own forms of leadership and decision-making are not recognized. We continue to experience prejudices and discrimination, forced occupation of our territories, dispossession, and disempowerment. In other words, the more the state grows, the more our societies shrink.

While this series was conceived as a resource material for the course on “Indigenous Peoples’ Self-Government and Democracy,” its main objective is to catalyze the uncovering and recovery process of indigenous values and governance systems. Hopefully, it will bring more clarity and meaning to them as we


adapt to the changing context to find meaningful ways of co-existence in the encapsulated state system.

I believe that as we build our capacity to re-build our communities and negotiate with the state and society for creating our genuine political space, the richness of indigenous governance systems will also offer new insights for addressing both the institutional and cultural disharmony of the democratically challenged Asian states.

Therefore, both the publication series and the course are part of the initiative of AIPP to reclaim the Right of Self-Determination of Indigenous Peoples, and for creating a genuine democratic and pluralistic society where our unique way of life and systems of governance are thriving.

Chiangmai, Thailand

October 2021



Message from

CHRISTIAN ERNI

Course Convenor

AIPP Indigenous Self-Governance
and Democracy Project

Part of AIPP’s current Strategic Plan is to bring the issue of the Right to Self-Determination back higher on its agenda, with the explicit goal to help revive Indigenous Peoples’ customary institutions and re-build their organic governance systems. In order to help pursue this goal, the project “Indigenous Peoples’ Self-governance and Democracy” was initiated in 2018.

A core element of this project is a course on “Realizing Indigenous Peoples’ Autonomy and Self-government,” which was developed jointly by a group of indigenous leaders and experts, supported by non-indigenous allies.

The course seeks to help indigenous civil society leaders, indigenous leaders and intellectuals to critically reflect on the state-of-affairs regarding self-determination and self-government among their own peoples; to help them comprehend the extent and depth of change, damage or destruction of their customary self-governance systems; to take stock of what is left, above all in terms of values that were guiding the way they used to govern themselves; and to explore options to regain, revitalize and reconstruct self-government among their communities and peoples.

The course has been conceived as a learning cycle of self-reflection, studying new ideas and critical discussions. The case study series on self-government among Indigenous Peoples hopes to provide course participants as well as other readers an additional source of information, inspiration and encouragement.

Ukhrul, Manipur

October 2021



AUTHOR PREFACE

& Acknowledgements

I was always curious about how the Orang Asli and other indigenous communities organised themselves in enduring, autonomous and functioning democracies. True democracies. I wanted to know what inspired the Orang Asli's traditional governance system. How was it enforced. And whether it can still be applied today.

The Indigenous Self-Governance and Democracy project of the Asia Indigenous Peoples Pact (AIPP) provided the opportunity, and the impetus, to put thoughts to paper.

I am especially grateful to have had the opportunity to engage with experienced and grounded intellectuals in the study group established for this project. These were: Anne Lasimbang, Charu Bikash Tripura, Christian Erni, Chupinit Kesmanee, Gam A. Shimray, Jannie Lasimbang, Kittisak Rattanakrajangsri, Krishna Bhattachan, Lanu Longkumer, Luingham Luithui, Mathura Bikash Tripura and Sakda Saemi.

The material and inferences in this discussion were obtained via four main sources:

- Small focused group discussions, invariably at the village-level but also at a more collective (regional) level during the occasion of specific consultations, usually organised by the JOAS (the Indigenous Peoples Network of Malaysia) and the COAC (the Center for Orang Asli Concerns) such as in the Indigenous Elders' Workshops;
- Suggestions, opinions and resolutions of Orang Asli individuals and organisations at various roundtables and fora as well as in online chats;

- Secondary sources such as the writings and thoughts of indigenous and non-indigenous thinkers and intellectuals, as well as indigenous activists and community organisers; and
- My own past thoughts and writings on the issue of indigenous leadership, organisation, spirituality and governance, some of which have been heavily drawn upon again here.

Rather than opt to do a case study on one Orang Asli community or ethnic group, I chose the Orang Asli as a whole as the focus of my discussion. Their common collective history and the richness of their diverse cultures and histories allows for more valuable knowledge-gathering and learning.

Finally, while there are bound to be errors and omissions in a work of this nature, I have only myself to blame for this failing.

Subang Jaya, Malaysia
October 2021

ACRONYMS

JAKOA	<i>Jabatan Kemajuan Orang Asli</i> ; usually translated as the Department of Orang Asli Development although linguistically, it should be the Department of Orang Asli Advancement
JHEOA	<i>Jabatan Hal Ehwal Orang Asli</i> ; the Department of Orang Asli Affairs, later renamed JAKOA
UMNO	United Malays National Organisation, the dominant Malay-based political party that headed the political coalition that ruled the country uninterruptedly for the first 64 years since Independence in 1957
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
JKKK	<i>Jawatankuasa Kemajuan dan Keselamatan Kampung</i> ; Village Development and Security Committee.
MPKK	<i>Majlis Pengurusan Komuniti Kampung</i> ; Village Community Management Council
MPKKOA	<i>Majlis Pengurusan Komuniti Kampung Orang Asli</i> ; Orang Asli Village Community Management Council
RPS	<i>Rancangan Pengumpulan Semula</i> ; Regroupment Scheme

GLOSSARY

Adat

Malay for ‘tradition and customs’

Batin

Village chief

Bumiputera

Literally ‘prince of the soil’, is the designation used for the people considered ‘native’ to Malaysia, including the Malays, Orang Asli, and the Natives of Sabah and Sarawak

Dato’

Honorary title for a chieftain bestowed by the royalty; not unlike the British Knight

Kampung

Village

Lembaga Adat

Council of Tradition (or Customs); not unlike a Council of Elders

Orang Asli

Original or First Peoples of Peninsular Malaysia

Orang Asal

Indigenous Peoples of Malaysia; incorporating the Orang Asli of Peninsular Malaysia and the Natives of Sabah and Sarawak

Orang Laut

Sea People or ‘Sea Gypsies’

Sakai

Slave, dependent or uncivilised person; derogatory term used by outsiders for the Orang Asli; common terms to refer to the Orang Asli in the past

Sewang

A traditional community dance usually performed during rituals or celebratory events

INTRODUCTION

1

The Orang Asli (Original or First People) are the indigenous minority peoples of Peninsular Malaysia. They are the descendants of the early inhabitants of the peninsula before the establishment of the Malay kingdoms. They number 210,611 today, representing a mere 0.6 per cent of the national population.

In the time of their ancestors, however, they were the dominant peoples who inhabited the peninsula. They then lived autonomously on their own swathes of land in distinct and independent communities. Through time they accumulated a vast store of knowledge and experience about their environment, the resources therein, and about what it takes to structure and organise stable, sovereign communities.

They developed systems and protocols that we now realize have been important in striking a harmonious balance between humans and Nature, and between humans and humans. Their indigenous governance systems, in particular, ensured that every member of the community was the focus of government, and that the interests and continuity of the community took precedence.

These indigenous systems worked. Until, that is, they were no longer the dominant people on the land. Eventually, more and more newcomers came to populate the peninsula. Sultanates and fiefdoms were established. Slavery was commonplace. A series of governing powers—Portuguese, Dutch, British and Malayan—further diminished the control the Orang Asli had over their own lives and lands.

Over time, the validity and efficacy of their indigenous social systems, their customary laws, and even the method of governance of their society came to be downplayed, denigrated and forgotten. The traditional values and spirituality that inspired and gave form to their indigenous systems were replaced by modern knowledge systems and religions.

Today, however, there is a revival of sorts among the Orang Asli. In the wake of increasing encroachments and appropriation of their customary lands, the Orang Asli are falling back on their indigeneity to reclaim their 'birthright'—and to assert ownership and autonomy over their customary lands. In line with this, among other actions, they seek to revive, recover and publicise their unique indigenous knowledge, indigenous economic systems, and indigenous political systems.

However, one area where there seems to be a gap in the understanding of indigenous systems that worked for them in the past is in their traditional governance systems. The Orang Asli's traditional forms of self-government, leadership and decision-making are largely not recognized any more. They have instead been replaced by modern-styled pseudo-democratic village leaders, councils and committees.

If the Orang Asli want to go back to their traditional ways of governance, if they want to know what this entailed, where do they go to? How do they start to find out?

For sure, this will involve a process of decolonising the mind. Orang Asli leaders and Orang Asli grassroots members need to re-learn their history and harness their heritage. Through critical reflection and sustained inquiry, Orang Asli will also need to find ways to identify the core indigenous values that once guided and organised their society.

It is hoped that the distillation of ideas and histories captured here can be a possible starting point to begin that journey of rediscovery and revivalism.

THE ORANG ASLI

2

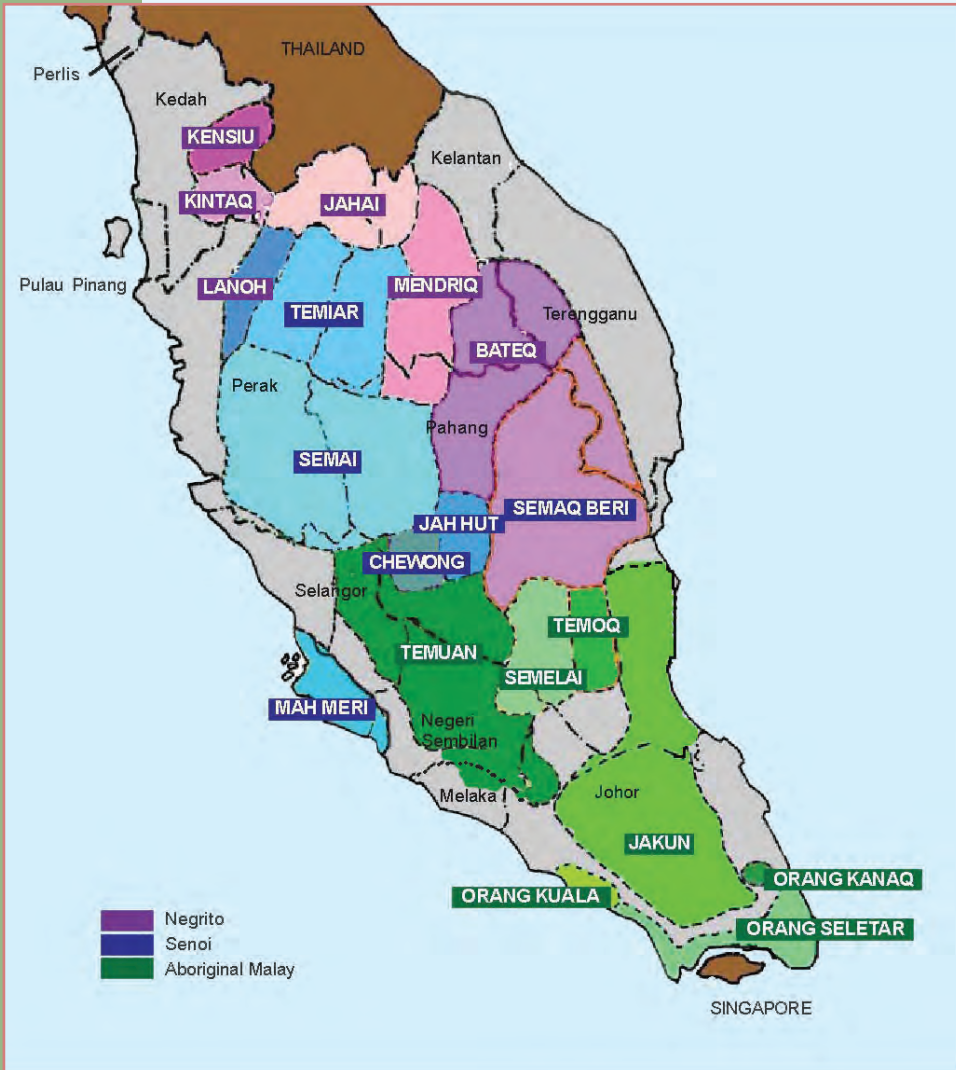
Anthropologists and administrators have traditionally regarded the Orang Asli as consisting of three main groups—the Negrito (Semang), the Senoi, and the Aboriginal-Malay. Each category is further divided into subgroups, officially 18 in total.¹

Linguistically, some of the northern Orang Asli groups (especially the Senoi and Negrito groups) speak languages belonging to the Aslian languages, the southernmost branch of the Austroasiatic languages, which suggests a historical link with the indigenous peoples in Burma, Thailand and Indo-China. The members of the Aboriginal-Malay or Proto-Malay groups of the south speak dialects which belong to the same Austronesian family of languages as Malay, with the exceptions of the Semelai and Temoq languages, which are Austroasiatic.

The Orang Asli have varied occupations and ways of life. The Orang Laut (sea people), Orang Seletar and Mah Meri, for example, live close to the coast and are mainly fishermen and smallholders. About 40 per cent of the Orang Asli population—including Semai, Temiar, Chewong, Jah Hut, Semelai and Semoq Beri—however, live close to, or within forested areas. Here they engage in swiddening (hill rice cultivation) and do some hunting and gathering. These communities also trade in *petai* (fruits of the bitter bean tree, *Parkia speciosa*), *durian* (fruit of a large tree), rattan and resins to earn cash incomes. The majority of the Orang Asli however have taken to permanent agriculture and now manage their own rubber or oil palm smallholdings or have them managed by external agencies, sometimes against their wishes.

A very small number, especially among the Negrito groups are still semi-nomadic, preferring to take advantage of the seasonal bounties of the forest. A fair number of Orang Asli also live in urban areas and are engaged in both waged and salaried jobs, and there are several professionals among them today.

¹ The Temoq people tend to be left out in the official breakdown of Orang Asli ethnic groups. But the Temoq regard themselves as a distinct Orang Asli people. Hence, there are actually (at least) 19 Orang Asli subgroups.



Map of Peninsular Malaysia showing approximate location of Orang Asli customary territories (Source: COAC 2021)



**ORANG ASLI
ETHNIC
CATEGORIZATION**

NEGRITO

- Bateq
- Jahai
- Kensiu
- Kintaq
- Lanoh
- Mendriq

SENOI

- Chewong
- Jah Hut
- Mah Meri
- Semai
- Temiar
- Semaq Beri

PROTO-MALAY

- Jakun
- Orang Kanaq
- Orang Kuala
- Orang Seletar
- Semelai
- Temoq
- Temuan

Orang Asli—defined by culture

Legally, an Orang Asli is one who is a member of an aboriginal ethnic group, speaks an aboriginal language, and habitually follows an aboriginal way of life and aboriginal customs and beliefs. This definition would include adopted non-Orang Asli children and the offspring of an Orang Asli and non-Orang Asli union—provided that they satisfy the above conditions.²

² According to Section 3 of the Aboriginal Peoples Act 1954, the Orang Asli are defined as:
 (a) any person whose male parent is or was a member of an aboriginal ethnic group, who speaks an aboriginal language and habitually follows an aboriginal way of life and aboriginal customs and beliefs, and includes a descendant through males of such persons;
 (b) any person of any race adopted when an infant by aborigines who has been brought up as an aborigine, habitually speaks an aboriginal language, habitually ...

follows an aboriginal way of life and aboriginal customs and beliefs and is a member of an aboriginal community; or c) the child of any union between an aboriginal female and a male of another race, provided that the child habitually speaks an aboriginal language, habitually follows an aboriginal way of life and aboriginal customs and beliefs and remains a member of an aboriginal community.

³ Much of this section first appeared in Nicholas (2000), pp. 69-90.

⁴ The ancestors of today's Orang Asli are generally referred to as 'aborigines' in the older literature. Other terms used include 'Sakai', 'Jacoons', 'Biduanda', 'Orang Darat' and 'Orang Laut'. However, for our purpose here, the term Orang Asli will be used to refer to both the present-day Orang Asli as well as their ancestors, unless specifically identified.

That is to say, an Orang Asli is defined more by cultural characteristics than by biological heritage. This is not unlike the constitutional definition for 'Malay'. However, while both the Malays and the Orang Asli, together with the natives of Sabah and Sarawak, are regarded as *bumiputeras*—literally 'princes of the soil', a political rather than a constitutional category—it is contended here that the Orang Asli rather than the Malays meet the criteria of 'indigenous peoples' as defined by the UN and other world bodies such as the World Bank.

The Orang Asli were not always an impoverished and dependent people. As the first peoples on this peninsula, they were very much participants and actors in the political and economic structure of the early civilisations.³ Nevertheless, each influx of immigrant peoples—who invariably coveted the Orang Asli's resources—perceived the usefulness of the Orang Asli differently, and dealt with them accordingly. Thus, from an early situation of being in control of their society and their resources, they were reduced to 'savages' and mere wards of the sultans by the time of British colonialism.

Early perceptions of the Orang Asli

The term *Sakai*—used variously to mean slave, dependent or savage, but never used by the Orang Asli to refer to themselves—appeared in European literature in the eighteenth century to designate the non-Muslim indigenous groups of the Malay Peninsula that were the object of slave raids. It is clear from the literature that the ancestors of today's Orang Asli neither lived in isolation nor were they divorced from the political situation of the day.⁴ Relations with the other communities ranged from being regarded as non-humans to being given due deference in view of their status as king-makers (as discussed in the next section).

The literature is dotted with references to the manner in which the Orang Asli were being perceived. For instance, Skeat and Blagden (1906, Vol.I: 103) reported that the colonial administrators concluded that "the hillmen of Negri Sembilan never indulge in the luxury of a bath." Harrison (1986: 44)



The forested hinterlands were the habitat of the Orang Asli.

considered the “semi-wild Sakais” to be “as shy as most beasts of the forest ... they would be most reluctant to leave their own part of the forest and might have little or nothing to do with the Sakais in the next valley.”

Bird (1980: 13-15), writing in the 1880s, informs us that the Orang Asli were called indiscriminately *Kafirs*, which means infidels, by the Malays and that the Orang Asli “were interesting to them only in so far as they can use them for bearing burdens, clearing jungle, procuring *gutta*, and in child-stealing....”⁵

Numerous authors (e.g. Mikluho-Maclay 1878, Swettenham 1880, Clifford 1897, and Wray 1903) relate how the Orang Asli were hunted down like wild beasts, the men killed off, and the women and children carried off into slavery.

The forested hinterlands were nevertheless the habitat not of Malays but of the forest dwellers, the ancestors of today's Orang Asli, and it was they who were the major collectors of local products (Andaya & Andaya 1982: 10-11). Malay settlement, as a rule, had developed along the rivers and coasts rather than the hinterland, and Malays themselves rarely ventured beyond the fringes of the jungle. Roberts (1899: 3), for example, noted that “from the junction of the Telom and Seram rivers, few Malay

⁵ *Gutta percha* or Sumatran latex, used in the waterproofing of electric cables, was a lucrative trade item in 19th century Malaya. 'Child-stealing' is figurative speech for 'slave-raiding'.

houses were found at long intervals, but above that there are none whatever, the whole of it being Sakai country.”

It has been noted by Dunn (1975: 109) that the Orang Asli have played a significant role in the Malay Peninsula’s economic history as collectors and primary traders as early as the 5th century CE. Andaya & Andaya (1982: 11) have concurred, suggesting an internal trading network had linked the periphery of the forest with the hinterland. By this means, goods were bartered and passed from one group of Orang Asli forest dwellers to another, sometimes over forest tracks but most often along rivers. Various items were traded.

Abdullah (1985: 257), for example, mentions that the Jakun of Pahang traded in ivory, resin, camphor and rattans. And as the Chinese market developed, and the list of sea products came to include such items as the rare black branching coral known to the Malays as *akar bahar* and the famed *tripang* or sea slug, used as an ingredient in Chinese soups and medicinal preparations, it was the Orang Laut who could locate with unerring accuracy the desired products (Andaya & Andaya 1982: 13). Without their swimming and diving skills it would have been impossible to source these products.

The Malays also prudently tapped the knowledge of the Orang Asli in selecting potential spots for mining (Gullick (1989: 151, citing Perak Government Gazettes 1889: 633 and 1894: 337). This is also alluded to by Mohamed Ibrahim Munshi (1975: 17-18) who noted that “some Jakuns earn money by pointing out rivers or streams where there is tin, etc.” In fact, during a trip to Pahang, Munshi Abdullah in 1838 saw Jakun not only bringing resins, rattans and aromatic wood to trade with Malays but also working in Malay gold mines (Andaya & Andaya 1982: 133-4).

Early autonomy and political dominance

However, the Orang Asli were not always merely collectors and labourers for the ruling Malays. On the contrary, there is much evidence in the literature to show that some of the Orang Asli groups played very dominant roles in the administration and defence of established political systems in the Malay Peninsula.



The Orang Asli continue to be collectors and traders of forest products, just as their ancestors were.

Andaya & Andaya (1982: 49-50) argue that when the Malay newcomers arrived with an established system and political ranks, there were already Orang Asli groups in the Malacca region to whom such concepts would have been familiar. Thus, when Parameswara, the founder of the kingdom of Malacca, appeared in Malacca with his following in the late 14th century, there was actually already a small fishing village at the site, whose population included Orang Asli and Orang Laut. Parameswara tightened his links with the Orang Laut by bringing their leaders into the political hierarchy and, via judicious marriages, into the royal family itself. For hundreds of years the Orang Laut devotion to the Malay rulers of Malacca was a crucial factor in the kingdom's preservation and prosperity. In fact, Hang Tuah, the most famous Laksamana in Malay folklore, was himself of Orang Laut background (Andaya & Andaya 1982: 70).⁶

The State of Rembau (in Negri Sembilan) also presents us with the curious anomaly of an Orang Asli chief reigning over a

⁶ According to Leonard Andaya (2010: 70-71), "The special relationship between the Malayu and the Orang Laut assured the success of the Malayu polities from the seventh to the mid-eighteenth century."

population of Malays. Wilkinson (1908 cited in Hooker 1970: 22) informs how the Dato' (honorary title for a chieftain bestowed by the royalty) of the State of Rembau would have to be an Orang Asli ('Sakai') in the direct female line. Although, by blood he must be largely a Malay—owing to the law of exogamy—his claims to heirship was by virtue of the Orang Asli element in his ancestry. The Dato' of Johol is also a 'Sakai' in this sense.

Preceding Rembau, the Orang Asli in Malacca also had political control over their territories. Newbold (1839, II: 117-126) gives accounts of how Jakuns and Bidoandas [sic] came to be *penghulus* (traditional chiefs) in Malacca with titles such as Lelah Maharajah and Setia Rajah. The Bidoandas also enjoyed certain special privileges and were even exempted from capital punishment for serious crimes.

The Hikayat Abdullah (1985: 260-1) also relates how four Orang Asli tribes had been holding dominion over Naning (in Malacca) since early Portuguese times. In 1642, when the Dutch Governor of Malacca sought to appoint a Ruler of Naning, all the Naning folk ("the very old and the young included") had debated the matter and concluded that: "We should like Datok Seraja Merah of the Biduanda Tribe to be our ruler." Datok Seraja Merah was subsequently appointed Ruler of Naning and upon his death sometime later, he was succeeded by his sister's son, also of the Biduanda tribe.

In the south, we are told that in the mid-17th century, the Sultan of Johor went to the Orang Asli *kampung* (village) at Ulu Beranang (in Negeri Sembilan) where he met Puteri Mayang Selida. He married her, and brought her to Johor whereupon they had four sons born to them (Buyong Adil 1981: 4). The 'Legend of the White Semang' in Perak also relates how Nakhoda Kasim of Johor had gone to Perak and married an Orang Asli woman who was thought to have supernatural endowments and eventually set in motion the founding of the Perak sultanate (Maxwell 1882).

In Pahang, too, being able to trace your lineage along an Orang Asli blood line appears to have been important enough for great care and accuracy to be taken in recording genealogies.

For example, Endang—the pen name of an Orang Asli leader in Pahang—cites the *Sejarah Batin Simpok dan Batin Simpai* (The Annals of Batin Simpok and Batin Simpai), still being passed down in oral tradition, where the genealogies and lines of inheritance are still very clear—this being concrete evidence of the autonomous nature of Orang Asli society in the not-too distant past (*Berita Harian* 24.6.97). Endang also recalls that the Orang Asli in Pahang had similar status as in Malacca and Negri Sembilan where, for example, the *Tok Batin* (Orang Asli village head or chief) had the same standing as that of a Ruler or Raja of the Orang Asli. He was the judge and the reference point for all matters of customs and tradition, which were highly developed.

Among northern Orang Asli groups, Mikhulo-Maclay (1878: 215) recorded that “The Orang Sakai and the Orang Semang consider themselves the original inhabitants and independent of the Malay Rajahs, and so they are in fact in their woods.”

Noone (1936: 612) also noted that the Temiar, prior to the intervention of British rule, “pursued the independent existence of a hill people on the Main Range.” In his opinion, it was the decision of the British Government that the boundaries of the states of Perak and Kelantan should be defined by the watershed that has made the Temiar the subjects of anybody.

Orang Asli as subjects

With the ascendancy of the Malay Sultanates, the prior dominance of the Orang Asli communities began to wane. From being ‘king-makers’ in the past, they were now relegated to becoming subjects of the ruling sultans. This is perhaps most telling in the manner in which titles now came to be bestowed on Orang Asli leaders in exchange for favours or responsibilities, rather than the Orang Asli being the bestower of such titles or privileges. The Sultan of Perak, for example, had a list of titles to be given to Orang Asli leaders. For Orang Asli anthropologist Juli Edo (1997: 8), this reflects that “the Orang Asli had received political endorsement of their Malay allies even in the 19th century, and probably in the period before.”⁷

⁷ The giving of titles to Orang Asli and other leaders appears to have been a common practice during the rule of the Malay Sultans. Linehan (1973: 50), for example, states that in 1738 when Sultan Sulaiman visited Kuala Endau, “the headmen of the nine proto-Malay tribes (Suku Biduanda) came before him and he gave them titles.” Swettenham (1880: 59) also mentions that “the headman of the Slim orang Jakun, or Sakeis as they are called, is blessed with the title of “Mentri”.

Without doubt, there had been a change in the relationship between the Orang Asli and the Malays, especially among the elites of both groups. It is possible that, with the sultanates and the Malay system of political ascendancy becoming more firmly entrenched in the Peninsula, the need to resort to using the precondition of Orang Asli lineage, for example, no longer arose. On the contrary, it seems likely that the Malay aristocrats chose to step up their exploitation of the Orang Asli and their resources in the general pursuit of greater wealth.

The British and paternalism

It has been argued that the onset of British rule was also the beginning of the Orang Asli experiencing paternalism. This was due in part, as Harper (1997: 5) notes, to European ethnography that seemed bent on looking to the Orang Asli for evidence of the prevailing theories of social evolution. Out of this emerged a pervasive assumption that for the most part the Orang Asli represented an early stage of Malay development, and only in their eventual absorption in the Malay community would they find culmination of a slow march towards a settled, civilised existence.

Also, a recurring motif of colonial writings was that until the British intervened, Malay relations with the Orang Asli were those of master and slave (Harper 1997: 5). The autonomous Orang Asli chiefdoms of early Malayan history, with their highly evolved political and economic systems, apparently did not weigh much for the British administrators.

British paternalism is perhaps best illustrated by the comments made by the British Resident when, towards the end of the last century, he was asked to decide on the application of two Orang Asli for title to their fruit orchards in Selangor: “They must be provisionally treated as children and protected accordingly, until they are capable of taking care of themselves” (Sel. Sec/2852/1895).

Nonetheless, Colonial rule brought about some administrative changes, with laws being enacted to outlaw certain ‘uncivilised’



By the time the British colonised Malaya, the Orang Asli were already reduced to a hunted people. And though the British abolished slavery, they replaced it with paternalism and racism. (Photo: Paul Schebesta, ca. 1920.)

activities such as slavery and debt-bondage while other laws were also enacted to control the extraction of natural resources and the alienation of land. And while the imposition of colonial rule removed some of the violence from trade (Harper 1997: 7), the control of the British rulers began to permeate every facet of living in the Peninsula. By the mid-nineteenth century, for example, Malay and Orang Laut participation in sea-borne trade had been all but eliminated by the British (Andaya & Andaya 1982: 122-3).

It was nevertheless clear that for the British, their economic interest in the region were their main priority.⁸ As far as the Orang Asli were concerned, it has been suggested that ethnographic portrayals of the indigenous communities as defenceless creatures with limited intelligence and capacity for self-reliance helped to justify British intervention into their lives, essentially by turning the colonial power into a ‘protector’ of the Orang Asli (Dodge 1981: 8-9, Loh 1993: 33-4). Ironically, also, while it sought to

⁸ The records of the early travellers continually reiterate that before British enterprise opened up the interior the Malays had barely penetrated beyond the big rivers, coasts and estuaries. Present *kampungs*, such as Sungkai, Slim, Tapah all followed British intervention and were founded moreover by non-Peninsular Malays (Mendilings, Achinese, etc.) who intermarried with the Orang Asli (Noone 1936: 62, fn. 1).

⁹ Earlier, Noone (1936: 62) seems to have viewed the matter of 'wards' of the Sultans of Perak differently. From the point of view of the British Government, he noted, the Ple-Temiar have been assumed to be the subjects of the Sultans of Perak and Kelantan. But he acknowledged that "the whole question is very open.... (since) The Ple-Temiar are not Mohammedans [and therefore not Malay], and there is no reason to suppose that they shew [sic] any tendency to become such in bulk."

¹⁰ Nagata (1997: 95) contends that "although the British colonial government virtually ignored the welfare of the Orang Asli until the Emergency forced it to recognise them, a few of these states were already dealing with them (e.g. the office of *To' Mikong* and *To' Pangku* in the case of Kelantan and ...). It is therefore misleading to assume that the administration of the Orang Asli affairs began solely as a result of the Emergency."

free Orang Asli from slavery and debt-bondage, the colonial government at the same time agreed that the Orang Asli should be regarded as 'wards' of the Sultans (Howell 1995: 276).⁹

Direct intervention into the affairs of the Orang Asli began in concert with H.D. Noone's Aboriginal Tribes Enactment (State of Perak, Enactment No. 3 of 1939). This closely followed his rather detailed *Report on the Settlement and Welfare of Ple-Temiar Senoi of the Perak-Kelantan Watershed* (1936), which sought to perpetuate the view of the British colonialists that the Orang Asli should remain in isolation from the rest of the Malayan population and be given protection.

Noone called for the establishment of large aboriginal land reservations where the Orang Asli would be free to live according to their own tradition and laws. He also proposed the creation of 'patterned settlements' in less accessible areas, where the Orang Asli could be taught agricultural skills. He further sought the encouragement and development of aboriginal arts and crafts and the creation of other forms of employment among the Orang Asli. Several protective measures were also proposed, such as the banning of alcohol in Orang Asli reserves and the controlled peddling of wares by outsiders. Although not implemented by the government of the day, his 'Proposed Aboriginal Policy' did, however, lay the groundwork for future government policy towards the Orang Asli.

Orang Asli Reserves were also mooted by the colonial power but their establishment was forestalled by the war with the Japanese (Harper 1997: 11). While the period during, and following, the Japanese Occupation (1942-1945) opened the eyes of the colonial administration to the existence, special situation and usefulness of the Orang Asli, it was to be the Emergency that actually brought the Orang Asli directly into the plans of the government.¹⁰ This was Malaya's civil war against the communist insurgents from 1948 to 1960.

THE BEGINNINGS OF ORANG ASLI ADMINISTRATION AND CONTROL

3

The Orang Asli were not unaffected bystanders during the Emergency.¹¹ On the contrary, several Orang Asli lost their lives or were injured—both civilians as well as Orang Asli who decided to take up arms on either side of the warring parties. The events of the Emergency and its impact on the Orang Asli are well-documented (e.g., Jones 1968, Short 1975, Carey 1976, Leary 1995). Briefly, the war turned its attention to the Orang Asli when the insurgents were no longer able to get help from their sympathisers in the rural areas, and the Brigg's Plan—which involved relocating much of the rural population into closely-guarded 'new villages'—successfully cut the link between the two parties.

Consequently, the insurgents were forced to operate from areas in deep forests. Here they sought the help of the Orang Asli, some of whom were old acquaintances from the time of the Japanese Occupation. The Orang Asli were known to provide food, labour and intelligence to the insurgents, while a few even joined their ranks.

The Colonial Government quickly saw the importance of the Orang Asli if it were to win the war and created the post of Adviser on Aborigines. However, initial attempts at controlling the Orang Asli proved disastrous for both sides. In an attempt to prevent the insurgents from getting support from the Orang Asli, the British herded them into hastily-built resettlement camps. A government report says that 7,000 Orang Asli died in these crowded and sunbaked camps mainly due to mental depression rather than diseases (Jimin 1983: 60, fn 1).

Establishing the Department of Aborigines

Later, realising their folly, and recognising that the key to ending the war lay in 'winning over' the Orang Asli to the government's

¹¹ The 'Emergency' was Malaya's civil war with the Communist Insurgents from 1948-1960. A Second Emergency played out from 1968 to 1989 with equally significant impacts for the Orang Asli.

¹² According to an editorial in the *Straits Times* on July 1, 1955 (cited in Leary 1991: 44), the Emergency has had, at least for the non-Orang Asli citizens, one salutary effect: "It has focused attention on a group of people toward whom the popular attitude has been one of indifference mixed with contempt. In the definition of Malay peoples, the Aborigines were not included. They were part of the animal life around the fringes of the jungle.... All the people of Malaya have staked their claims and asserted their inalienable rights except our dispossessed hosts driven into the jungle fringes ... The old policy of treating them as interesting museum pieces to be protected and preserved could only mean the extinction of the real sons of the soil."

¹³ This is an acronym for *Jabatan Kemajuan Orang Asli* or the Department of Orang Asli Development. (although the correct translation should be ...

side, a Department of Aborigines was established and 'jungle forts' were set up in Orang Asli areas, introducing the Orang Asli to elementary health facilities, education and basic consumer items.

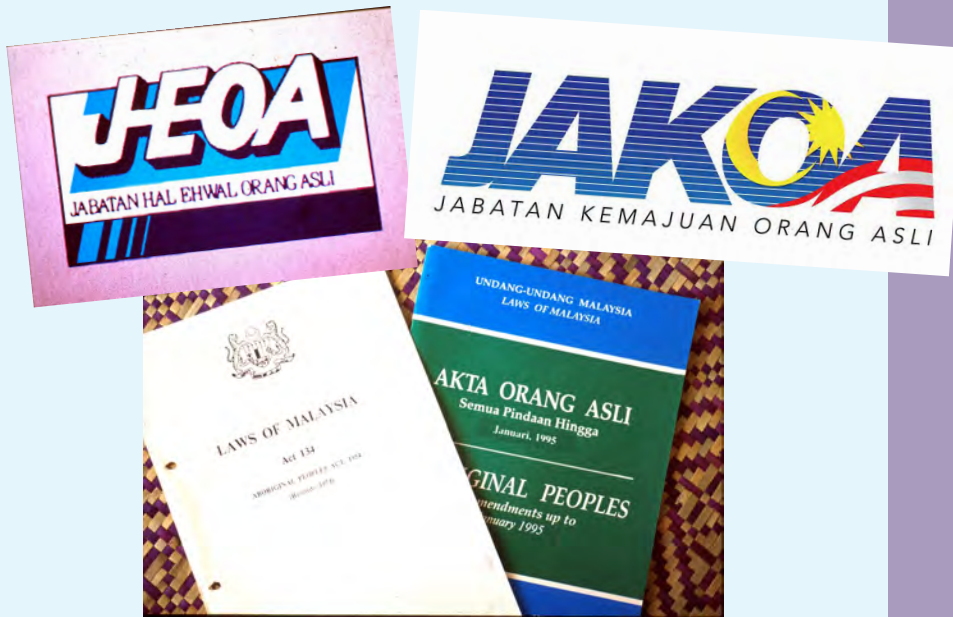
While the Department for Aborigines was enlarged in order to make it an effective force, the only reason for such reorganisation, as the former Commissioner for Orang Asli Affairs noted, was to ensure "a better control over the Orang Asli and to make sure that they would have less inclination and few, if any, opportunities to support the insurgents" (Carey 1976: 312).

Later, the government's 'jungle forts' in Orang Asli areas were replaced by 'patterned settlements' (later to be called 'regroupment schemes'). Here, a number of Orang Asli communities were resettled in areas that were more accessible to the Department officials and the security forces and yet close to, though not always within, their traditional homelands. The schemes promised the Orang Asli wooden stilt-houses as well as modern amenities such as schools, clinics and shops. They were also expected to participate in the cash economy by growing crops such as rubber and oil palm.

The strategy nevertheless proved successful in that Orang Asli support for the insurgents waned and the Emergency formally ended in 1960. However, for the Orang Asli, this spelled the beginning of a more active and direct involvement of the state into their affairs and lives.¹²

The Aboriginal Peoples Act

The Emergency also saw the first important attempt at legislation to protect the Orang Asli. The Aboriginal Peoples Ordinance 1954—later revised as the Aboriginal Peoples Act 1974—is unique in that it is the only piece of legislation that is directed at a particular ethnic community. For that matter, the Department of Aborigines, or JAKOA¹³ as it is called today, is also the only government department that is to cater for a particular ethnic group. This legislation was a milestone in the administration of the Orang Asli, as it indicated that the government had officially recognised its responsibility to the Orang Asli.



The Emergency saw the establishment of the Department of Aborigines (now renamed Department of Orang Asli Development) and the introduction of the Aboriginal Peoples Act – both of which were to be major obstacles to Orang Asli self-determination.

As it was enacted during the height of the Emergency, the Aboriginal Peoples Act basically served to prevent the communist insurgents from getting help from the Orang Asli, and vice-versa. It was also aimed at preventing the insurgents from imparting their ideology to the Orang Asli. For this reason, there are provisions in the Act that allow the Minister concerned to prohibit any non-Orang Asli from entering an Orang Asli area, or to prohibit the entry of any written or printed material (or anything capable of conveying a message), among others. Even in the appointment of headmen, the Minister has the final say. The Act treats the Orang Asli as if they were a people needing the ‘protection’ of the authorities to safeguard their wellbeing.

Nevertheless, the Act does recognise some rights of the Orang Asli. For example, it stipulates that no Orang Asli child shall be precluded from attending any school only by reason of being an Orang Asli. It also states that no Orang Asli child attending any school shall be obliged to attend any religious instruction without

... Department of Orang Asli Advancement). Prior to this, the department was referred to as *Jabatan Hal Ehwal Orang Asli* (JHEOA), the Department of Orang Asli Affairs.

the prior written consent of the parent or guardian. Generally also, the Act allows the right of the Orang Asli to follow their own way of life.

And while the Act provides for the establishment of Orang Asli Areas and Orang Asli Reserves, it also grants the state authority the right to order any Orang Asli community to leave—and stay out of—an area. In effect, the best security that an Orang Asli can get is one of ‘tenant-at-will’. That is to say, an Orang Asli is allowed to remain in a particular area only at the pleasure of the state authority. If at any such time the state wishes to re-acquire the land, it can revoke its status and the Orang Asli are left with no other legal recourse but to move elsewhere. Furthermore, in the event of such displacement occurring, the state is not obliged to pay any compensation or allocate an alternative site.

Thus, the Aboriginal Peoples Act laid down certain ground rules for the treatment of Orang Asli and their lands. Effectively, it accords the Minister concerned, or the Director-General of the Department of Orang Asli Affairs (JHEOA), and later the Department of Orang Asli Development (JAKOA), the final say in all matters concerning the administration of the Orang Asli. In matters concerning land, the state authority has the final say. The development objective of the Act, therefore, appears to have been subsumed by both the security motive and the tendency to regard the Orang Asli as wards of the government.

The (missing) Orang Asli in the Federal Constitution

Orang Asli legal commentators have long pointed out that there is a glaring omission in the categories of people that are accorded special ‘privileges’ under Article 153 of the Federal Constitution¹⁴. This article posits the mandatory duty of the Yang DiPertuan Agung (as the rotational king is known in Malaysia) to safeguard the special position of the bumiputeras in specific areas of economic activity, education and employment. Yet, despite being the indigenous peoples of Peninsular Malaysia, the Orang Asli are not accorded the ‘special position’ assured to the Malays and the Natives of Sabah and Sarawak by this article.

¹⁴ The title of this article reads thus: ‘Reservation of quotas in respect of services, permits, etc., for Malays and natives of any of the states of Sabah and Sarawak.’

The Orang Asli are, in fact, mentioned in only four places in the Federal Constitution:

Article 8(5)(c) which does not prohibit or invalidate “any provision for the protection, wellbeing or advancement of the aboriginal peoples of the Malay Peninsula (including the reservation of land) or the reservation to aborigines of a reasonable proportion of suitable positions in the public service.”

Article 45(2), which provide for the appointment of Senators “capable of representing the interest of the aborigines.”

Article 160(2) which rather unhelpfully defines an aborigines as “an aborigine of the Malay Peninsula”; and in the

Ninth Schedule; List 1 that vests upon the Federal Government legislative authority for the “welfare of the aborigines.”

An indirect reference to Orang Asli is inferentially made in Article 89 regarding Malay Reservations, which would appear to authorize reservation of such lands in favour of “natives of the state” besides Malays. But in reality, the government has chosen to interpret the vagueness in the Constitution in its favour, rather than to protect the rights and interests of the Orang Asli bumiputeras. Thus, while the Constitution does authorise the government to enact laws that are in favour of the Orang Asli—for their protection, wellbeing and advancement—it has yet to do so.

Why were the Orang Asli left out of the ‘special position’?

It is easy to blame the British Colonialists for this omission, especially on account of their perception towards the aborigines or *sakai* (as the Orang Asli were then referred to by them). As we saw above, they considered the Orang Asli as non-humans and therefore not deserving of equal treatment. Bah Akeh Gadang, a



Bah Akeh was an elder-mentor who saw the best in both the old and the new ways. Here he is consulting with Bachok Lipan, the Semai headman from the Relong River who is displaying his government-issued 'instruments of office'.

Semai elder once alluded to me that the Orang Asli's omission in the realpolitik of the nation was mainly due to the British's 'short vision'. The British, he said, only saw the Malays occupying the land and so called it '*Tanah Melayu*' (Land of the Malays). If they had looked further inland, they would have seen the Orang Asli and would then call this land 'The Land of the Orang Asli', and things would be different now for the Orang Asli.

However, it was not just the British who were responsible for the non-recognition of the Orang Asli as the first peoples of this land. In the period leading to Malaysia's Independence in 1957, and following that, there was a growing political demand by the later-arriving Malays to claim political dominance on account of their proclaimed indigeneity.

For example, when the 1947 census was released, there were statements debating the position of the Orang Asli in the new nation state to be established. But UMNO, the dominant Malay party, through the newspaper *Utusan Melayu*, warned that, "The people who pretend that Malaya belongs to the Sakais are trying to deny that Malaya belongs to the Malays." (cited in Harper 1997: 15).

The myth that the Malays are the indigenous peoples of Malaya (and later, Malaysia) was maintained by successive national leaders. Mahathir Mohamad, who was Prime Minister from 1981-2003 (and then again from 2018-2020), contended in his book, *The Malay Dilemma* (1981: 73) that,

... the Malays are the original or indigenous people of Malaya and the only people who can claim Malaya as their one and only country.... the Orang Melayu or Malays have always been the definitive people of the Malay Peninsula. The aborigines were never accorded any such recognition nor did they claim such recognition,... Above all, at no time did they outnumber the Malays.

To further reiterate the perception, Tunku Abdul Rahman, the founding Prime Minister, in response to a then ongoing 'row' over the *pribumi* (indigenous) issue in the press, said that:

There was no doubt that the Malays were the indigenous peoples of this land because the original inhabitants did not have any form of civilisation compared with the Malays ... and instead lived like primitives in mountains and thick jungle. (*The Star*, 6.11.1986).

So it appears that the criteria for political dominance (and therefore the right to govern) are: a civilised society, numerical superiority, and an (asserted) recognition. And only because the Orang Asli did not attain any of these, they were destined not to be recognised as the indigenous peoples of Peninsular Malaysia.

In perhaps a final attempt to conclusively drum home the message, the then Education Minister and UMNO Youth Chief, Anwar Ibrahim, said that the younger generations

“must understand the political dominance of the Malays in the country, the modern history of which began with the arrival of Islam during the days of the Malacca Sultanate.... Our history should begin with modern Malay history from the days of the Malacca Sultanate.” (*The Star* 21.9.1986, cited in *The Rocket*, December 1986).

The strong assertion of indigeneity by the Malays, and at the same time the denial of the Orang Asli as the autochthons of this nation, has largely to do with an old justification for colonialisation and domination: the contest for resources.



Governments are usually reluctant to recognise customary land rights mainly because most Orang Asli lands are inherently sources of easy profit.

The contest for resources

The advent of colonial rule began a process by which not only new economic pressures, but new ideological concerns, led to a steady assertion of dominion over the Orang Asli, which brought challenges to their position as forest exploiters as well as unprecedented social change (Harper 1997: 28). Then, the colonial government needed to exercise absolute control over the forests for two reasons: *economic* (its ability to appropriate natural resources and the incomes therefrom) and *political* (restraining and assimilating isolated Orang Asli communities with ambitions of autonomy).

Thus, the clearing of forests (for agriculture and development) were favoured more than leaving them in the hands of the Orang Asli to their ‘destructive’ methods of swiddening or wasteful wilderness. With this came the perception, later translated into law and practice, that the Orang Asli were to be considered as squatters on state land and plunderers of state resources.

Laws and regulations were then enacted that placed Orang Asli rights to forests and forest resources at a lower priority than the state’s desire to control and extract profit from them. In fact, forest development and conservation projects are still constrained



Arom Asir, facing camera, showing the customary land of his people that he had vowed to defend. Subsequently, via the Pos Belatim case, the courts upheld the right of the Temiar people to these traditional territories.

by laws and regulations that prevent the recognition of indigenous peoples' practices and rights. The value of customary systems of local forest management practices is either underestimated or misunderstood. And the legal mechanisms for acknowledging local people's rights over forest lands and resources remain underdeveloped.

Such regulations, or their absence, effectively inform the Orang Asli, in no uncertain terms, that their traditional territories—over which they previously had dominion and autonomy—are no longer under their control. To aggravate the situation, Orang Asli also experienced discrimination in the manner the rights to their lands were being considered. Means (1985: 639-70) had noted that:

... by 1913, certain areas of the Peninsula were designated as "Malay reservations" where only Malays could own or lease land. These reservations provided substantial protection for the customary holdings of Malays, whose titles were legally recognised in perpetuity. By contrast, no such protection was extended to any of the aborigines. Instead, aboriginal lands were deemed to be crown lands of the Malay rulers, and were

treated as if they were unoccupied. ... (The aborigines) were permitted to live on "unoccupied lands" by sufferance, as dependants of the Malay rulers. Naturally, these assumptions were not shared by the aborigines, who remained blissfully unaware of their presumed status in law and its bearing on land use and property rights.

Pat Noone (1936: 62), the first British Adviser on Aborigines, noting that on the state map of Perak, large areas of exclusive Ple-Temiar [Orang Asli] land were designated "Malay Reservation". And most of it was unsurveyed. "If we are to have a reservation," he added, "let us at least reserve the land for the people who occupy it."

For Noone, the first point to be decided is the right of the Orang Asli to be regarded as full subjects of the Malay Rulers, to whom benefits that are enjoyed by the Sultan's other subjects ... should be extended (Noone 1936: 62).¹⁵

Sadly, with Independence in 1957 and especially with the establishment of a specific government agency—the Department of Orang Asli Affairs (JHEOA)—to handle all matters concerning the Orang Asli, the decline of Orang Asli autonomy and polity took a steep dive.

¹⁵ This situation exposed the anomaly in the treatment of Orang Asli as Malays. They were apparently acceptable as Malays culturally and politically, but when it came to being eligible for lots in Malay Reservations, they were not accepted. This was to be an issue that was persistently raised in later years.

“The process of reinvigorating traditional governance structures within these communities should begin with the practice of sovereignty, ... What must be initially reclaimed is what was fundamentally lost: the power to collectively decide how to think about the future of the community, and about how to move toward that vision of the future.

James S. Anaya

Indigenous Peoples in International Law

From an earlier time when the Orang Asli were able to determine the fate of sultans and their sultanates, the Orang Asli today have been relegated to the rank of the most marginalized and impoverished of Malaysians.

According to JAKOA, 89.83 per cent of the 59,936 Orang Asli households in 2019 were living in poverty. This is a huge jump from 31 per cent of Orang Asli households who were said to be in poverty in 2010.¹⁶

Apart from the economic marginalisation of the Orang Asli, the deprivation of recognition to the Orang Asli as the indigenous peoples of the land, has resulted in major consequences for Orang Asli autonomy and dependency. Some of these are discussed here.

Not in control of their lives

To any observer of Orang Asli affairs, and to the Orang Asli themselves, it is evident that the Orang Asli are no longer in control of their own lives. The general perception of the authorities is that the Orang Asli are backward communities in need of government largesse and direction. Such a perception follows from the expressed objective of the government (and it follows, that of JAKOA) of ‘integrating the Orang Asli with the mainstream society’.

The underlying assumption appears to be that the Orang Asli need to be governed as they are generally incapable of developing themselves. Such ‘governing’ over the Orang Asli is achieved via JAKOA, a unique government agency that was once responsible for all things related to the Orang Asli. In fact, it has become the common stance of some Director-Generals of JAKOA to consider the Orang Asli as children or wards of the state, whom the government needs to provide for “from the womb to the tomb.”

¹⁶ Government statistics reveal that, in 2010, 31 percent of the 36,658 Orang Asli households lived below the poverty line. Of these, about 7,000 households (19 percent) are considered to be hardcore poor. In contrast, the poverty rate for the whole country then was a commendable 3.8 per cent, with only 0.7 percent being hardcore poor.

It was only since 2018, after more than six decades in existence, that an Orang Asli was finally appointed to head the Department of Orang Asli Development (JAKOA). However, it is arguably still largely run by non-Orang Asli. This further adds ammunition to the perception that JAKOA exists to subvert the interest of the Orang Asli in favour of the dominant sector of society.

In reserving for itself the role of godparent of all the Orang Asli, JAKOA has also been accused of misrepresenting the Orang Asli in decision-making processes that affect Orang Asli lives and lands. An analysis of JAKOA's plans and programmes for Orang Asli development invariably reveals the absence of autonomy-augmenting objectives.

Consent relegated to an agency

JAKOA's perceived role as the Orang Asli's legal guardian also makes it useful for the state to obtain Orang Asli consent. Should the state want to acquire any Orang Asli land, for example, it is often deemed sufficient for the state to only get the consent of JAKOA. And this will be deemed as if all the affected Orang Asli have granted their consent too.

A case in point is the Kelau Dam project in Pahang where, eventhough their settlements would not be inundated by the dam, two Orang Asli communities – one Temuan and the other, a Chewong community – were slated for resettlement.

At one stakeholders' meeting in 2006, the Department of Orang Asli Affairs (JHEOA), as the predecessor of JAKOA was then known, reported that the Chewong community was "willing and waiting to be resettled as they wanted development." I knew this to be not true as our own prior interviews in this community elicited a unanimous 'Nyet!' (No!) to the suggestion that they be resettled in the lowlands with the Temuans.

We were further informed that no JHEOA officer had ever visited the hilltop village nor had any official informed them about the dam project. The chairman of the meeting however insinuated that he could not take the word of an NGO, especially when the government agency responsible for Orang Asli affairs,



At this stakeholders' meeting of the Kelau Dam project, the Department of Orang Asli Affairs (JHEOA) reported that the Chewong community was willing and waiting to be resettled—despite not having visited or talked to them.

JHEOA, had said otherwise. So it was minuted for the Japanese (JBIC) funders that the Orang Asli were 'willing and waiting' to be resettled because JHEOA had said so.

A more recent example involves the protest by the Network of Orang Asli Villages in Kelantan (JKOAK) against yet another dam to be built, this time in Gua Musang, Kelantan. In March 2021, more than 3,000 Temiars had signed a petition against the construction of the Nenggiri Dam. Apart from losing much of their traditional lands, they were also concerned that the dam would flood sites of cultural and religious significance to them.

Commenting on the petition, the state's Deputy Chief Minister alleged that the protest was "invalid because the affected Orang Asli communities will be relocated" (*sic*). He added that,

I find it strange that this matter is being raised by JKOAK. To me, they are playing politics. They are not a registered body.

We've told them that we can't engage them because they are not an official group representing the Orang Asli. To us, the JAKOA is the official representative of the Orang Asli.

(*Malaysiakini*, 23.3.2021)



The courts have ruled that the Orang Asli possess native title rights under common law to their traditional territories – a position still not accepted by the federal and state governments.

Also, it does not help that in most, if not all, land disputes involving the Orang Asli and the states, JAKOA has invariably concurred with the government position.

There is also a general pervasive assumption among the public, and even among many government agencies, that for any kind of engagements or dealings between the Orang Asli and others, including the government agencies, they must do this via JAKOA. This has been the practice for such a long time that many, including officers in JAKOA, seem to believe that the law says so. It does not.

In some instances, this has caused problems for the Orang Asli, especially when the sluggish bureaucratic process is equated with administrative foot-dragging. This is especially so when an under-staffed and under-financed Orang Asli department is expected to resolve a whole host of issues and agenda, some dating back decades. A case in point is the issue of lands approved by the states to be gazetted as Orang Asli Reserves but which

has not been done so administratively. The onus frequently falls on JAKOA to do the final surveys before the states can act to gazette these areas as Orang Asli Reserves. In some cases, the state's approval to gazette certain Orang Asli Reserves have been rescinded mainly because the necessary surveying was not done, or not done professionally. All these issues arise mainly because the Orang Asli are not in the play as decision-makers but as mere wards of the state to be governed and administered.

Rights to land and resources not recognised

During the course of the focused group discussions at the 2019 National Orang Asli Conference, and also during the breakout workshop on 'Leadership', what came across as the main problem the communities are facing was invariably that of the non-recognition of their community rights to their *adat* or customary lands. A review of the land-ownership status of the Orang Asli living in the 853 villages in the peninsula will immediately reveal why this is so. Orang Asli have found their lands being whittled away, or else the lands they assumed were theirs by custom and usage are no longer seen as theirs in the eyes of the authorities.

The Orang Asli land 'problem' took a new twist in December 2009, when the *Dasar Pemberilikan Tanah Orang Asli* ('Orang Asli Land Alienation Policy') was adopted by the Ministry of Rural Development, the ministry currently responsible for Orang Asli affairs. This policy, while purporting to 'give' Orang Asli permanent individual titles to land, in reality will cause them not only to lose about 80,767 hectares of their *recognised* land,¹⁷ but will also subject them to several conditions that will further reduce their control and autonomy over the remaining lands.

Subject to a dominant culture

It is evident that the Orang Asli are no longer the independent, autonomous peoples they once were during, or before, the founding of the Malay sultanates. On the contrary, in terms of the maintenance, development and regard for Orang Asli identity (including their culture, language and religion), a clear gap is

¹⁷ This figure represents the 'roaming areas' or areas in their customary territories that are not settled, cultivated or used in an obvious manner that the government no longer recognises as being part of the Orang Asli's customary territories.

evident between the rights and protections enjoyed by the Orang Asli and that of the dominant group, the Malays.

For example, the near absence of significant state-sponsored actions to protect and promote Orang Asli spiritualities, traditions, territories, and languages contrasts sharply with the institutionalised and heavily-sponsored recognition given to Malay culture, religion, lands, and economic and political status.

On the contrary, the development model envisaged for them is often equated with them having to leave their old ways and to embrace that of the (Malay-Muslim) mainstream. This not only extends to the curriculum in schools, to the subjugation of their social and legal systems to the 'modern' one, and to the programme to convert all Orang Asli to Islam (cf. JHEOA 1983), but also to having their lives, livelihoods and lands subjugated to control by others who are now in dominant positions.

Recently, also, increasing numbers of Orang Asli are reporting difficulties in registering their newborns according to their choice of identity unless they give in to pressures to change their religion.

Thus, the political position of the Orang Asli experienced a 180-degree turn-around, at least as far as wielding political influence is concerned. When in the past Malays aspiring for political status had to consort, adopt or claim Orang Asli association, by the time of Malaya's Independence, it was the Orang Asli who had to resort to relying on the new holders of political power. The Orang Asli were deemed not deserving of recognition as self-governing indigenous peoples, and therefore needed to be governed.

As we have seen before, there were two main reasons why the Malaysian state did not, and still does not, want to grant autonomy or recognition to the Orang Asli. First, *economically*, because Orang Asli lands are much sought-after for the resources contained therein, and for the land itself. Second, *politically*, because allowing Orang Asli to exercise autonomy over their own lands is tantamount to the state conceding some political control to them.

It would seem improbable that the new nation state would want to grant either economic or political rights to the Orang Asli



Mainstream school curriculum, the hostel system and other educational policies and practices do not prioritise Orang Asli identity and self-determination.

simply by recognising them as the true indigenous peoples of the peninsula.

A disregarded attempt at recognition

To be fair, there was a policy statement that was introduced by the still British-influenced post-Independence government that sought to protect the rights of the Orang Asli. The fear of the departing colonialists was that, with Independence in 1957, the new rulers would ignore the rights of the Aborigines, the Orang Asli.

However, the new masters wanted the Orang Asli to be absorbed into the ‘Malay sector’ of society, while the former colonialists felt that the long-term objective should be their ‘integration with the mainstream society.’

The resulting *Statement on the Policy Regarding the Administration of the Orang Asli in Peninsular Malaysia* (1961), at least in principle, does appear to give some recognition to Orang Asli self-governance, as can be gleaned from these clauses:

[1(d)] 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(e)] Special measures should be adopted for the protection of the institutions, customs, mode of life, person, property and labour of the aborigine people.

[1(c)] 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.

However, while there is no evidence of this policy being withdrawn or superceded,¹⁸ in reality much of the guarantees and assurances in this 1961 Policy Statement have been completely ignored or relegated to the recesses of administrative memory.

Towards this end, the state has carefully nurtured the notion of a ‘mainstream’—invariably equated with ‘modern and civilized society’—to serve as a frame of reference for the Orang Asli. This is in keeping with the logic of the nation-state to grow on the social base of a single nationality. But an ideology of assimilating and integrating with the mainstream also allows the state to achieve its dual economic and political objectives of appropriation and control.

While the government goes to great pains to insist that the plan for the Orang Asli is one of ‘integration’, it fails to explain why, for example, apart from being the target of a programme of Islamisation, the Orang Asli are often categorized under ‘Malay’ in reports and classifications.

There is no doubt that the stated policy of ‘integration with the Malay/mainstream society’ is actually one of assimilation. It is assimilation—which involves an internalisation of the values of the dominant or majority group—because the experience of the Orang Asli has all the necessary framework elements of assimilation.¹⁹

So, under the pretext of modernisation and development, the Orang Asli were expected to give up, or open up, their customary territories to capitalist exploitation. Removing the Orang Asli

¹⁸ In fact, when on the witness stand as an expert for the Orang Asli plaintiffs in the landmark *Sagong Tasi* case, I had alluded to the fact that, in effect, this policy was no longer in force. To our amused appreciation, the government-defendant called in the Deputy Director-General of the Department of Orang Asli Affairs (JHEOA) to categorically state that the said policy was still in force!

¹⁹ These are: *domination* (when one community takes control of the other), *paternalism* (which occurs when one society governs the other in what it views as being the other’s best interest) and *integration* (which occurs when single institutions are developed and ethnic origin ceases to be recognised) (cf Banton 1967 cited in Armitage 1995: 186).



Some of the Orang Asli in Bukit Lanjan – including this house of the then Orang Asli senator – were forced to give up their lands and property in 1997 to make way for the LDP highway and the Damansara Perdana commercial development.

from these lands, or degrading these lands, would destroy the fabric of Orang Asli societies in an unprecedented manner. The predictable conclusion of such development would be the deculturalization and marginalization of the peoples affected. And the state is aware of this.

Breaking the attachment to the land

Orang Asli identity is dependent on two very fundamental aspects—attachment to a particular territory and a religio-cultural spirituality linked very much to that geographical space. This strong spiritual, emotional, cultural and economic attachment of the Orang Asli to their specific customary territories was a stumbling block to the state’s attempt to get the Orang Asli to vacate these territories or to allow the exploitation of the resources there.

For the state, one option to appropriate their customary territories was to forcibly remove or resettle them. And this was

done so in some instances in the past. But this was not politically palatable.

The softer and preferred option was to remove the Orang Asli's deeply-held attachment to their lands, such that the Orang Asli would be amenable to modernisation, resettlement and assimilation. To achieve this, the state needed to engage in a programme of de-culturation.

It dawned upon the state that it can do this by introducing two new modernising-enhancing features into the Orang Asli community: One, a new pedagogy (in order to school Orang Asli with new value systems); and, two, a new spirituality (which does not have to be linked to a specific ecological niche).

With respect to the first strategem, the state made schooling more widely available to the Orang Asli. This they did by, among other means, encouraging more enrolment in schools and the establishment of hostels. This kept the Orang Asli schoolchildren away from their communities for long stretches of time, and as such away from their traditional cultural upbringing. Also, virtually no element of the students' traditional spirituality or culture was part of the school curriculum.

With respect to the second strategem, the state introduced new religious values, and in some cases, a new religion (Islam) to them. However, other non-state actors were also actively converting the Orang Asli to Christianity at the same time. The common consequence of both proselytizing efforts was to have Orang Asli discard their traditional spiritualities and worldviews—and with this, their attachment to their specific customary lands.

However, in order to be able to control a people and their resources, it is not enough to just break down their spiritual and emotional attachment to their customary lands. You must also destroy their political independence—their autonomy—and create a dependent community.

Orang Asli systems of leadership were very varied and heterogeneous, as were the nature of Orang Asli societies in the past. They varied from ‘leaderless’ egalitarian communities to more structured hierarchical societies. Yet, as we shall see below, over time, they all seemed to have evolved into a homogenous common form, controlled and determined by the state.

Orang Asli authority in the past

Among the more settled and established Orang Asli communities, especially the Aboriginal Malay groups in the south, village leadership was structured collectively to ensure that the community’s interest prevailed. The norm was to delegate most decision-making pertaining to the *adat* (tradition and customs) and the security of the community to a Council of Tradition called the *Lembaga Adat*, or something akin to this. The positions in this council are usually hereditary and invariably held by males.

The Semelai, for example, have a structured system of leadership and authority called the *Gedo Semaq*, which translates as the Village Council of Elders. This Council has the authority to adjudicate on all matters pertaining to custom and behaviour in the village, and the responsibility to maintain the community’s peace and cultural continuity, as well as to deal with outsiders.

The office-bearers of such a council usually positions such as: the *Batin* (Paramount Village Chief), *Mentri* (Minister, Deputy Village Chief), *Penghulu Dagang* (Minister for Trade), *Jurukera* (the Works Minister), *Bidan* (Midwife), *Poyang* (Shaman), *Tok Mudim* (Circumcisor) and *Penghulu Balai* (Keeper of the Traditions).

While the *Batin* is the overarching decision-maker, each office bearer has specific tasks over which they have considerable



The *Lembaga Adat* of Kampung Busut Baru in session in 2021 with a representative of JAKOA to resolve the transgression by another JAKOA officer against the *adat* of the community.

authority and autonomy. The role of the *Poyang*, for example, is particularly important and is vested with great power in the community. He binds everyone together and gives meaning to their lives. He is more than a shaman; he is a spiritual force in the community.

However, in most other traditional Orang Asli communities, there was traditionally no leadership structure of any sort. It was anathema to the subsistence egalitarianism that these communities practised. These Orang Asli, while valuing their individual autonomy, never doubted the truthfulness of indigenous spirituality—their faith in it was manifested in unquestioning observance of the myriad of taboos and rules governing community living as well as in internalized values ensuring conformity, control, consensus, and co-existence. Needless to say, individual gain or self-interest was not a trait held in high regard.

State-sanctioned leadership

However, the increasing involvement of the state in Orang Asli lives brought more formalized leadership structures to their communities. The Department of Orang Asli Development



Gathering of JAKOA-endorsed Orang Asli headmen at a national convention on Orang Asli Development called for by the government in 2019.

(JAKOA), in particular, has been accused of usurping traditional institutions of leadership and governance. Much of the powers of the *Lembaga Adat*, for example, have been assigned to the Village Security and Development Committees (JKKK),²⁰ which usually consists of young, literate, and business-minded villagers. These JKKKs are in fact established in every village in the country and are generally used as a platform for political organising by the dominant Malay party, UMNO.

Under the new ‘Guidelines for the Appointment and Termination of Village Headmen’,²¹ village headmen need no longer be installed on the basis of custom or lineage. They are now to be elected by the community under the scrutiny of JAKOA, whose approval is required before anyone is deemed to be considered the headman of the village. This procedural bind, plus the fact that the officially-recognised headman is given a significant monthly allowance of RM1,000.00 (USD250.00), ensures that these village leaders are loyal to the Department and to the Government.

The Department’s *Guidelines*, in itself, reveals how Orang Asli autonomy and self-governance have been subjugated by a

²⁰ There has been two changes of government from 2018 to 2020. With each change of government, the name of this committee has been changed from JKKK to MPKK to MPKKOA, with each successive government trying to wrest the support of the committee members to their own side.

²¹ The original title in Malay is *Garis Panduan Perlantikan dan Penamatan Batin*, issued by the Department of Orang Asli Development (JAKOA 2019).

minor government department. Some of the conditions stated in the 'Guidelines for the Appointment and Termination of Village Headmen' include:

- Elections of village-head are to be supervised by JAKOA.
- Candidates must be able to speak, write and converse in Malay.
- Candidates must get the prior endorsement of the District JAKOA office before he can stand for election.
- The headman must follow the directives and official orders of JAKOA in relation to his duties.
- The headman can be removed by the Minister.

In a focused survey of 12 Orang Asli villages on the issue of local government (Nicholas *et al*, 2005), most of the respondents felt that the *batins* seldom state the problems faced by the villagers to the respective authorities. Even worse, the respondents felt that some *batins* see it as their duty to convince the villagers to support the programmes of the JAKOA. Thus, for example, in the event that the state wants a particular piece of Orang Asli land, it is not uncommon to find the JAKOA convincing the *batin*, if it cannot convince the community, to accept the State Government's proposal. And, invariably, the *batin's* consent is deemed to be the same as having obtained consent from the community.

Use of political representivity²²

In pursuit of the control of the Orang Asli as a people and of their territories and resources, rather than use brute force and authority to evict and resettle communities, the state now finds it both prudent and expedient to incorporate individuals who

²² Kornberg *et al.* (1980, cited in Weaver 1989: 114) attributes three meanings to political representivity. In the first meaning, an indigenous organisation is considered to be representative if it is seen to represent the views, needs and aspirations of its constituency to the government and the public. That is, it is both authorised to be a reliable vehicle of communication and is held accountable to its constituents for its conveyance. In the second meaning, an indigenous organisation is seen to be

can give legitimacy to its motives and actions. The key weapon at its disposal is its ability to ascribe, or withdraw, political representivity to indigenous individuals. In effect, it decides who should be recognised as representing the Orang Asli or a group thereof.

For example, when the state disagrees with the demands of an Orang Asli representative organisation (such as a village organisation), it can deny political representivity to that organisation and assign it instead to another organisation, or even to an individual, regardless of whether the latter has representational status with the community. This was clearly evident, for example, when a commercial developer wanted the traditional lands of the Temuans at Bukit Lanjan, just outside Kuala Lumpur. Facing opposition to the project from within the community, the state hastily revived the long-defunct *Lembaga Adat* and arranged for certain individuals to sit on the council. Approval for the development was soon forthcoming.

In another case, the traditional land of Kampung Gerachi in northern Selangor was required for the construction of a dam. Here, the state dispensed with the existing traditional leadership structure, the *Lembaga Adat*, and simply accepted the endorsement of the acquiescent *batin* as sufficient to assert that they had obtained the consent of the communities for the alienation of the community's land.

There is a long list of cases where such representivity was bestowed on Orang Asli individuals or village *ad hoc* committees and these so-called representatives or representative organisations were recognised as the legal entity enabling disposal of their customary lands or natural resources. They run the gamut from the sale of small lots of land, to resource exploitation such as logging and mining, or to the construction of large infrastructure projects.

politically representative if it is representative of its constituency. In other words, the members of the organisation are expected to be a social microcosm of its constituency. The third meaning stresses representativeness by responsiveness: whether the organisation actually responds to the needs and demands of its constituency by providing services needed or expected by the constituency.

Impact of outside influence and the 3M's

The encroaching influences from the outside affected Orang Asli culture, values and leadership. And gender relations. For example, while it was not common to have Orang Asli women as headmen in the past,²³ they were nevertheless not excluded from holding this apex leadership position in the village. But after six decades of 'administration' by a government agency, it has been inscribed into the 'Guidelines'²⁴ that only Orang Asli males can be village heads. And, tellingly, this condition was allowed to be introduced without any objection from the Orang Asli, or with any one batting even an eye for that matter.

Various researchers have established that the role and position of Orang Asli women in Orang Asli society have been driven to a lower bar on the gender equality ladder compared to the men.²⁵ The effect is pervasive across all aspects of social living—whether in inheritance and ownership of assets, in political participation, and even in the salaries paid for the same work done.

A contributing factor, it is argued, has been the fact that the Orang Asli had been subjected to the '3Ms' over the last six decades. That is, because the dealings with the authorities and the outside world, especially in its early formative years, had been through the Department of Aborigines (and its later morphs, JHEOA and JAKOA), the government intermediaries have invariably been Male, Malay and Muslim – the 3Ms.

And these government officers, without fail, practised the dictates of their 3M mores and value systems, which were patriarchal-inclined. This had the effect of diminishing the empowered position Orang Asli women had in their traditional society. Administration and governance of Orang Asli lives thus became unwittingly male-dominated and oriented.

The emergence of individualism

Just as with the position of Orang Asli women, somewhere along the way towards modernisation and 'civilisation', indigenous knowledge and indigenous systems were sidelined and degraded. In the process, the traditional elders were silenced or

²³ See, for example, Kirk and Karen Endicott' (2012), *The Headman was a Woman: The Gender Egalitarian Batek of Malaysia*. The position meant here however is that of a kinship leader.

²⁴ JAKOA (2019), *Garis Panduan Perlantikan dan Penamatan Batin*.

²⁵ See, for example, Nicholas *et al* (2010), *Orang Asli Women and the Forest: The Impact of Resource Depletion on Gender Relations among the Semai*; and A. Baer (2006), *Orang Asli Women of Malaysia: Perceptions, Situation & Aspirations*.



The lower status of women in the Orang Asli community has been said to be partly due to the effect of the 3M's.

compromised. In their place came indigenous individuals, with or without organisational backing, who claimed, or were accorded political representivity by the state, the status and function of representing their people.

Many factors were responsible for this phenomenon, not least of which was the onslaught of a different culture through integration and assimilation, and the dispossession from lands that were the very source of their indigenous culture and identity. As a result, the economic motive and individualism, both present but never allowed by the belief system to be expressed or manifested in traditional society, now came to the fore.

The state was quick to recognize this change and in fact encouraged leadership positions among the Orang Asli to be avenues for material gain, thereby effortlessly adding any number of willing allies in its program to control the Orang Asli and their resources.

That the *adat* has taken a backseat in indigenous society, especially for the leadership, can be seen, for example, in the willingness of Orang Asli leaders to accept non-Orang

Asli individuals—many of them high profile or influential personalities—to be organisational patrons or advisors. Orang Asli demands as articulated by these leaders tend to center on marshalling economic benefits or preferential quotas for themselves and their organisations.

In contrast, threats to Orang Asli identity, such as that seen in the increased tempo of Islamizing and Christianizing efforts among them, do not seem to warrant much concern among the Orang Asli. And civil suits against the government over land dispossession now tend to be more about compensation than about protection of traditional territories—and with it, the maintenance of Orang Asli traditions and identity.

This situation exists today largely because the traditional systems of the Orang Asli did not foresee a change in the *status quo* and therefore did not put in place mechanisms by which individuals or the community could address outside influences and forces.

Forgotten rationale

Two factors went into this outcome. First, Orang Asli traditional society was relatively static in its customs and ways of living; and second, individuals uncritically accepted what was passed down, not committing themselves emotionally to intellectual pursuit. Over time, for example, elders no longer knew why they did certain rituals or why there were certain taboos. They followed customs because they were passed on by elders, or simply because it was the way things were done; it was the *adat*.

Paradoxically, social continuity is made more fragile by the fact that Orang Asli knowledge and spirituality are recorded only in the oral tradition which, like the indigenous language, is dependent on the continued practice of their culture and traditions. This makes the continued presence and occupation of the community in its particular ecological niche imperative to its success as a unique people. And unfortunately, as it is the case for most communities, this now coincides with a period when that ecological niche is most threatened with being degraded, destroyed or lost.



Traditional Orang Asli decision-making was based on discussion, contemplation and consensus-seeking until everyone agreed on a matter.

Thus, at a time when strong indigenous leadership is required—leadership that is people-based, location-based and tradition-based—there is greater departure from the indigenous way of living and governing towards styles that are motivated by the greed of the individual rather than the need of the community.

The need for (genuine) indigenous intellectuals & leaders

It has been said that a society without a functioning group of intellectuals is deprived of a certain level of consciousness and insight into vital problems. Such a group is needed to define the indigenous response to new values and paradigms that ultimately seek to eliminate unique traditional cultures. Thus, to lack intellectuals in the community is to lack leadership in determining goals and directions, and in finding solutions.

It does appear that in Orang Asli society today, the community's need for intellectuals is not being adequately met. It is not that there are no Orang Asli intellectuals; rather there are too few of them asserting their views. This leaves a vacuum in the articulation of Orang Asli issues and perspectives that allows the

less intellectually-talented and the more economically-motivated to be pushed into, or to usurp, leadership roles.

Not surprisingly, the tendency for this group to expand in number and influence is great. Hence, the growth of indigenous leadership and intellectualism, and of indigenous knowledge as well, loses ground.

It is, however, not for the outsider to correct the situation. Only when genuine Orang Asli intellectuals and leaders begin to check the slide can we expect the cultural and economic situation of the Orang Asli to improve, and for Orang Asli indigenous rights to be recognised.

Ensuring competent and genuine village leaders

The institution of Orang Asli headmanship has been compromised such that the traditional system of selecting the village head or *batin* is only an optional consideration in most Orang Asli communities now. More likely, the *batin* is to be chosen by a process organized and directed by JAKOA that involves an election.

This gives rise to a situation where the *batins* may not be well-versed in the *adat*, and where the position is now seen as one of a development agent or middleman, rather than the keeper of the *adat*.

We therefore now have a situation where some *batins* are more loyal or servient to JAKOA and/or the government than to the wider interests of the community. Some of these *batins* now deal in land (as in ‘selling’ or leasing out customary lands), and tend to cooperate with loggers and developers.

It is also widely assumed that the consent of the *batin* for any project or deal is sufficient to satisfy the requirement of Free, Prior and Informed Consent (FPIC), with or without the community’s knowledge.

Communities having errant or undesirable headmen often find it difficult to remove them from office as the procedure for doing so is not known to them. Or else they are assumed to have life-long tenure, as would be the case for a traditionally-appointed

headman. In some cases, the same applies to the elected Village Development and Security Committee (JKKK) office-bearers.

In light of the above, short of a complete revamp and revitalisation of Orang Asli societies to fully autonomous ones, some practical conditions need to be added to the current JAKOA ‘Guideline’ for the selection and appointment of *batins* and committee leaders. These can include:

The *batin* and the MPKKOA chairman should not be entitled to take on government contracts or projects for any monetary consideration. This condition should extend to members of their immediate family. The leaders should instead be always on the lookout for opportunities to help their community members, rather than asking, “what’s in it for me?”

A *batin* should be fully knowledgeable of the *adat*. And his allegiance should be towards ensuring the wellbeing and continuity of the community.

The tenure of an elected *batin* or MPKKOA member should be of a specific, relatively short term – say, two or three years. Clear processes should be outlined and made known to all community members regarding the election, appointment and removal of a village *batin* or MPKKOA chairman.

In the case of a hereditary *batin*, the community’s *Lembaga Adat* or any similar traditional body, should regularly renew the *batin*’s mandate to lead.

Regular ‘*ketuk batin*’ (literally, ‘hit’ or criticise the headman) village meetings are to be held regularly. (This was the practice in the Semaq Beri community Batu 55, Maran. Essentially, these meetings were held to allow any member of the community to criticise the *batin*, with decorum, over any issue he or she was not happy with.

The ideal objective, however, is not to have such guidelines or conditions dictating how an Orang Asli leader should lead. Rather, he or she should internalise the values and concepts that guided the governance and leadership of traditional Orang Asli communities.



Traditional Indigenous Leadership & Intellectualism*

In most indigenous societies, traditional leadership is loosely structured along the lines of a council or body of elders (such as the *Lembaga Adat*). Membership in such a council is usually assigned by consensus. Decisions are also arrived at by consensus among the informed and knowledgeable, and not on the basis of an arithmetical majority.

In non-structured egalitarian societies, little importance is given to leadership positions except on a temporary basis such as when leading a hunting team.

Nevertheless, responsibilities (such as those pertaining to the maintenance of harmony in the community) are invariably delegated to elders who are held in high esteem for their wealth of experience as well as for their patience, courage, fairness and generosity—in radical contrast to the power-wielding model of modern society, which encourages the pursuit of self-interest and the acquisition of resources to secure a strategic advantage over others.

In fact, nowhere is the contrast between indigenous and (dominant) western traditions sharper than in their philosophical approaches to the fundamental issues of power and nature and the natural order.

In the dominant Western philosophy, power derives from coercion and craftiness—and its alienation from nature (Alfred 1999:60). In the indigenous context, respect and influence is accorded to those able to maintain harmony among community members, and between the community and nature. Russel Barsh (cited in Alfred 1999:90) suggests that those who occupy positions of leadership and are held in high esteem within indigenous communities share four general traits:

* Extracted from: Nicholas (2004). 'Compromising Indigenous Leadership: Losing Roots in Tribal Communities.' In: Ricardo G. Abad (ed.), *The Asian Face of Globalisation: Reconstructing Identities, Institutions and Resources*. Asian Public Intellectuals Program, Tokyo, pp. 152-159.



Community members expect their leaders to put the interests of the community before themselves. They want leaders, not dealers.

- They draw on their own personal resources as sources of power. They do not give other people's money away to gain support. They are productive, they are generous, and their values are not materialistic.
- They set the example. They assume the responsibility of taking the lead and assume the greatest risk for the good of the community.
- They are modest and funny. They minimise personality conflicts and use humour to deflect anger.
- They are role models. They take responsibility for teaching children, and they realise the educative and empowering role of government in the community.

Thus, traditional indigenous leaders are responsive and accountable to the other members; they consult thoroughly and extensively, and base all decisions on the principle of general consensus. Traditional

indigenous leadership also honours the autonomy of individual conscience, practises non-coercive authority, and upholds the deep interconnection between human beings and nature. This set of values directly challenges the destructive and homogenizing force of western liberalism and free-market capitalism.

However, for indigenous societies to remain healthy and to survive, more than mere leadership is required. The leaders must constitute a functioning intellectual group that is able to define the indigenous response to new values and paradigms that seek to obliterate unique traditional cultures.

Indigenous intellectualism requires that leaders be rooted in the community and be answerable to it. Such leaders must be knowledgeable and respectful of indigenous knowledge and spirituality, and be able to find solutions to problems from within the indigenous tradition.

Invariably, indigenous intellectuals are expected to play an important role in transmitting the community's knowledge, in promoting justice and in ensuring that future generations will not be deprived of their birthright. To be in short supply of such intellectuals is to lack leadership in determining goals and directions, and in finding solutions.

Sadly, many indigenous communities today tend to be led by wizened elders, guided by the experiences of a lifetime but employing little or no intellectual exertion in their leadership of the community. Thus, when confronted with emerging paradigms and influences in the eras of colonialism, capitalism and globalisation, they do not fare well. Without intellectual strength, these elders are unable to secure or regain autonomy for themselves.

The fact is that some contemporary indigenous leaders are so divorced from their tradition, spirituality and place that they are unable to know what is the right decision or the right thing to say. Some may even have embraced new values that reflect those of the dominant group rather than that of indigenous tradition.

Such leaders have no qualms in allowing non-indigenous individuals or institutions to reconstruct their religion, culture and traditions, or even to represent them. This has far-reaching implications for the indigenous community.

In light of the failure of economic assistance projects, resettlement and regroupment schemes, and in light of the re-education and proselytizing efforts of the state and non-state actors, several Orang Asli communities have taken the bold step to literally leave everything and return to the original homeland. Here, they begin the process to recover and revive their traditional institutions and traditional way of life.

Many of the 853 officially-recognised Orang Asli villages are today in resettlement or regroupment schemes. They were resettled and regrouped there, especially in the 1970s and 1980s, not just for security reasons, but with the supposed objective of providing development and access to the basic amenities. However, despite being resettled for more than three decades, despite the promises of a better standard of living with their participation in the cash crop agriculture, and despite promises of better access to school and other amenities, some communities are realising that they are worse off today than they were before the resettlement. Worse, and more importantly, they have no autonomy in these structured, government-managed schemes.

The Orang Asli have reacted and responded in various ways to try and reverse the trend of denying them the rights that are enshrined in the United Nations' Declaration on the Rights of Indigenous Peoples (UNDRIP). They have challenged the authorities directly and have participated in local and international meetings to debate, publicize and demand their rights. They have lobbied and demonstrated. They have gone to the courts to demand their rights. They have resorted to collaborating with both ruling and opposition political parties. But more importantly, they have networked and educated themselves on the history of their people. They have thus created a greater awareness of the injustices to their situation today.

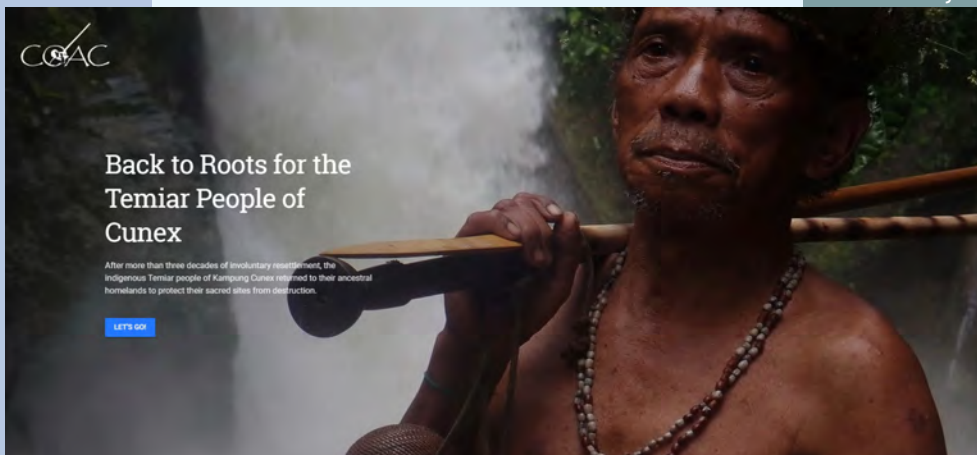
They also now realise that their situation is a result of prejudices, policies and programmes that were foisted on them. And that these were tools used in the goal of suppressing a once-proud and dignified people, and of assimilating them into another ethnic identity.

This prompted some of the them to ‘break away’ from their settled areas and open up new settlements. The Department of Orang Asli Development (JAKOA) records that there are at least 126 of these *kampung serpihan* (breakaway villages).²⁶ For some communities, it was more than just being a ‘breakaway’ village; they opted to abandon everything and literally return to their original homelands, usually in forest settings, with a view to starting all over again, according to the way of their forefathers. It was a movement of going back to their roots.

Thus, a new movement emerged—that of going back to their roots.

²⁶ My own estimate is that there are between 300 and 350 such villages. JAKOA also refers to them as *kampung tambahan* (additional villages).

Case study



After more than three decades of involuntary resettlement, the indigenous Temiar people of Kampung Cunex in Gerik-Perak returned to their ancestral homelands to protect their sacred sites from destruction. The Center for Orang Asli Concerns cooperated with Google and documented their story which is now available online on Google Earth Voyager.²⁷

²⁷ This case study is available at: <https://bit.ly/2CSolzr>. Note that the Google Earth app needs to be installed.

The seven panels in the story are reproduced below to illustrate why some Orang Asli communities are going ‘back to their roots’ and how they are starting all over again.



Panel 1: Connected to the land

Kampung Cunex is one of the 853 indigenous Orang Asli communities on the Malaysian peninsula. The community consists of 30 Temiar families whose mother tongue, also called Temiar, is spoken by only 32,000 people on Earth.

The ancestors of the Temiars of Kampung Cunex lived in these rainforests long before the establishment of the Malay sultanates. Their culture, spirituality and social organisation, along with their legends and folklore, are tied to their ancestral land.





Panel 2: A sacred site to protect

Located in the ancestral lands of the village of Kampung Cunex in the state of Perak is the Rock-Where-the-Sun-Descended, a sacred site for the Temiar people as well as the Lanoh and Jahai, two other Orang Asli groups in the Gerik district.

This sacred site is enshrined in folklore. The creator spirit, Aleuj, and The Sun were traveling from the east during the world's creation. While traveling, they decided to rest at Cunex waterfall on the Denlak River. As they approached the area, the whole place became bright and hot. They descended to the waterfall, which turned the sky into darkness.

The Sun enjoyed resting at the waterfall and planned to stay, but Aleuj said no. To do so would dry up the area and kill all the living things including the people who were to inhabit the area.

So the next morning, Aleuj and the Sun continued on their journey west. In doing so, they left a chimney-like chute in the rock that allows shafts of light to enter at certain times during the day. The people of Kampung Cunex are the guardians of this sacred site.



Panel 3: A History of resettlement

Over the years the Temiar tribe have moved throughout the region for a number of reasons. Prior to the 1970s, the Temiars lived in Keled, located to the east of the current Kampung Cunex settlement. When the Communist Insurgency of the Second Emergency (1968-1989) reached their doorstep, the government attempted to win over the communities by first opening a landing point (for helicopters) and a medical post in their customary territory. However, they were eventually forced to resettle downriver at Kampung Agam in 1977.

In 1981 when the reservoir created by the newly-constructed Kenering Dam began to fill in, the Temiars were moved again as part of a larger resettlement called RPS Dala along with neighboring Orang Asli communities. During the next 30 years, the Temiars of Kampung Cunex were moved three more times within the RPS Dala regroupment scheme. Despite the availability of modern infrastructure and agriculture, the Temiars were not able to exercise their autonomy or sufficiently benefit economically.

In 2011, the Cunex community returned to their homelands to start anew. Unfortunately, elephants soon destroyed their rubber crop and they were forced to return to RPS Dala the following year. Finally, in 2016, they were able to return to their ancestral lands and protect them from encroaching loggers, miners and poachers.



Panel 4: A Look at the community today

Today, the Temiar have successfully returned to their ancestral ways; fostering a society that emphasizes kinship and respect for elders. Their indigenous spirituality, with its rules and taboos, helps maintain the harmony among the people and between the people and the environment.

These customs ensure the community remains viable and sustainable. Ritual group singing, called *sewang*, to seek blessings from Aleuj and to appease the large forest-dwellers, both seen and unseen, is an important part of the community.

The community is now self-sufficient after having introduced new crops to their lands and participating in the cash economy. In doing so, they are exercising the right to the Self-Determination recognised by the UNDRIP, which allows them to determine what's best for their community and their lands, at their own pace and on their own lands.



Panel 5: Threats

However, the Temiar's newfound freedom and autonomy are being threatened. The state authorities consider the traditional homelands of the people of Cunex as state land, with the legal right to exercise full ownership over it.

Because of this, the state had, once again, in early 2019, allowed logging in the area. Having witnessed the destruction caused by logging 30 years previously and spurred by their obligation to protect the Rock-Where-the-Sun-Descended and other sacred sites, the Temiar are determined to prevent any further encroachment and destruction of their lands.

In order to protect their lands, the Temiar have put up a blockade and engaged with the authorities in an attempt to stop the logging. Using affordable mapping technologies, they also produced a map that identified the extent of their boundaries along with various geographic and ecological spaces that are important to their history, culture and livelihood. This map has been a useful tool in asserting their rights to their territory.



Panel 6: Coping and Responding

The Temiar returned to Kampung Cunex to prevent encroachment upon their ancestral lands and to fulfil their duty as the Guardians of the Rock-Where-the-Sun-Descended and other sacred places. Back in their ancestral lands, children are easily schooled in the culture and ways of the Temiar, ensuring that their culture continues on. However, the children no longer have easy access to the public school system and the Temiar fear the risk of isolation.

To remain relevant and integrate well with mainstream society, the Temiar accept the need to give their children access to modern education and communication tools, which will allow them to continue to advocate for their rights. With this in mind, the community introduced its own school for early childhood education.

The community is also adapting its indigenous social institutions in order to better prepare the community to face the future. The position of *batin* or village-head, for example, is now on a rotational system. Every two or three years a new *batin* is installed. This, they say, is to give more people the experience to lead.



Panel 7: What does the future hold?

To effectively protect the forest and their sacred sites, the Temiar of Kampung Cunex wish to live autonomously on their ancestral lands. With the Orang Asli acting as the stewards of their traditional territories, there is a greater chance of the forests being protected and managed sustainably. After all, their ancestors have lived in harmony with these lands for hundreds, if not thousands, of years.

Alas, the state government still persists in withholding recognition of the Temiars' right to their *tanah adat* (customary lands). They argue that, at least administratively, the concept of *tanah adat* does not exist in the state's constitution or statutes. But the courts have recognised the primacy of *tanah adat* and have accorded it legal status—a decision that the state government does not appear to heed.

Nevertheless, the Temiars of Kampung Cunex assert that they have autonomy over their customary lands and act accordingly. They are using modern tools to contribute to the conservation efforts and to increase the likelihood that they will be able to remain a self-sufficient community on their own lands. But more significantly, autonomy over their customary lands is important to them because it is these lands that are the foundation of their indigenous identity and of their social fabric.

Community maps help both the Temiar and others to appreciate the extent and content of their ancestral lands.



For the Temiar, being one with the environment is key to their culture and survival.



Returning from the hunt with a wildboar which will be shared with the whole community.
[Pix: Azahar Akek]



INDIGENOUS SPIRITUALITY: THE BASIS OF INDIGENOUS GOVERNANCE

7

The Orang Asli believe that the whole of their physical and supernatural worlds are imbued with spirits, both good and evil. While the latter bring harm, misfortune and disease, the benevolent spirits protect humans against all these. The good spirits can also heal illness, bring rain for crops, call fish and wild game, and bring harmony and fertility to the community.

Indigenous spirituality is born of the land

Such a belief system is not unique to the Orang Asli. However, for the Orang Asli, the spirits are site-specific. They co-exist with the Orang Asli in particular geographical areas. Within this homeland or customary territory, the Orang Asli develop traditions and belief systems that are the basis of their social organisation, economic system and cultural identification.

The Orang Asli do not seek to define indigenous spirituality; rather they are more concerned with the proper behaviour that is required for the harmonious and symbiotic coexistence of all the natural and supernatural elements in their world. For them, indigenous spirituality is about acknowledgement that they are equal beings with others—animate and inanimate, seen and unseen—in the created world.

Orang Asli Indigenous spirituality is location and people specific. Thus, the form and content of the spirituality varies from community to community and from environment to environment. It does not have structures beyond the community of people who subscribe to it. For this reason, indigenous spirituality never engages in expansionist missionary activity.

Indigenous spirituality and the community

The underlying philosophy of indigenous spirituality is that

the blessings of the good spirits are important for personal and community well-being. And often, appropriate good behaviour on the part of individuals is all that is required to obtain these blessings.

Good behaviour simply means following and practising the values and behaviour established by society and culture, participation in religious rituals and traditional practices, and proper respect for family, neighbours, and community. It is indigenous spirituality that shapes the social rules, taboos, rituals and belief systems that have an impact on the way indigenous people live their everyday lives—from what they eat (or cannot eat), the way they do everyday chores, organise themselves, marry, educate their children, treat illness, and bury the dead.

Failure to follow these behavioural guidelines often results in the good spirits withdrawing their blessings and protection. The result can be illness, death, drought, or other misfortune. Good behaviour, on the other hand, helps to maintain social harmony, prosperity and continuity.

The teachings about the content and form of indigenous spirituality governing behaviour are usually transmitted orally such as in storytelling or via myth-making, ritual and symbolic art. They are learned by participating in a specific cultural context rather than by the articulation of an abstract religious system or theology.

Orang Asli are thus steered to lead responsible and communal lives, not because of some intangible religious edict, but by actually practising what their teachings require of them. The culture ensures this. And their spiritual tradition cautions them that any deviation will cause harm not only to themselves but to others as well.

Indigenous spirituality, as such, brings the social, ecological, and spiritual contexts into alignment in a way that distinguishes, but does not separate, human communities, the natural world, and the realm of the spirit powers. In keeping with this spirituality, the overriding aspiration, then, of the Orang Asli is to ensure continuity and harmony—continuity as a viable people, and harmony between humans and humans, and between humans and Nature.

Indigenous tenets for governance

The fear of food shortages—the result of living close to the margin—made survival a primary concern of the Orang Asli. Concepts which served to maintain social and distributive justice thus developed and were given potency by resorting to the supernatural realm.

The basis of these concepts, in fact, is common to all indigenous peoples' societies and revolve around three fundamental tenets.

First, it is the acknowledgement that all living things, and not just humans, are an interrelated community (the Ainu of Japan, for example, call this *ureshipamashor*).

Second, there is an inherent 'essence' of being human (in various African Bantu languages it is called *ubuntu* or *botho*).

And, third, that humans have a responsibility towards all others, as well as to Nature. And that any transgression will incur the wrath or retribution—the Semai-Orang Asli call this *tenhag*.

Indigenous daily behaviour is not necessarily directly guided by these fundamental tenets or core values. Rather, a system of taboos, rituals, rules and customs are incorporated into daily living such that compliance with them will ensure adherence to the fundamental tenets of indigenous spirituality.

For example, in Semai society, an individual is expected to abide by a whole range of taboos. One is *penaliq*, in which the mixing of food from different habitats is forbidden. This ensures that the community's food resources are not over-exploited and that over-consumption is not a feature of Semai living.

Terlaig is another taboo especially imposed on young children to ensure that they do not mock or harm other living beings, especially insects and small animals. To ensure that agreements (e.g., to go hunting, to meet at an arranged time and date) are kept, the concept of *srrnlong* is there.



Breaking an arrangement without following the customs will place the other party in a vulnerable state, exposing him or her to injury or harm. And you are responsible for this, as the tenet of *tenhaq* dictates. Similarly, *hoin* (not a taboo but a value) requires that the other party's desires and wishes be considered paramount over your own and that they be satisfied as best possible.

It's all about belief

All these taboos and rules of behaving are adhered to in indigenous communities simply because the adherents believe in them and in the effects of the wrath and anger of the spirits should they be violated.²⁹ However, concepts, rules and taboos do more for indigenous society than just ensuring good individual behaviour. They lead to practices, processes and institutions through which all in the community participate and determine the economic, political and social mechanisms that distinguish traditional indigenous societies as autonomous and self-determined, and as egalitarian and sustainable.

These conditions allow individuals in the community to articulate their interest, exercise their legal rights, meet their obligations and mediate their differences—thereby contributing to what is fashionably referred to as ‘good governance’. Thus, in Semai society the tenet of *tenhaq* extends your responsibility to that of ensuring the wellbeing of all others over and above that of your own.

Over-accumulation would therefore be frowned upon as it implies that some resources were kept back when it could have improved the lives of others. And because all things in nature are interrelated parts of the community, the indigenous spirituality requires that the environment and all things in it are to be protected and cared for.

A closer look at the rationale behind the various taboos and customary rules will reveal that the indigenous spirituality that oversees its form and purpose, abhors practices and behaviour that do not protect and care for the sustainability of Nature and all things in it. Over-consumption, treating living things (including humans) poorly, creating inequalities or allowing wide

²⁹ I have a fridge magnet that succinctly captures this sentiment. It says: “God said it. I believe it. That settles it.”



Penghulu Gelugor was a Jahai hereditary chief as well as the community's shaman.

inequalities to exist, are all to detested and shunned. This, after all, is what the essence of being human means.

Purpose of indigenous spirituality

It follows then that the concepts determining individual and communal behaviour would also ensure that in the organisation of the community, there is equitable use and sharing of resources; that leadership is by consensus; that aspirations to accumulate and expand excessively are loathed; and that violence or the use of violent means to achieve a goal is not an option. Failure to live by it is to abdicate responsibility and deny the way of life.

Thus, for example, political leadership in traditional Orang Asli communities in the normal sense of the term is absent. Instead, there is great respect for the elders because of their experience and their knowledge of the culture and the land. They are also sought and acknowledged because of their generosity and because they have proven their ability as keepers of the tradition. A traditional Orang Asli 'leader' is also likely to be the community's link with the spirit world.

“Societies have always found spiritual forces useful for enforcing community solidarity and helping to discourage people from taking more from nature than nature can continue to produce. Spirits and other deeply-held religious beliefs have been a powerful force for building the sense of community, so various forms of spiritualism will continue to thrive and help people deal with the unexpected and uncontrollable.

Jeffrey A. McNeely & Paul Spencer Watchel
Soul of the Tiger

Orang Asli authority, as such, is not based on the democratic principles of representation and majority. Rather, the indigenous leaders act as cultural intermediaries with mainstream society and are entrusted with a mandate from their communities and peoples. Decisions often took a long period of time because the principle of collective consensus was viewed by the community as an essential part of the decision-making process.

Indigenous leaders had no authority to make independent decisions and acted more as spokespersons of their people. All this stems from the nature and content of indigenous spirituality that provide the philosophical basis and practical guide to individual and communal living—that is, governance—in the traditional indigenous community.

The Orang Asli, for their part, show their acceptance of the traditions and culture by believing in, and complying with, the gamut of taboos, rules, concepts and rituals that embody their indigenous spirituality. They do this because they are united in their common goal of achieving continuity as a viable people and attaining harmony between humans and with Nature.

It is not surprising therefore that among the Orang Asli, children feature prominently in all their considerations. They do not want their children or their children's children to be deprived or burdened by their present action (or inaction).

Traditional Orang Asli societies have been self-sufficient, self-governing, peaceable societies. While their degree of economic prosperity may not match our current standards, they were certainly autonomous communities exercising their right to self-determination in their specific traditional territories.

Did indigenous (spirituality-guided) governance work?

The indigenous governance system was one of self-identity and self-authority where regulation and control of society was internalized. Indigenous governance as such extended, but was not confined, to the material and spiritual control of territories, to relations with nature, spirituality and the sacred, as well as to strategies for survival and the future. Religion, economics, politics and governance were all intertwined, despite the absence of a social hierarchy to account to, or to answer to.

The centrality of the customary land in their material and spiritual existence also meant that people were obligated to act as custodians of the Earth, a role they undertook with much direction from the guardian spirits of the land, and was thus interlinked with indigenous spirituality and culture.

And although egalitarianism characterized communal life, the individual had significant personal autonomy with an equally strong obligation to the community—simply because the family or the clan was the basic unit of governance and the welfare of the community depended on the strength of the individuals within it.

The traditional indigenous methods of governance as such primarily focused on maintaining and promoting the common good. They also dealt with immediate issues facing the survival of the community. Maintaining harmony was a fundamental value

because conflict would threaten the survival of the community. Penitence and forgiveness, for example, usually involved a long process of deliberation on a transgression and was never, by itself, just a personal affair. They concerned, and involved, the whole community. The relatively small size of the community did allow for these values and practices to be realized. In all, traditional indigenous governance did work for the Orang Asli, and can still do so.

Contemporary challenges to indigenous governance

It is often said that the main cause of our global problems today is greed, excessive greed. But greed is actually not the main cause. Greed exists because of the absence of the sense of being human, *ubuntu*, and the rebuff of the overriding tenet of *tenhaq* causing individuals to no longer feel responsible for others, including those in faraway lands.

The challenges to indigenous spirituality—and, it follows, indigenous governance—are several and disparate. They include the usual fiends of modern globalized society: individualism, consumerism, globalization and commercialization. The intrusion of these new values into traditional indigenous society has two significant effects on indigenous spirituality.

First, because religion, nature and livelihoods are habitually regarded as commodities, the mainstream society regards indigenous spirituality and indigenous societies as backward civilisations drowning in superstition and paganistic rituals, and as obstacles in the path of modernisation. As such, partly as a result of ignorance, partly out of arrogance, indigenous spiritualities are treated by the outsiders with condescension and scorn. Indigenous spiritualities are also not recognized as true religions on par with mainstream religions.

Second, as a consequence of such treatment of indigenous spirituality by outside factors, indigenous peoples themselves have a low regard of their own traditions and spirituality and as such succumb to the temptation to abandon them for new mainstream ones.




Rituals are an important element of indigenous spirituality. There is often a rational logic for them.

However, what may seem to be ‘superstitious’ logic is actually grounded in sound indigenous governance logic, albeit in the cloak of seemingly ‘irrational’ taboos and indigenous beliefs. The Mexican native healer Leandis explains it well when he says:

If we didn’t do the ceremonies, it wouldn’t mean the plants wouldn’t bloom that year. It would mean we would stop having that respect and giving that praise. Then we stop having food to eat because we would lose respect and cut down the rainforest, pollute the water, and destroy the balance. That is the real truth behind this message.

It is nevertheless easy for the Orang Asli to succumb to outside negative perceptions of their traditional ways and beliefs, and to be swayed away from the grounded spirit-based rendering of how they organise their society. Furthermore, with their lands not secured from expropriation and appropriation by others, the Orang Asli easily become separated from their traditional territories, the very ecological niches that gave rise to their specific indigenous spirituality.

Divorcing Orang Asli from their traditional lands is, in effect, asking them to leave their location-specific spiritual traditions




Restoring economic and community health; managing natural sources and environments; revitalizing Indigenous cultures; stemming the tide of language loss; raising educational levels—these are only some of the tasks that face Indigenous communities. And their own ambitions are greater still.

Native nations today are wrestling not only with how to improve community life but with how to preserve a distinctive nationhood; not simply with how to invent a new program to address a particular problem but with how to become consistent and effective problem solvers; not simply with raising living standards on Indigenous lands but with how to rebuild societies that work; not only with finding and training leaders but with how to govern and how to implement effective and culturally appropriate systems of governance.

The task, as Chief Oren Lyons of the Onondaga puts it, is nation *rebuilding*.

Miriam Jorgensen
Rebuilding Native Nations



behind. And when this is achieved, it is not long before they too leave behind their traditional values and systems, including that of their indigenous governance systems.

Recovery of indigenous spirituality

Indigenous peoples have had to contend with the expansionist designs of the other world systems and religions. In the case of the Orang Asli, these designs are even initiated and supported by the state, making it very difficult for the small, relatively isolated Orang Asli communities to counter these threats.

The Orang Asli who reject the new introductions generally fall into two categories: those who earlier rejected their indigenous spiritualities in favour of the modern systems but now want to reassert their indigeneity; and those who have always kept and



Nurmi Aluej and her brother's mother-in-law, Andin Alang, wait for the start of a community ritual feast to end the mourning period of a young child. They and their community members wish for, and work towards, enjoying the benefits of a 'modern' lifestyle – but without sacrificing the integrity of their Temiar identity and its core values.

practised their indigenous traditions and spiritualities, and still want to do so.

For the former, the recovery of traditional aspects of the indigenous spirituality is seen as an important step towards reasserting their indigenous origins. Some do so for the sole purpose of identifying with their birth-origin, others for the birth-rights that come with being indigenous in particular situations.

Unfortunately, such recovery of tradition and spirituality is largely confined to ritual acts and symbolism, not to the fundamental core of the indigenous spirituality. For this group, the resort to the revitalization of indigenous spirituality is a proxy fight for their rights, especially the right to their land.

The fight for their traditional lands, nevertheless, remains a common feature of all Orang Asli. For most, however, it is borne out of the realization that their culture and their spirituality—



The absence of accounting to a higher ideal or higher spirituality allows humans to lose their human-ness.

and, it follows, their identity as a specific people—are directly linked to a specific geographical space, their customary or traditional lands. The dispossession of Orang Asli from these lands effectively implies divorcing them from the basis of their indigenous spirituality.

Thus, the protection of Orang Asli traditional lands goes hand-in-hand with the recovery, assertion and observance of their indigenous spirituality. For this, a few Orang Asli are willing to give up their lives. Others seek the usual avenues available to them, including resorting to the courts.

The irony is that it is the very nature of indigenous spirituality—to be peaceful, accommodating, non-aggressive, and non-opportunistic—that is their biggest curse. Keeping true to their indigenous traditions often means that they are no match to the others (such as governments, colonialists, developers, and entrepreneurs, for example) whose operating rules and religious traditions do not restrain them from taking advantage of the



Good governance ensures continuity—of a culture, of a people.

situation, or even using violent means, to exploit indigenous communities and their lands, territories and resources.

The role of indigenous spirituality in governance

The aim of good governance is to bring about the transformation of society along desired political, economic, ecological, social and spiritual goals. Politically, this would involve the genuine democratic participation of all individuals; economically, it is the shared ownership of the means of production; ecologically, it is the wholeness and interrelatedness of humankind and nature; socially, it is the restoration of community belonging and co-responsibility; and spiritually, it is maintenance of harmony and wellbeing between fellow human beings and between human beings and nature.

People and their environments are apparently not the focus in governance any more. The present human and environmental crisis is, after all, the direct result of human over-consumption,

human disruption of natural cycles, and human simplification of ecosystems—all being allowed to occur because there is no accounting to a higher ideal or a higher spirituality.

If good governance is not being practised today, perhaps a corrective should be sought in the libraries of the other worldviews and other traditions than those currently being subscribed to. Certainly, for governance to be considered good in practice, its philosophical basis should be spiritual in inspiration. That of the traditional indigenous spirituality can offer an alternative, or at least an alternative way of considering the problem, just as the indigenous knowledge and management systems pertaining to the environment have come to be accepted as viable alternatives to existing systems.

The key to spirituality-inspired indigenous governance, however, remains that of the small, localized community. Perhaps in this regard we should move towards allowing people to govern themselves via their local governments or in their autonomous areas. For a start, we need to keep entities small, sustainable and consensual. Indigenous peoples have proven that this is possible.

It has become increasingly evident that indigenous peoples, including the Orang Asli, have much to give to humankind about living in harmony and equilibrium with other humans and with the environment. They are willing to share this knowledge, this understanding of the purpose of living, but will not embark on activities to propagate them in an evangelical way.

It is for the Orang Asli to know, appreciate, recover, and practise their indigenous ways of governance—if only that their future generations will not lose out on a tradition and value system that has produced their unique identity.

And it is for others to value and appreciate the insights of indigenous governance systems—and consequently to want to internalise its principles and core-values into their own systems.

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