

Poverty, Inequality and the Lack of Basic Rights Experienced by the Orang Asli in Malaysia

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The Orang Asli population of 217,000 (Nicholas, 2019) in Peninsular Malaysia comprises 18 tribes, each a distinct people group with their unique culture, language and social norms. They are the poorest and most marginalised group in Malaysia, with over 50% categorised as poor and 33% living in hard-core poverty, compared to 0.7% hard-core poor of the national average (Economic Planning Unit, 2010, Department of Statistics, 2010). Many villages, even those located near small townships, without paved roads, no electricity, no direct clean water supply nor sanitation services. The situation of the Orang Asli in our midst today exemplifies the clearest links between poverty, inequality and the deficiency of human rights in Malaysia.

Diminishing customary land and decreasing economic independence

Although cash-poor, the Orang Asli were for generations an independent people group. They provided for themselves and their families sufficiently through forest resources and subsistence farming. However, the increasing encroachment of native customary land has led to severe violation of almost all sectors of their basic rights - rights to clean water, to food, to health, to shelter, to security and to life. The infringement of customary land rights is the most conspicuous sign of the extent of the marginalisation and inequality.

Orang Asli customary lands are being aggressively targeted for economic activities: agriculture development, logging, hydro-electric dams and tourism. Incidents reported through major local news portals in the past 3 months gave an indication of the situation but those reported are only a small fraction.

The Chief Minister of Perak, Datuk Seri Ahmad Faizal Azumu, openly supported the loggers: "It is not unlawful to remove the blockade," (Malaysiakini, 17 May 2019). He also sent state government officials to dismantle the blockade set up by the Orang Asli at Kampung Cunex as a sign of protest against the logging of their customary land. The wooden blockade has now been rebuilt by the villagers and demolished by others no less than 10 times, according to the Centre for Orang Asli Concerns (COAC, 30 May 2019). In one of the video clips, one of the loggers threatened to harm the lives of the villagers if they were to continue their protest. No action was taken against the offending individual. All these incidents took place just a month after the Federal Government organised the National Orang Asli Convention, which made 136 resolutions with Orang Asli community leaders to improve lives of the community, specifically on issues related to land, education, health, economy, leadership, infrastructure and culture.

Out of the 30 villages Malaysian CARE is currently working with, 6 villages are facing active land encroachment. For example, in Kampung Ulu Penderas, the family of Bah Sali is facing an uncertain future because of land encroachment. This hardworking family earned MYR350-450 a month through forest resources, tapping rubber and harvesting oil palm branches, but their livelihood is now affected because the Perak State Agriculture Development Body (Perbadanan Pembangunan Pertanian Negeri Perak) has cleared their traditional fruit orchard for plantation (The Star, 12 March 2019).

Kampung Ulu Geruntum in Gopeng has taken the state government and Tenaga Nasional Berhad to court to protest against the hydro-electric dam being built within their customary area, which will affect the water source of hundreds of families living along the river banks. Together with representatives from other

Perak villages facing similar land threats and development, they staged a public protest before the Perak State Secretariat office (The Star, 30 April 2019).

From these instances, it is evident that the duty bearers of the Perak state did not exercise their responsibilities to provide care for the Orang Asli, which leads to the impoverishment of the community.

Hunger, malnourishment and poverty

The group disproportionately impacted by poverty are the children of indigenous people, who are a minority and living in rural areas lacking access to basic services. Orang Asli children are facing malnourishment due to diminishing access to traditional food sources (The Star, 30 April 2019). In the news report, an Orang Asli girl, Rohana Angah who is 12, is so severely malnourished that she looks like a 5-year-old. Malnutrition among the Orang Asli in Government resettlement schemes is a serious concern. The cause has been identified as the shortage of food supply related to the destruction of their forest and resource base. The forest is where the Orang Asli find food to feed their family. Without the forest, there's no food, leading to severe stunting and malnourishment.

For the past 2 weeks, there's daily news reporting the sudden death toll among the Orang Asli villagers in Kuala Koh, Gua Musang, Kelantan. Fourteen people had tragically died and over 50 were hospitalised for alleged respiratory complications (Channel News Asia, 10 June 2019). Dr Colin Nicholas of Center for Orang Asli Concerns (COAC) has pointed out that poor health and malnourishment has a direct relationship with land encroachment: "The problem here is not medical, but a direct result of what happens when people's rights to their customary lands are not recognised and that land is destroyed." He told news portal Malaysiakini about his previous visits showed a very different scenario, "Just seven to 10 years ago, if you visited them they were perfectly healthy and psychologically happy. But their land has been taken away, in this case by the Kelantan state government. And their resource base has been destroyed." (Malaysiakini, 10 June 2019). Logging, mining and subsequently cash crops plantation continuously diminish the forest which the Bateq community relied on for generations. "...the Bateq faced a steep decline in their ability to find their daily calorie intake and all their other nutritional needs. They also began to lose their autonomy and their dignity. A decline in physical and mental health was particularly evident after 2015." (COAC, 12 June 2019).

The Orang Asli are being marginalised because economic growth, revenue and progress are taking precedence over their basic rights and well-being. Systematic measures and real actions on the ground to implement policies to recognise the full rights of the Orang Asli have not been forthcoming, even though the manifesto of the Pakatan Harapan Government (No.38) promised to advance the interest of the Orang Asli in Peninsular Malaysia, to recognise their native land rights, to upgrade infrastructures, schools, to preserve indigenous cultures and heritage (Idrus, 2010).

The duty-bearers, i.e. government agencies at all levels, are primarily accountable for ineffective administration and unjust treatment experiences by the Orang Asli, for they are duty-bound to ensure the basic rights of all citizens are protected. The Federal Government has taken the Kelantan State Government to court for failing to protect Orang Asli lands (The Star, 19 January 2019), but did not respond with similar consistency towards the rapidly deteriorating situation in Perak. With the escalating rate of land encroachment incidences, Malaysian CARE has in recent years, in our service amongst the Orang Asli communities, increased our efforts to improve the customary rights recognition of the Orang Asli grassroots organisations in native land protection through a combination of community organisation, capacity building (specifically in building competency in land claims documentation and community mapping) and advocacy support. We partner with lawyers and organisations for Orang Asli concerns to affect legislative reform concerning indigenous customary land rights. In our service and partnership with the Orang Asli, we have witnessed a rising awareness and mobilisation as they consolidate their efforts to

shine light on the issues pertaining to their land. Malaysian CARE will continue to champion self-advocacy as a vital aspect in the road of empowering and equipping the Orang Asli communities. Our focus will also be concentrated on the building of co-advocacy partnerships in order to present a stronger voice on these issues. It is our hope that these efforts will lend its hand towards the ultimate accordance of due recognition of Orang Asli lands together with the necessary legal safeguards to ensure that the inadequacies inherent in the existing legal framework will be addressed.

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