

# Submission by the Society for Threatened Peoples



2013-03-11

Universal Periodic Review  
Seventeenth Session  
**Malaysia**

contact: Ulrich Delius,  
asien@gfbv.de  
+49 (0) 551 49906-27  
Geiststraße 7  
37073 Göttingen, Germany

## **General Overview**

1. 28.5 million persons currently live in Malaysia. The indigenous people of Malaysia represent about 12 % of the population. There is a great misbalance in the distribution of the indigenous people between the peninsula and the Malaysian parts of Borneo.
2. The indigenous people on the peninsula are collectively called Orang Asli. With 150,000 people, they constitute 0.6 % of the national population. Though all are labelled as as Orang Asli, they are not necessarily genetically or culturally related. There are 18 ethnic groups which are divided into three main groupings: Negrito, Senoi and Proto-Malay.
3. In Sarawak, the indigenous people are called Orang Ulu or Dayak. They represent about 50 % of the 2.5 million people living in Sarawak. The indigenous people of Sabah, the Anak Negeri, constitute 47.4 % of the population.
4. In Sabah and Sarawak customary land rights are widely recognized by the law, which has been in place since the British colonial rule. However, they are not properly implemented and even ignored by the government to provide the land for large-scale resource extractions and plantations.

## **Peninsula**

5. The indigenous people living on the Malaysian peninsula are generally called Orang Asli. The different subgroups of the Orang Asli do not necessarily have to be genetically or culturally related.

6. Because of the small number of the Orang Asli population, the situation and problems of the Orang Asli are not well-known. The activities of the human rights NGOs are mostly concentrated on the Malaysian regions of Borneo.
7. The Orang Asli face severe marginalisation and discrimination in socio-economic opportunities, as well as displacement and eviction from their ancestral lands. Help is strongly needed. 76.9 % of the Orang Asli live under the poverty line and 35.2 % live in extreme poverty. The infant mortality rate is much higher than the average in Malaysia. Most of the Orang Asli live in rural areas, though a small percentage moved to the city to work.
8. In 2012 the human rights organization Suhakam studied the access to education for Orang Asli children. Suhakam found out that 7,000 children between six and 12 have never attended school. The high number is caused to transportation problems: the children live deep in the forest. Against the requirements in Article 30 of the constitution the children are scarcely taught in their mother tongue. The schools often lack facilities and don't provide access to information technologies. Most of the religious schools aren't registered and depend on NGOs and other supporters. Their teachers are not well-trained. According to the report children without identity documents were not allowed to take the exams.

### **Land rights**

9. The Malaysian law recognizes customary land rights of indigenous peoples. However, they are poorly implemented and there are few loopholes which gives the government a certain power over the land. In 1954 the Aboriginal Peoples Act established the new land title of the Orang Asli Reserve land. However, the act also granted the Director-General of JAKOA (Department of Orang Asli Affairs) the right to order the Orang Asli out of the reserved land and to provide compensation at his or her will. This loophole was frequently used in the past. The rights of the Orang Asli to the Reserved Land are better compared to a tenant-at-will than the rights of ownership.
10. Society of Threatened People follows with concern the implementation of the new Orang Asli Land Ownership and Development Policy, which was introduced in December 2009. The proclaimed goal of the policy is to serve the Orang Asli by granting them ownership to their land. The undistributed parts in the customary land areas may be used for agriculture. No representative

of the Orang Asli was involved in the development of this policy. A great number of the Orang Asli is opposed to the new policy as the protest in March 2010 in Putrajaya shows.

11. Depending on the availability of land in each state, it is planned to award 72 % of the Orang Asli families two to six acres of land. However, the policy grants them part of their land which is already theirs and which is often already legally recognized. By accepting the land under the new policy the Orang Asli families lose every right to their traditional land, even if it had already been legally recognized. If they accept the land, the Orang Asli would lose 57,000 Hectares of their legally recognized land. In the first 15 years after the new land title is submitted, the owner can be forced to cultivate monocultures like palm oil or rubber, though the income from such a small area of land would never be enough to make a living.
12. Everywhere in Malaysia indigenous peoples are losing their land or parts of their land in favour of large palm oil or rubber companies. The pollution and logging activities caused by these plantations not only add to climate change, but also affects the indigenous peoples which live close to the plantation. They destroy their hunting grounds, the plants and fruits they collect and pollute the water the indigenous peoples drink.
13. We are especially concerned with the situation of the Jakun people around Tasik Chini. The fresh water area is located in the state Pahang in east Malaysia. The surrounding of the lake is the home of about 500 Jakun people. The Jakun are one of the 18 subgroups of the Orang Asli. Since the early 1990s the land around Tasik Chini is being developed. Every year the palm oil and rubber plantation are expanding and more and more chemical pesticides pour into the sea. 60 % of the forest has already been logged. 1996 a dam was built to raise the water level of the sea, in order to allow boats to cross the sea all year long. The dam cut off the sea from the river and disrupted the natural cleaning process of the Tasik Chini, causing massive pollution of the sea. The Jakun people are traditionally fishers, hunters and collectors. The sea is their only water supply. But because of pollution the water is undrinkable and the fish tastes rotten. The government built water tanks which after a few months ran out and have never been replaced. 90 % of the Jakun live under the poverty line.
14. The Temiar people suffer a similar fate. The Temiar is another subgroup of the Orang Asli and live mostly in the forests of Perak, Pahang and Kelantan. Especially in the area of Gua Musang in the

south of Kelantan there are more and more reports concerning the growing suffering of the Temiar. The 10.000 Temiar live on hunting, gathering and the water in the river. Logging activities to plant mass plantation destroy the water catchment areas of the nearby Temiar villages and cause the water to turn muddy and red.