

# ORANG JAKUN & THE CLIMATE CRISIS

## PAST, PRESENT, AND FUTURE

Documented by Diana Tan Beng Hui  
with the Jakun People of Rompin & Pekan



An initiative under Weaving Hopes for the Future programme,  
by Klima Action Malaysia - KAMY  
Supported by We Are Family Foundation (WAFF)



This document was developed with support from We Are Family Foundation (WAFF)  
© 2023 Klima Action Malaysia - KAMY

Lead researcher and author : Diana Tan Beng Hui  
Research assistant & Editor : Aroe Ajoeni  
Reviewer : Dr. Colin Nicholas

**Suggested citation**

Klima Action Malaysia, Orang Jakun & The Climate Crisis: Past, Present and Future,  
December 2023

*Reproduction of the text for educational or non-commercial use is not authorised without prior permission from Klima Action Malaysia - KAMY. Ensure proper citation and that material is used accurately and not in a misleading context.*

Download this document online



Front artwork cover, centre spread artwork and illustrations by Jennifer P. Linggi (<https://instagram.com/northborneobaskets>) © 2023 by Jennifer Linggi (<https://jplinggi.wixsite.com/northborneobaskets>)

Report visual design by Emma Abdullah (<https://instagram.com/mrsvaleyard>)

Report translation (BM to Eng) by Aroe Ajoeni

# ORANG JAKUN & THE CLIMATE CRISIS: PAST, PRESENT, AND FUTURE



An initiative under Weaving Hopes for the Future programme,  
by Klima Action Malaysia - KAMY  
Supported by We Are Family Foundation (WAFF)

# TABLE OF CONTENTS

Executive Summary	1
<b>CHAPTER 1: THE JAKUN PEOPLE</b>	<b>2</b>
Jakun Pesisir (Jakun of the Coast)	4
Jakun Kuala (Jakun of the Estuary)	6
Jakun Huluk (Jakun of the Upper River)	7
Jakun Bukit (Jakun of the Hills)	8
<b>CHAPTER 2: TRADITIONAL KNOWLEDGE</b>	<b>9</b>
Weather forecast	10
Signs of flood	11
Heirloom seeds	13
The importance of storytelling in strengthening traditional knowledge	14
Kubang Celor	14
Day Turns into Night (Siang Jadik Malom)	14
<b>CHAPTER 3: SYSTEMIC ISSUES</b>	<b>16</b>
Political system: Past & Present	17
Customary Land	17
Our Identity as Orang Asli	18
Access to Education	19
Road access in villages	20
Access to clean water and sanitation	20
Access to Electricity	21
Access to Health	22
Issues in obtaining welfare assistance	22
<b>CHAPTER 4: OUR CLIMATE TODAY</b>	<b>24</b>
Heavy rain & storms	25
Destruction of properties	25
Destruction of crops	26
Health impacts	27
Physical health	27
Mental health	28
Intimidation from authorities	28
Women in caretaking roles during disaster	28
Disaster Relief Aid: Issues of Quantity and Quality	29
Drought & Heatwaves	30



<b>CHAPTER 5: LOCAL ECONOMY &amp; DEVELOPMENT ISSUES</b>	<b>31</b>
<b>Logging</b>	<b>32</b>
<b>Plantations</b>	<b>33</b>
Pineapple plantation project in Kampung Tanam	34
Paddy project in Kampung Petoh	34
<b>CHAPTER 6: HUMAN-WILDLIFE CONFLICT</b>	<b>35</b>
<b>Safety of the community</b>	<b>36</b>
<b>Extinction</b>	<b>36</b>
Squirrels and wild cats	36
Nerpok Tree	37
<b>CHAPTER 7: OUR FUTURE &amp; RECOMMENDATIONS</b>	<b>38</b>
<b>Recommendation 1: Amendment of Act 134</b>	<b>39</b>
Brief background of Act 134	39
Why is there a need to amend act 134?	39
The definition of 'Orang Asli' is decided by the Minister	39
Jurisdiction of the Director General	40
Uncertainty of land status and ownership	41
Act 134 must be in line with UNDRIP	42
<b>Recommendation 2: Establish FPIC legal framework</b>	<b>43</b>
<b>Recommendation 3: Implementation of SUHAKAM's National Inquiry</b>	<b>44</b>
<b>Conclusion</b>	<b>45</b>
<b>The future of Orang Asli with the climate crisis</b>	<b>45</b>
<b>Just Energy Transition</b>	<b>46</b>
<b>Data Transparency</b>	<b>46</b>
<b>Stop intimidation towards young environmental human rights defenders</b>	<b>46</b>

# EXECUTIVE SUMMARY

This report is a reflection and documentation of our story, the Indigenous Orang Asli of Pahang. Although many perceive us, the Jakun tribe, as modern and similar to other communities, the reality is that some of us live difficult lives due to the injustice of the prevailing system. The stories in this report are lifted from the reality we face every day, especially in relation to the non-recognition of our land rights and our identity.

In this documentation, it also tells a lot about critical issues such as women's rights, health, education, floods, water supply, electricity, and more. Until today, many of these problems still have no solid solution, forcing the Orang Asli to adapt and continue to endure because there is no genuine help from certain parties.

Climate Crisis also poses a major threat to us who live with the forest and nature. Our spiritual connection with the environment, especially the spirits of the forest, becomes a catalyst for us to defend environmental sustainability. Unfortunately, there are those who seek profit and politicise the Orang Asli issue while ignoring our rights and welfare, making the situation increasingly complex. What is the root cause of this problem?

Many questions arise in our hearts. Why are we, considered the original inhabitants of this land, still forgotten and marginalised? Is our history worthless? Aren't we also part of the Malaysian Nation?

By documenting our story, we hope it inspires other young Orang Asli to document their history and the effects of the climate crisis in their own communities. We believe real change starts with us, the Orang Asli, if we want to demand a better life. Our efforts in defending traditional lands and forests are crucial, especially in this era where we are all facing the climate crisis. More than that, we also hope this documentation effort can be used as a reference and incorporated into the formulation of new, fairer, and more inclusive policies for the Orang Asli community.





# **CHAPTER 1:** **THE JAKUN PEOPLE**

Jelintan 2023



The Jakun people, who are predominantly found in the Pahang and Johor regions of Malaysia, possess a distinct identity that sets them apart from other ethnic groups in the country. Their language, cultural practices, customs, beliefs, and traditional systems reflect a rich and unique heritage. Moreover, their leadership structure is deeply rooted in their cultural and traditional values. As one of the original and minority populations in Peninsular Malaysia, they are known for living off the land and maintaining a self-sufficient community with a leadership system that traces back to ancient times.

According to ancestral knowledge, the Jakun community recognizes four sub-groups, each distinguished by their location: Jakun Pesisir (Jakun of the Coast), Jakun Kuala (Jakun of the Estuary), Jakun Huluk (Jakun of the Upper River), and Jakun Bukit (Jakun of the Hills). Despite the geographical diversity, these sub-groups share a strong commitment to their traditional taboos and a sense of unity grounded in kinship and familial bonds.

The Jakun are part of the larger Proto-Malay group, specifically the Southern Proto-Malay, and their language is a dialect of the Austronesian language family, closely related to standard Malay. Their societal structure and way of life are built upon the principle of living in harmony with nature. Yet, as time progresses, the pressures of modernisation and diversification increasingly challenge the preservation of their traditional way of life.





# Jakun Pesisir (Jakun of the Coast)

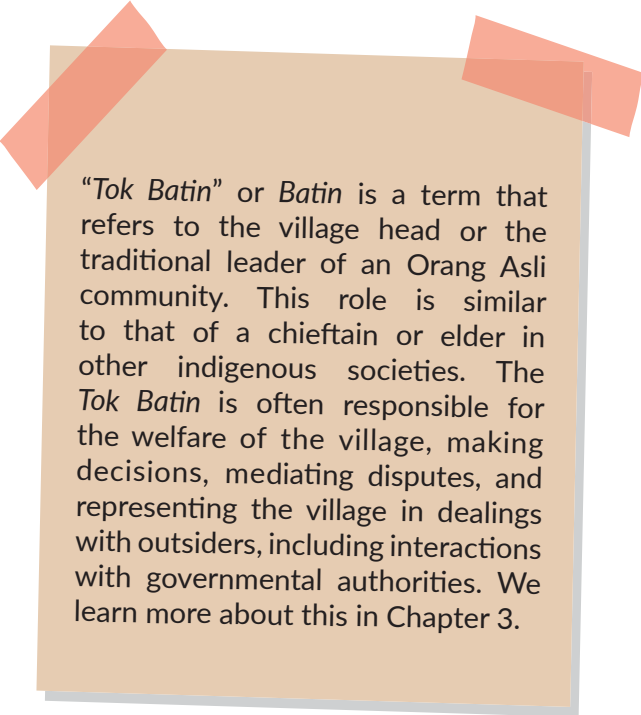


*Traditional Jakun Pesisir house, 'Rumah Adat' in Kampung Belebas. Rumah adat is a place for the community to gather and carry out activities that are related with tradition like marriage, gathering for land matters, and others.*

The Jakun Pesisir are a subset of the Jakun people, residing along the coastal regions, particularly known in areas like Rompin and Pekan. These communities have historically settled in villages such as Kampung Belebas, Kampung Jong, Kampung Serun, Kampung Meranti, and Kampung Durian Sebatang.

From a conversation with Batin Hashim of Kampung Belebas, it's understood that in 1931, these coastal Jakun communities primarily relied on agriculture, with hill paddy as their staple crop, complemented by yam and *kelunak*, also known as sweet potato. However, by the end of 1963, the tradition of rice cultivation had significantly diminished. This decline was largely attributed to the absence of a *Pawang Besar*, a shaman or master ritualist, who was essential for performing the customary ceremonies integral to the rice planting process. The *Pawang Besar* was not only a ceremonial leader but also a guardian of traditional agricultural practices. These rituals were believed to be crucial for ensuring a bountiful harvest to sustain the community's needs.

The cessation of these practices can be traced back to the disappearance of individuals with the requisite spiritual purity and knowledge to fulfil the role of *Pawang Besar*. Over time, the inheritors of this tradition vanished, and with them, the ceremonies ceased, marking an end to a rich cultural practice that once ensured the community's sustenance. The contemporary generation no longer observes these rituals, signalling a significant cultural shift and a loss of traditional knowledge within the Jakun Pesisir communities.



“*Tok Batin*” or *Batin* is a term that refers to the village head or the traditional leader of an Orang Asli community. This role is similar to that of a chieftain or elder in other indigenous societies. The *Tok Batin* is often responsible for the welfare of the village, making decisions, mediating disputes, and representing the village in dealings with outsiders, including interactions with governmental authorities. We learn more about this in Chapter 3.

Based on observations around Kampung Jong and Kampung Padang, both villages obtain a water source that is somewhat black in colour. The villagers believe that the unique colour of this water is due to the mixture with the roots of forest trees, water from swamp areas, and the influence of sea water. These factors not only affect the colour of the water but also affect the food sources obtained from it. The catch from this water source, such as fish and shrimp, often shows a darker colour compared to those found in other water sources.

In addition to their agricultural practices, the Jakun Pesisir community has traditionally engaged in the sustainable harvesting of forest products such as rattan, resin, shoots, *keriung* oil, and mangrove wood. Historically, these resources held substantial economic value and were plentiful. However, the community exercised restraint and only harvested what was necessary for trade to meet their basic necessities, demonstrating a deep-rooted commitment to environmental conservation and the well-being of future generations.

The Jakun Pesisir also have a rich history of defending their territory, particularly the water regions along the coast, from external threats. They would protect themselves from pirates and other adversaries who coveted the Orang Asli's resources by employing traditional knowledge and methods of self-defence, including what is known in their lore as “*ilmu kebal*” or invulnerability knowledge. This tradition speaks to the existence of *Orang Kuat*, warriors who safeguarded their communities against hostile forces at sea.

Today, the Orang Asli Jakun Pesisir continue to inhabit and establish communities along the coast. Physically, they are often characterised by a slender build and darker skin tone, a testament to their regular exposure to the sun due to their coastal lifestyle.

# Jakun Kuala

## (Jakun of the Estuary)

During the *Ekanak Pangkar* era, when Jakun people began to understand economy and socialisation with traders from the outside world, they started to expand interactions for trading necessities like rattan, agarwood, salt, and others. The Jakun Kuala, who have established for a long time in the river valley area, played an important role in defending the estuary area from pirate attacks. In terms of geography, '*kuala*' is the point where two or more water bodies meet. Here usually is where a civilization begins.

### The story of Mahang tree

According to the elders' tale, there was a large Mahang tree along the Pahang River which served as a marker for pirates to hunt for victims in that region. The tree has caused many tragedies, so the local residents decided to chop it down as an effort to drive away the pirates. Seven Orang Asli leaders succeeded in felling the tree over the course of seven days and seven nights.

Jakun Kuala are also closely knit with other Jakuns and their language dialect is among the easiest to understand. Jakun Kuala is very skilled in irrigation, that is, the water bodies which are closely related to their daily activities. Among the villages of Jakun Kuala people are Kampung Petoh, Kampung Jemeri, Kampung Tanam, Kampung Gayong, and others, all these villages are located in Rompin Pahang.

Depending on the river sources, Jakun Kuala obtain fish as a primary food source and also used the river as a place for washing and bathing. For example, Kampung Sungai Gayong is one of the villages that has existed for more than 100 years based on elders accounts and the line of generations that still live today.

However, in the 50s, the government moved the Orang Asli to new settlement areas with promises of better facilities and conveniences. Nonetheless, many Orang Asli communities only stayed briefly in the new places before returning to their original land because they were more comfortable with the traditional lifestyle where they could freely farm according to daily needs. But, this relocation brought many effects. Even though the Orang Asli have lived for a long time in those areas, they are always facing the risk of dispossession because the land they inhabit is not officially recognized as theirs.

The Jakun Kuala people are currently grappling with the issue of water pollution, which has compromised their access to clean water. This situation is largely due to the encroachment of plantation activities, unchecked logging, and other pollutive practices that have adversely affected the river ecosystems. The absence of adequate regulatory oversight and a lack of effective water purification measures have allowed the rivers, which are crucial for the community's subsistence, to become contaminated. This contamination has profound implications for them, many of whom rely on these waterways as a primary means of livelihood through fishing and shrimp collection. The situation is exacerbated by the disposal of harmful substances like pesticides and chemical fertilisers into the rivers. These toxins cause the water to become murky, emit an offensive odour, and lead to the demise of aquatic life. Consequently, the fish that survive are often unsafe for consumption, posing significant health risks to the community that depends on the river for their dietary needs.

# Jakun Huluk (Jakun of the Upper River)

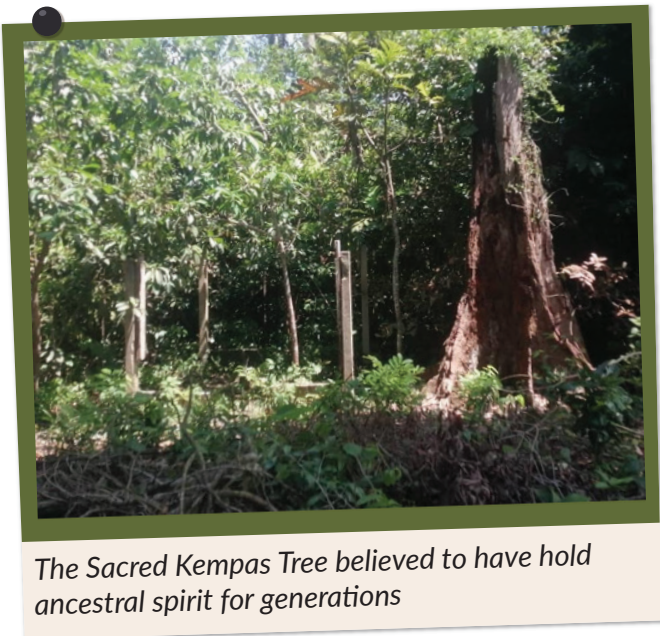
The Jakun Huluk, or *Urang Huluk*<sup>1</sup> are primarily situated in the highland regions around Endau Rompin in Johor. The term “*Huluk*” corresponds to the source or upper reaches of a river, which explains why the Orang Huluk typically inhabit elevated areas such as river headwaters, foothills, and hillside terrains, with a concentration in the northern and central parts of Johor.

Their lifestyle and economic activities mirror those of other Jakun communities, with a strong reliance on both agriculture and fishing for their daily subsistence. Historically, since the late 19th century, the collection of rattan from the forests has played a vital role in the Jakun economy in the Endau region<sup>2</sup>.

Moreover, the Jakun Huluk maintain a profound connection to their spiritual and cultural traditions. They continue to use incantations for healing purposes and adhere to ancient customs such as the “*bukak pendong*,” a land-opening ritual performed to seek blessings from the spiritual ‘guardian’ of the land before beginning new settlements or agricultural ventures.

In-depth written accounts of the traditions, customs, and taboos of the *Urang Huluk* in Johor have been extensively detailed by Dolah Tekoi in his book, offering a valuable perspective on the intricate tapestry of their cultural practices.

## The sacred Kempas tree of the Jakun Huluk



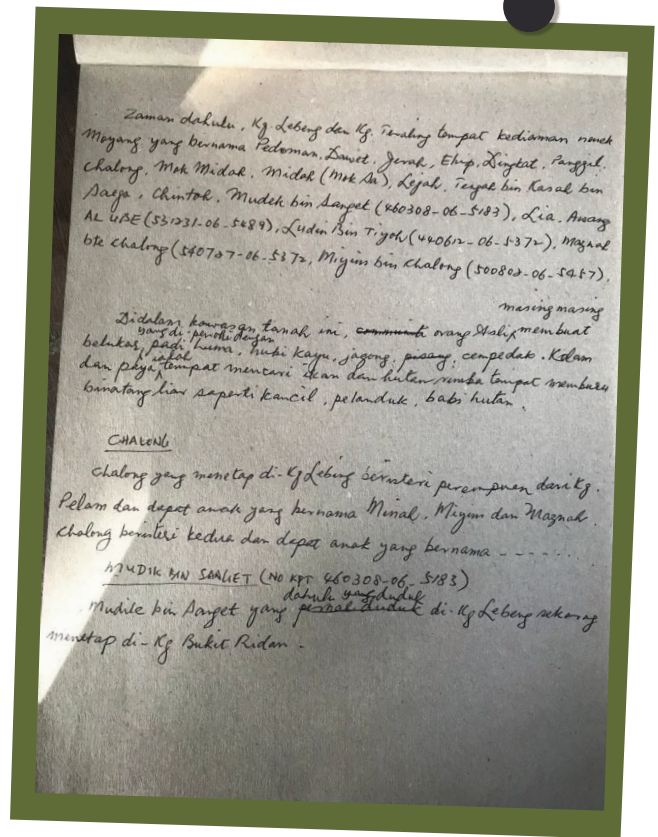
This Kempas tree is a place for the community to perform several traditional ceremonies such as the *Upacara Bela Kampung* or Village Protection Ceremony. The tree is believed to have an owner resembling an Orang Asli person dressed in bark and loincloth. The community believes that the *penunggu* or guardian in the Tree is a protector in the village. However, due to the lack of heirs to the *Punyak Hidek* (highest shaman), the sacred guardian has fled far into the wilderness after the tree had fallen and broken.

<sup>1</sup>Dolah Tekoi, *Buku adat dan pantang larang Orang Asli Semenanjung Malaysia: Suku Urang Huluk (Jakun) Johor* (Gerakbudaya, JKOASM & KOMAS, 2020), 3-8.

<sup>2</sup>Narifumi Maeda Tachimoto, *The Orang Hulu: A report on Malaysian Orang Asli in the 1960's* (Center for Orang Asli Concerns, 2001), chap.2.



# Jakun Bukit (Jakun of the Hills)



Chen Tengah (1966) originates from Kampung Teraling, Muadzam Shah. Kampung Teraling is a village that has long existed and their community preserves historical stories through oral and written documentations.

The Jakun Bukit community is an indigenous group with a historical lineage that is deeply rooted in the highland areas they occupy. Evidence of their longstanding presence in these areas comes from archaeological findings of old settlements and various artefacts within their hill territories. However, like many indigenous communities, the Jakun Bukit face significant challenges concerning land rights. They have been living on these lands for generations, yet they are frequently confronted with external pressures and claims.

Their ancestral lands are rich in natural resources, including timber and rare earth elements, making them a target for exploitation by outside interests. Government agencies, private companies, and others have aimed to repurpose these lands for commercial estates, logging, mining operations, and even for designating them as conservation reserves.

Despite their historical connection to these territories, the Jakun Bukit find themselves in a constant struggle to assert their ownership and protect their heritage against those who seek economic benefit from these resources. This encroachment on their land has had a significant impact on their way of life.

Historically, the Jakun people have been characterised as being particularly reserved and elusive. Encounters with outsiders would prompt them to retreat into the deeper reaches of the forests, known as “Tembok,” to avoid interaction with anyone outside their tribe.



# **CHAPTER 2: | TRADITIONAL KNOWLEDGE |**





## Weather forecast

Among the Jakun people, traditional knowledge plays an important role, especially in predicting the weather. This knowledge is fundamental in planning and preparing for daily activities such as collecting river resources, gathering forest resources, and farming. Weather forecast indicators are known through observation of nature - from plants, insects, wind direction, to the behaviour and sounds of animals.

Traditional ceremonies to predict the future or to anticipate the coming season are usually led by the “*pawang besar*” or chief shaman. In conducting these ceremonies, the shaman is assisted by “*dayang-dayang*” or assistants who help carry out the ritual. One important practice is “*upacara Melepas Niat*” or can be translated as the Ceremony of Releasing Intent, where they seek signs through dreams on the night of the ceremony. These dreams are taken as markers and based on their meanings, the community will be ready to face any disasters that are predicted. Only individuals who are proficient in these traditional knowledge can understand and interpret these signs.

Before a disaster or “*Bah*” strikes, the Orang Asli community will conduct rituals to calm the anger of nature. The aim is to ensure that the spirits of the natural world and the forest are calmed and do not rage and roam.

### Seeing Nerpok tree leaves for signs of drought

The Orang Asli utilise our knowledge in the forest by looking at trees and animals to predict the seasons that will occur. For example, the falling or bare leaves of the “*Ara hutan*” tree or Nerpok tree will indicate that the dry season or intense heat will arrive. So, the community living near rivers will be prepared to store clean water supplies for the following days.

The traditional weather forecasting methods used by the Jakun community have historically played a crucial role in planning our daily activities, particularly those related to fishing and river travel, and in ensuring our safety. The community holds a profound belief in the interconnectedness of environmental and climatic balance with the well-being of all living beings. In recognition of this symbiotic relationship, the Jakun continue to rely on ancestral knowledge for weather predictions, even in the age of technological advancements.

Nonetheless, this traditional wisdom is now being challenged by the global climate crisis. The shifting patterns and increasing unpredictability of weather have diminished the accuracy of time-honoured forecasting techniques. Members of the Jakun community in Rompin, Pahang, report experiencing the tangible consequences of a disrupted climate, which has manifested in our daily lives and livelihoods, particularly for those residing by rivers and relying on the natural environment.

Increasingly, the Jakun are compelled to adjust our preparations for adverse weather conditions. Significant floods, for instance, have become more frequent and devastating, inflicting unanticipated losses. Moreover, the response and aid from governmental agencies are often delayed or inadequate, hampered by logistical challenges, resource scarcity, and bureaucratic inefficiencies.

Climate change not only brings physical effects, but also psychological impacts to the Jakun community. Feelings of uncertainty, loss, and anxiety become part of our daily life.

This climate crisis has blurred lines between traditional knowledge and current reality, challenging beliefs and traditional ways of life that have been long practised. Even though traditional weather forecasts might have lost their accuracy, it underscores the need to unify traditional knowledge with modern scientific data to understand and predict weather changes better. It is important for us to appreciate and utilise this heritage knowledge, while adapting it with the latest technology and knowledge to ensure life and safety of the Jakun community in the era of climate crisis.

## Signs of flood



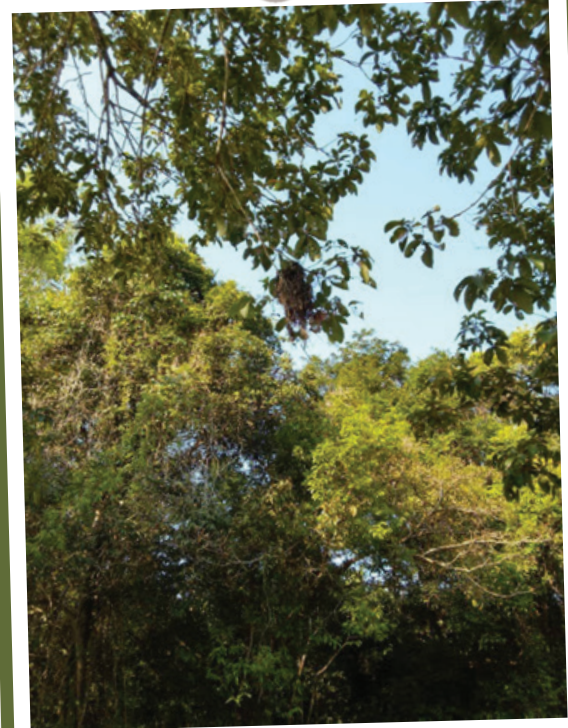
*This image shows an example of the Jakun Kuala community that uses raft houses living near the river in Kampung Petoh.*



The phenomenon of climate change and extreme weather events often brings challenges to the Jakun community, especially when facing massive floods. However, the community has tried to adapt in our traditional ways. For instance, when signs of an impending flood are detected, they will move to higher ground or they will construct raft houses that can float. Even when facing disasters like this, the Jakun community is still able to be self-reliant and adapt to the flood situation.



*Black-and-red Broadbill (Cymbirhynchus macrorhynchos)*  
Village nickname: *Burung Manau*  
Photo taken by Jason Thompson (Flickr)



*The nest of Burung Manau*  
This picture was taken in October 2023 in Kampung Petoh, near Rompin River.

For the Jakun community residing near rivers, we have our own way of obtaining flood warnings through signs of nature. We observe the behaviour of animals, especially birds, and certain sounds from the forest that tell us about the coming of floods and the rise of water levels.

The behaviour of the *Burung Manau*, in particular, is a significant indicator for the Jakun community. As flood season approaches, typically around November or December, this species of bird begins to build its nests in trees situated along riverbanks. The Jakun have observed that the altitude at which *Burung Manau* positions its nest tends to correlate with the expected flood water height. A nest situated higher in the trees suggests the community should prepare for substantial flooding. This traditional ecological knowledge is invaluable, providing the community with a natural alert system that guides them when to take precautionary actions, such as relocating to safer areas in anticipation of high and forceful water levels.

Even though this bird is considered as “Least Concern” according to the IUCN Red List, the population trend of this bird is decreasing in Southeast Asia<sup>3</sup>. Village elders near Rompin River also report that the presence of *Burung Manau* is becoming rarer, possibly because of habitat deterioration or changes in their ecosystem. This decline not only threatens ecological heritage, but also the traditional knowledge that has been long shared among generations of the Jakun community.

<sup>3</sup> “Black-and-red Broadbill,” IUCN Red List, last assessed on 01 October 2016, <https://www.iucnredlist.org/species/103656920/95026449>.

## Heirloom seeds



In the communities around Rompin and Pekan, there is a tradition of cultivating “*Padi Bukit*” or “*Padi Huma*,” which translates to upland rice. The people in these villages have long held a belief in a paddy spirit, which they refer to as the “*Malaikat Padi*” or “*Puteri Padi*,” meaning “Paddy Angel” or “Paddy Princess.” They trust that respecting certain taboos that have been passed down through generations will lead to a bountiful rice harvest.

During each rice-growing season, the presence and favour of the Paddy Angel or Princess is considered crucial for ensuring a successful crop. Rituals and ceremonies conducted by a shaman, or spiritual leader, used to be integral to the rice planting process, invoking the rice spirit for a good yield. However, these communities currently face challenges as the tradition has weakened with the absence of a shaman to carry out these important rituals. Without the guidance and blessings of a shaman during the planting season, the villagers often find that their harvests are disappointing, with reduced yields or complete failures.

Moreover, many of the areas that were once used to plant this traditional variety of rice have been lost to external entities. These lands are now frequently utilised for the cultivation of commercial crops such as palm oil, rubber, and various fruits. This shift not only impacts the agricultural practices and yields of the Orang Asli but also affects the preservation of our cultural heritage associated with rice farming.

### Taboos of Paddy Planting

Among the taboos that must be followed while in the paddy field, includes; you are not allowed to whistle or complain while going out into the field. It is not allowed to chase away birds eating paddy, not allowed to boast while harvesting, and not allowed to drop rice while in the “Ambong” or basket. Violation of these taboos is believed to reduce harvest yields.

The Orang Asli in Rompin and Pekan now have difficulties planting paddy due to changes in the land use in our area. The government has taken over the land owned by Orang Asli and replaced it with plantations of palm oil, rubber, pineapple, lemongrass, or other government economic projects that lack long-term planning. As a result, Orang Asli are forced to rely on buying rice from outside and what is more saddening, the community has lost the heirloom rice seeds.

Heirloom seeds, particularly adapted to locality, play an important role in promoting biodiversity. These seeds, which have been perfected and adapted by previous generations, possess a special ability to endure in the face of unpredictable weather changes, ensuring we have plants that can adapt to extreme weather in the future. However, these heritage seeds are increasingly being forgotten because young people are not interested in agriculture and few farmers are aware of the need to save seeds. Modern seeds that now dominate the market may be less suitable for local soil and weather conditions, and more worryingly, they force farmers to depend on chemicals such as fertilisers, which can affect the sustainability of the environment and human health.

Therefore, the loss of heirloom rice seeds threatens not only cultural heritage but also compromises our ability to prepare for and respond to the ongoing climate crisis.

## The importance of storytelling in strengthening traditional knowledge

Over time, there is concern among the older generation that there will be no successor to continue the legacy of customs and culture of the Orang Asli. The youth now, in an effort to adapt to the modern era, often leave behind their traditional heritage, causing the extinction of their Indigenous traditions and beliefs.

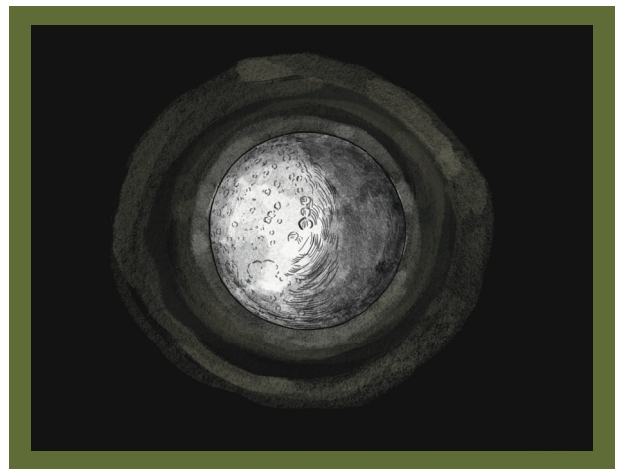
In response to this situation, it is important to emphasise education, whether formal or informal, focusing on the preservation of cultural heritage and identity of the Orang Asli. Unfortunately, oral stories, as one piece of evidence of the Orang Asli's historical heritage, are fading among the younger generation due to the lack of documentation and deep understanding of this heritage. The younger generation must be exposed more deeply to the stories of communities, customs, and cultural life as Orang Asli. The lack of interest among the youth to learn oral stories, which are often considered difficult to understand, is an additional challenge in preserving this heritage.

Environmental issues affect the Orang Asli because our folktales are closely related to forests, nature, and spirits. Many of these stories take elements of nature such as trees, herbs, rivers, and forests. Therefore, protection of nature is not only to maintain the heritage of stories, but also as sacred historical evidence that needs to be passed down from generation to generation. However, climate change and activities such as logging and unbounded plantations have damaged much of this historical evidence. For example, herbs that were once easily found are now increasingly difficult to find, and sacred areas are threatened. This problem is worsened by the actions of greedy parties who take advantage of the land of the Orang Asli for their own profit.

One important effort is to forge cooperation with various parties to fight for the rights of the Orang Asli. These aids can be in the form of covering the costs of conservation or any expertise in certain fields. This aims not only to preserve the environment but also to ensure natural resources are utilised communally by the Orang Asli and not become the property of certain individuals or corporations.

## Kubang Celor

The practice of "Celor" is considered a taboo that is respected and complied with by the Shaman in the Jakun community to prevent the occurrence of "Celor" or calamity. If *Celor* occurs, the community believes that the spirit of nature will be angry, causing the community to experience sorrow and hardship. From interviews conducted with the Jakun community in the coastal village of Jong, it was revealed that there is an area named "Kubang Celor". This place symbolises the memory of a historical tragedy that occurred to the community. The local community holds fast to their taboos and traditions to ensure such a tragedy does not happen again.



## Day Turns into Night (*Siang Jadik Malam*)

Based on oral stories from the descendants of the Jakun tribe in Pahang - covering areas of river mouths, coasts, and hills - sharing similar stories, they (or their elders) have experienced an extraordinary phenomenon where for seven days, day turned to night, without sunlight; the moon was always overhead. This event was considered a sign of the wrath of the spirit of nature. As a result, the community performed various rituals to restore the daylight to its usual state.

They believe that this event was a signal of the anger of the spirit of nature towards human actions that damage the forests and natural environment. In an effort to restore the situation, the Shaman, also known as *Punyak Hidek*, took certain steps. Among the rituals performed was asking a youngest son to pull a dog's ear until it cried. The community also beat pots and iron, producing a melancholy rhythm. In addition, the youngest son was ordered to find a tree stump and urinate on it. After seven days of performing this ritual, the weather conditions returned to normal.

As a preventive measure to prevent similar events from recurring, the community often retells the story. This is done as a reminder and to ensure that the next generation is always vigilant. Facing an escalating climate crisis, the traditional stories of the Jakun tribe bring us back to the importance of harmonious interaction between humans and nature. We are taught that our actions towards nature have direct effects, whether through the anger of the spirit of nature or the climate change caused by human activities.





# **CHAPTER 3: SYSTEMIC ISSUES**

Jelintji 2023

## Political system: Past & Present

Before the arrival of the modern government system, Orang Asli practised traditional leadership systems rooted in customs and beliefs. This leadership was not solely based on power or influence, but more on responsibility in maintaining harmony within the community and nature. Traditional leadership shows a real example in the struggle to defend Indigenous Territorial Land Rights.

Based on the retelling of the community in Kampung Petoh, Rompin, the village head is chosen based on special characteristics. A leader must have belief in the spirits and he must be chosen as a guide or representative of those spirits. Moreover, integrity, bravery, and *Tenaga Batin* or Inner Energy (the ability to connect with the spirit world) are considered important. Overall, such a leader should have the quality of a shaman or *puyak*.



Batin Yusof has the appointment letter for his recognition as an Orang Asli leader and he has the 'Tongkat Mandat Diraja' or Royal Mandate swagger stick bestowed by Sultan Abu Bakar on January 1, 1996

Batin Yusof, an important figure in the history of Kampung Petoh was born in the *Age of Kemar* (before independence). In that era, the heroes of the Orang Asli community fought to defend their waters from pirate attacks wanting to seize their resources. This protective role has instilled a spirit of defence among the Orang Asli, a spirit that is still alive to this day in defending our rights and

territories.

Batin Yusof was awarded the *Tongkat Mandat Diraja* by Sultan Abu Bakar. That Sultan, from Pekan Pahang, gave responsibility to Batin Yusof to guard the border of his possession as an Orang Asli territory. However, with the passage of time and administrative changes, that border and boundary has changed, causing uncertainty and division among the Orang Asli community. This turmoil reflects the difficulties traditional communities face in dealing with changes to systems that often do not respect our traditions and customs.

In the modern era, the system of selecting *Batin* has undergone significant changes. The *Batin* Institution and the Orang Asli Village Development and Security Committee (JPKKOA) began to reflect democratic elements in their election process. However, the tradition of the villagers directly electing a *Batin* has now changed. Now, candidates for the *Batin* position are not only chosen by the community but can also be appointed by the government, whether federal or state government. After these candidates are set, the villagers are then given the opportunity to choose through a voting system. This change shows an effort in combining tradition with the current democratic way, but it also challenges the uniqueness of the traditional election process among the Orang Asli.

## Customary Land

For the Orang Asli community, land is not just a medium for shelter or livelihood, but deeper than that; it is the pulse of life and the dignity of our identity. Their customary land is not just an inherited ownership right, but also a symbol of eternity that stores deep meaning. It includes every aspect of life, every second of memory, and every historic location that has been a silent witness to the journey of the Orang Asli's life.

The management of Customary Land for the Orang Asli is holistic, combining elements of tradition and customs. The understanding of Customary Land is based on traditional knowledge, which emphasises a harmonious relationship between nature and humans. This knowledge, which has been inherited since ancient times, becomes a guide in maintaining the sustainability of the environment. Customary Land also plays an important role in the lives of the Orang Asli as a source of housing, medicine, rituals, traditional tools, cultural bonds, crafts, and food.

Orang Asli have repeatedly conveyed this land



ownership issue to the federal government, state government, and JAKOA so that Orang Asli territories can be declared in accordance with the extent of traditional land that has been documented by themselves. However, until now, this issue is still pending without any certainty. This often causes areas that should belong to the Orang Asli to fall into the hands of outsiders. In fact, there are plantation areas owned by Orang Asli that have been converted into titled land owned by others, even though the land has long been worked by the Orang Asli. This happens because in the official documents, the land proposed by outsiders is documented as not having an owner and there is no determined boundary, so anyone can apply to obtain a lot of land within the Orang Asli territories. The land grab issues faced by us is not a random occurrence caused by individuals or groups accidentally breaking the rules. Instead, it is a systemic problem rooted from the way the land is managed and the existing laws, which allow or are not sufficient to prevent such encroachment from occurring in the first place.

In the context of customary land rights, the encroachment on the customary lands of the Orang Asli is not merely an issue of property loss, but is deeper than that. This encroachment affects the entire ecosystem of the community's life. Unlike corporate entities that might only feel losses from a financial aspect, the Orang Asli face threats to our traditional way of life. Pollution of water sources, air, and various other health issues become our daily burden due to irresponsible land encroachment actions.

Furthermore, the impact of encroachment affects not only the community but also the environment. The natural environment, previously rich with flora and fauna, is now increasingly threatened. With the loss of their habitat, wild animals such as tigers and bears are on the loose and often pose threats to the safety of Orang Asli villages. Regarding flora, plants like rattan, tree roots, pandanus, and others that have important value in the culture and life of the Orang Asli now face the threat of extinction. For us, every plant has a special function and use. The loss of these plants affects not only the physical aspect of the environment but also the spiritual and cultural aspects of the Orang Asli.

The Orang Asli have been taking care of the forests for hundreds of years, and our role is crucial in protecting the climate and biodiversity. According to the World Bank, indigenous communities around

the world, including the Orang Asli, have protected or managed about 80% of the world's remaining biodiversity<sup>4</sup>. This is a very significant contribution in combating climate change because biological diversity plays an important role in absorbing carbon, stabilising the climate, and reducing the risk of natural disasters. The ongoing land encroachment of the community reflects the social and ecological injustice experienced by the Orang Asli. As the world moves towards sustainable development and climate justice, the rights of indigenous communities must be respected and protected. Any action that damages our ancestral lands not only ignores our fundamental rights but also hinders the global fight against climate change.

The struggle for recognition of customary land rights is not just a battle for resources—it is a fight for the Orang Asli identity itself. As the land carries the echoes of past generations and the promise of future continuity, it shapes the very essence of what it means to be Orang Asli. This identity, rooted in centuries-old traditions, faces unprecedented challenges as the tides of modernization threaten the sanctity of the land and, by extension, the cultural heritage that it nurtures.

## **Our Identity as Orang Asli**

As we discussed before, the identity of the Orang Asli is closely linked to the environment they inhabit. However, in this modern era, we see a clash between the traditional identity of the Jakun People and the pressures of modernisation.

Contrary to the belief that modernisation has eroded the cultural identity of the Orang Asli, many in these communities continue to uphold our traditions. Nonetheless, there is a perception that we must 'return to their roots' as a means to safeguard our traditions and rights. Despite being the original inhabitants of Malaysia, the rights of the Orang Asli are still inadequately recognised and protected. This lack of recognition contributes to the discrimination we face, often being viewed as 'outdated' and lagging behind.

A critical avenue for reinforcing the Orang Asli identity in the face of these challenges is through education. Not only does education serve as a platform for cultural preservation, but it also equips the younger generation with the tools to navigate and negotiate with the broader society. Through a deeper understanding of our history and

<sup>4</sup> World Bank, "Social Dimensions of Climate Change - Workshop Report 2008," 2008

the articulation of our narratives, education empowers the Orang Asli, enabling us to stake a claim in the nation's future without sacrificing the essence of our past.

## **Access to Education**

The Orang Asli have a long history on this earth. However, much of their history and identity are not embedded in the country's education system. The true history of our country, where Indigenous Orang Asli exist and contributed to the country, is not touched upon in school textbooks, causing the new generation, including the Orang Asli themselves, to have a limited understanding of their heritage and culture. They have to depend on their community to learn about their history and identity, not through the formal education system.

In addition, the problem of bullying at school has also become a major issue causing Orang Asli students to lose the motivation to learn. Orang Asli children are considered dirty, stupid, ugly, and weak in subjects at school. There are also many cases where students are labelled as 'disabled' or 'slow learners'. Not only is this a matter of racism, but if we look at this issue more in-depth, it might be caused by an unsuitable teaching approach or the indifferent attitude of teachers.

There are cases where Orang Asli parents changed their children to another school, with better treatment and understanding of Orang Asli students; and it has been proven that their children can perform well, achieving the highest positions in class. This issue has been long concealed and not discussed because teachers who teach children like this will receive extra allowances. Until today, these issues still occur and cause the Orang Asli children to be often blamed.

Education access in rural areas fundamentally remains an issue being addressed by the government. This problem is not only caused by a lack of schools, but also by inadequate facilities and a shortage of teaching staff.

Many Orang Asli villages are situated in remote areas, which means children have to start travelling to school very early, sometimes around four in the morning, because it takes a long time to get in and out of the village. Although JAKOA provides shuttle transport to schools in some places, bad weather like heavy rains and floods can make the roads into the village dangerous, and sometimes impassable, leading to students missing school.

Additionally, the schools are often quite far from the villages, and as some community stories highlight, there are still areas without proper transportation for the children. Even in cases where there is a bus service, the children are sometimes forced to overcrowd into a single vehicle, despite it being over its capacity limit.

Efforts to improve education among the Orang Asli children are also limited by economic challenges and poverty. Parents' limitations in generating income make it difficult for them to provide basic expenses for their children. Even though JAKOA has played a role in providing educational assistance, it must be remembered that the assistance provided by them is not fully sufficient when compared to the increasing cost of living today.

Children in the Indigenous communities are seen as 'assets' and become part of the family workforce even though they are young. Whether boys or girls, both play an important role in helping the family carry out economic activities in the village. When families face financial limitations, these children are often asked to help in the village rather than pursuing higher levels of education. Without adequate education, they may be limited in efforts to escape from poverty and improve the quality of their life and their community.

Addressing this issue extends beyond immediate financial relief—it requires infrastructural commitment from the government to provide accessible and adequate educational facilities. The establishment of schools within each village, staffed with qualified and passionate teachers, would ensure Orang Asli children have the opportunity for academic advancement right at their doorstep.

Furthermore, the issue of language presents its own unique set of barriers. The Orang Asli's rich linguistic diversity, with its array of dialects, is often different from the standard Malay Language used in educational settings. This linguistic gap can lead to miscommunication and misunderstanding, which may cause Orang Asli children to feel isolated within the classroom environment and hinder



their learning process. Bridging this gap is crucial to creating an inclusive and effective educational system for all.

### **Road access in villages**

The Orang Asli villages in the regions of Muadzam Shah, Rompin, and Pekan have deep historical roots, with some communities established for over 90 years. However, a persistent concern among the Orang Asli is the security of their settlement lands, which remain vulnerable to external claims due to the lack of formal recognition as Orang Asli Customary Land, even in the Aboriginal Peoples Act 1954 which does not mention anything about customary land. This uncertain situation underscores the broader issue of inadequate infrastructure, as unrecognised land status often leads to limited access to public services and infrastructure development.

For example, Kampung Jenit in Muadzam Shah, Pahang, located in a remote area and quite far from the city, makes it difficult for residents to obtain services. According to an interview with Mrs. Sakura, her child who suffers from Hepatitis A had difficulty when the poor road conditions made it hard to obtain health services in an emergency. The community has no choice but to depend on rough paths carved out by logging companies or through palm oil plantations, which frequently are not maintained and are subject to erosion and other forms of degradation. The poor road conditions and unpredictable weather also often cause damage to their motorcycles, forcing communities to spend money on repairs repeatedly.

According to the Custom Chief of the village, Uncle Jeleta, the village has existed for so long, but the local community still faces various facility problems, including a lack of internet network, clean water sources, paved roads, and so on. Moreover, when the rainy season comes and floods occur, the usual paths become impassable due to rising water levels, which blocks access to basic needs such as food, work, and medical services.

### **Access to clean water and sanitation**

Most communities in the districts of Muadzam, Rompin, and Pekan still rely on natural water sources such as rivers, ponds, and wells to meet their daily needs. However, water from these sources usually does not undergo any cleaning or treatment processes, leading to health risks for the community.

Patah Pisau, Muadzam Shah, show that the community there has to rely on water from wells. However, the water they use is usually turbid, dirty, and smelly. This situation worsens during the dry season when the excavated well areas dry up, leaving the community without a water source. With the ongoing climate change, the frequency and intensity of the dry seasons are expected to increase<sup>5</sup>, causing the problem of water shortages to become more frequent and critical for communities like in Kampung Patah Pisau.

---

<sup>5</sup> IPCC Sixth Assessment Report, Chapter 10 (Asia)



*The well area that has been dug by the community in Kampung Patah Pisau, Muadzam Shah for daily use.*



*Generally, children in Kampung Patah Pisau have skin problems like this. According to the interview conducted with the community teacher, Miss Stella, it was found that this issue stems from water sources and hygiene problems. However, this matter is not taken seriously by the responsible parties due to the problem of recognition of the land area.*



*The water catchment area in Kampung Patah Pisau during the summer and dry seasons, sometimes it becomes very dry and there is no water at all.*

Besides that, the community there also often experiences skin disease problems which are believed to originate from those water sources. The village area is also surrounded by oil palm plantation fields, and the community there feel as if they are trapped in their own land. They believe that the contaminated water source is due to the large-scale opening of plantations. This problem is often experienced by the Orang Asli and is a systemic issue closely related to racial discrimination, land rights infringement, and the fundamental human right to clean water. However, up to now, there is still no monitoring actions or interventions from the relevant authorities. This situation requires attention and immediate action to prevent further life-threatening illnesses within the Orang Asli communities.

### **Access to Electricity**

Besides the problem of access to clean water, the problem of the absence of electric supply in the rural villages also becomes an obstacle to the progress of technology and the well-being of our lives. Until today, still many more villages have no electric power supply and some only rely on small solar energy for the use of lights and charging phones. However, the solar panels provided often underperform, offering inconsistent energy that cannot be depended on for daily use. In addition, there is a gap in maintenance knowledge since the NGOs that install these systems seldom provide long-term support or training.

Moreover, the community's understanding of solar energy is clouded by inconsistencies; they observe more electricity on cloudy days compared to sunny ones, leading to confusion about how the systems should work. The reality that even on bright and hot days they struggle with power shortages adds to their frustration. The impact of insufficient energy supply is further exacerbated as it hampers the operation of water pumps, essential for accessing clean water. Without a stable power supply, water purification systems cannot function, leaving the community to depend on generators, an expensive and less sustainable option.

Additionally, some villages equipped with solar power still find the supply insufficient, unable to meet the basic needs such as charging mobile phones. This inadequacy becomes even more pronounced during emergency situations.

Of course, this issue is much disputed by many of the Orang Asli because there are complaints stating that their village is located near urban areas but why does electricity not reach their village. Various applications and requests have been made but usually, the electric infrastructure will only begin to be installed several years later. The disconnect between nearby electrified areas and their villages accentuates a sense of neglect; for instance, Kampung Patah Pisau in Muadzam Shah, which has long existed, sees its neighbour Kampung Kolam enjoying the benefits of electricity, raising questions of equity and inclusion.

The importance of a reliable electric supply becomes even more critical in the face of climate crisis and natural disasters. A stable electric supply not only boosts well-being but is essential for communication during disasters. When electricity is absent, communications towers can fail, making it impossible for communities to reach out for help. In times of calamity, the lack of light can significantly hinder rescue efforts, illustrating the pressing need to address this disparity. Ensuring electric supply reaches these areas is not just a matter of improving quality of life; it can mean the difference between life and death for these communities. Addressing the electric supply issue should be considered an urgent priority to safeguard the lives and future of the Orang Asli.

## Access to Health

When examining the healthcare status, it is evident that the Orang Asli communities are at a disadvantage compared to other populations in Malaysia. The Indigenous Peoples are particularly susceptible to a range of health issues, including infectious diseases and nutritional deficiencies. Vulnerable groups within these communities—such as pregnant mothers, the elderly, children, women, and those with disabilities—are most affected. This heightened vulnerability is a consequence of systemic issues that have remained unaddressed for many years, underscoring the need for focused healthcare initiatives.

## Issues in obtaining welfare assistance

Lokman A/L Patih, a 37-year-old resident of Kampung Petoh, lives with disabilities that significantly impact his communication abilities. This barrier restricts him to work within the village to meet his living expenses, as venturing out for employment proves to be a challenge. Despite Lokman's concerted efforts to secure the welfare support he is entitled to, he encounters a lack of genuinity from the authorities. His attempts are often dismissed as mere bids for sympathy rather than legitimate requests for aid. Regrettably, his communication difficulties seem to be an impediment not just for employment but also for obtaining essential assistance, with the authorities neglecting even to refer him to a specialist who could address his needs more effectively.



*Sadak Binti Sayok (1945 - 2022) shows the breast cancer she faced. She used traditional medicine to treat herself because her health issues had been overlooked by various parties many times.*

Sadak, who battled breast cancer, feels overlooked in terms of medical care. She shared that she has been marginalised, receiving little to no attention for her condition. When she sought treatment at a local hospital, her needs were dismissed, with the staff informing her

that the necessary medications were unavailable. This left her with no choice but to travel to a town nearby just to purchase medicine, still without proper medical treatment. The journey to access healthcare facilities is fraught with challenges, including the time, transportation, and additional financial costs it incurs. This has not only increased her distress but also led her to feel alienated from the advancements in modern medicine, deterring her from seeking and receiving the level of care she requires.

Many Indigenous women are still afraid to seek health assistance. Among the reasons are language barriers and feelings of anxiety when talking about their health problems. For example, they may feel embarrassed or afraid to talk about symptoms or discomfort. Additionally, they might not understand or are confused about health procedures. Discrimination issues also cause Indigenous women to feel not taken seriously by medical professionals. They are considered not capable of making decisions about their own body and health.

Discrimination against the Orang Asli in healthcare settings is an alarming reality. Interviews reveal that when seeking treatment at government hospitals or clinics, they often receive subpar care due to perceptions of their inadequate financial means and communication barriers. This biased treatment discourages the Orang Asli from pursuing further medical help, leading many to resign themselves to silence and abandon attempts to seek the care they need. Consequently, they find themselves compelled to turn to traditional remedies, relying on herbal medicine to manage their symptoms temporarily. The neglect and indifference they face highlight a grave disparity in access to healthcare, which needs urgent redress.

The involvement of the Batin is crucial in mediating these healthcare challenges. The Batin must be vigilant in recognising the healthcare needs of their community members and proactive in communicating these needs to the authorities. As respected leaders, their advocacy and endorsement can be highly effective in ensuring their community's grievances and needs are heard. Whether through official letters or direct communication, the support of the Batin can often expedite the process of getting necessary healthcare attention. It is imperative that in their role, the Batin remain impartial, ensuring that the support provided is distributed fairly and without bias—avoiding '*pilih kasih*.' Political dynamics should not influence the health and well-being of the community, and the Batin has a pivotal role in safeguarding the interests of all.





# **CHAPTER 4:** **OUR CLIMATE TODAY**

Weather factor plays an important role in the health of forest ecosystems and the living creatures within. However, with increasingly evident changing climate, weather conditions in Malaysia are becoming more uncertain. These drastic seasonal changes affect the Orang Asli who depend on the stability of the weather and climate. Through traditional knowledge, Orang Asli have deep understanding to predict and expect seasonal transitions like floods, droughts, and rainy seasons. However, with the current climate instability, these traditional skills are becoming less accurate. This instability not only affects the way of life of the Orang Asli community but also shows how important it is for all of us to protect and care for our environment.

### Heavy rain & storms

In the past few years, the phenomenon of heavy rain accompanied by strong storms has become more frequent in Malaysia. Climate change has altered traditional weather patterns, causing more extreme rain and fiercer storms. For the Indigenous Peoples who live with nature, this sudden change poses not only a threat to physical safety but also disrupts their daily activities and ancient traditions. This phenomenon not only signifies changes in atmospheric conditions but also marks that the environment we know is changing in ways we have never seen before.

### Destruction of properties



*Flood in 2017 at Kampung Pinang  
Source: Normah Binti Kadir, one of the flood victims*

According to the interviews conducted, the Orang Asli community around Rompin indeed had no preparations to face the flood at that time (year 2017). The sudden disaster caused the community to panic so much that they did not know to take any action.

In addition, certain communities also shared that they did not receive help from any party. They were only able to move to higher ground at that time, only thinking of saving themselves without bringing any essential items. The community also faced a situation of being cut off from food supply until they were forced to starve. According to Normah, at the time of the disaster, she had a young child and felt very traumatised by it because no help was provided immediately.

This flood disaster occurred due to prolonged rain. The water level rose very quickly while she was sleeping. In addition, there was no information about the possibility or warning of the flood that was conveyed to the local community. The drastic rise in water level also damaged food gardens, until the crops were no longer suitable to be eaten and the community had to wait for food aid from outside.

After this flood tragedy, the community has made efforts to plan early preparations for the next flood. So at the end of each year, most of the Orang Asli community around Rompin will transfer their properties to higher grounds as precautions. However, all these preparations feel like they are in vain because according to observations, every year the rainy season and floods strike more fiercely. The community can no longer predict the water level rise. Upon seeing the upstream rivers that have been cleared and developed, the community worries that there will be a big flood because the flood barriers have been opened wide, causing a large amount of water to enter the river. This situation raises concerns for the Orang Asli community because they can no longer predict or make more precise preparations to face the flood disaster in the future.

Based on previous experiences, the community needs a long time, between 2 to 6 months,



to carry out cleaning activities after the flood. Disasters like this cause the loss of many essential items, resulting in them having to spend a lot of money to replace the destroyed items.

Communities living near rivers also often face severe floods due to the sudden rise of river water levels. Although in the past, areas near the river were never hit by floods, now the situation has changed. Continuous heavy rain can cause immediate floods, and it takes about 2 weeks to 1 month for the water level to return to normal. The Jakun people have to endure in this condition because the land is not only for agriculture, but it also has sacred value; it is their original settlement area, and holds the history of their people.



*The process of delivering food supplies to the Orang Asli community area in Kampung Permatang Siput, Pekan Pahang.*

The community in Kampung Permatang Siput (as seen in the picture) states that whenever floods strike, the aid they receive is usually not sufficient for all the Heads of Households (KIR). Their primary need is food supplies. This is the first time Non-Governmental Organization (NGOs) have channelled aid to them. This situation of inadequate assistance often occurs among the Orang Asli due to the lack of initiatives from the Government to identify the rural settlement areas affected by floods. During the disaster, the community also faces communication problems due to disruptions of internet connections, as if they are cut off from the outside world, forced to wait for help without certainty of when it will arrive.

## **Destruction of crops**



*The garden owned by Normah Kadir (Jakun Kuala), a woman Orang Asli small farmer. She suffered losses due to floods that destroyed a large part of her crops.*

This incident reflects the reality faced by the Jakun community in Pahang during this year's prolonged rainy season (2023). The community has to face this challenge because traditionally, the Jakun people have practised small-scale agriculture, following the footsteps of their ancestors to plant food such as cassava, taro, coconut, etc. Usually, they choose to farm near the house for ease of harvesting and use in daily cooking. Even in modern times, they still depend on these sources to complete the nutritional needs of the family.

The prolonged rainy season now often causes floods, whether on a small or large scale. Based on interviews with the community, every time it rains even a little, water will accumulate and submerge their crops. This results in damage to the crops and prevents their daily farming activities. This situation forces the Orang Asli community to find alternative ways to drain water from their agricultural areas, such as digging channels or using water pumps. However, these efforts require energy, time, and financial resources that may not be available to most small farmers. This problem is exacerbated by the lack of information or early warnings to small farmers about potential floods. This shows the urgent need for an early warning system and additional training and resources to assist small farmers.

Now, the community is forced to adjust their farming strategies by planting after the 'flood season', choosing crops that are resistant to floods such as rubber and oil palm. However, these plants, although providing financial benefits, do not contribute to their daily food supply.

## **Health impacts**

In facing disaster, certain groups within the Orang Asli community, especially the elderly, the disabled, women, and children, are often more impacted compared to others. These groups should receive special attention in relief efforts during disasters. Often they are forgotten and left without sufficient help. In emergency situations, they can only hope for support from their closest family members. Worse, they are sometimes blamed as a cause that hinders or slows down the evacuation and rescue process, when in fact they are the most vulnerable during disasters.

### ***Physical health***

During floods, clean water sources for communities become contaminated and not suitable for drinking. River water that are daily water sources have been contaminated by floods that carry debris, bacteria and other contaminants from surrounding farms. This brings communities to a critical situation where they are forced to use unsafe water sources for survival, especially for residents in remote areas where help is difficult to deliver. As a result, communities often face health problems such as diarrhoea, stomach pain, and skin diseases, with more vulnerable groups such as children and the elderly becoming the main victims. Things like this often happen to the Orang Asli because they usually do not have a choice.

Communities in rural areas not only get cut off from communications when disasters happen, but also the main roads are often damaged by extreme weather events. The uncertain weather, especially large floods, often damages road infrastructure, cutting off their access to the outside world and slowing down the delivery of aid, especially clean water supplies or medical assistance. Facing such situations, the community often has to rely on traditional knowledge and natural resources around them to find safer water or use traditional treatments to treat diseases. The Orang Asli have knowledge of certain water sources that may still be clean even during floods. However, with climate change and increasingly uncertain environmental conditions, these sources may also be affected. It is important for authorities and NGOs to understand the uniqueness and needs of communities in rural areas, and to provide assistance that is appropriate to their situation.

### ***Mental health***

The flood event not only brings physical impact to the community, but also has a deep psychological effect. During flood disasters, men in the community usually go out to seek help or supplies. The women and children stay in the village. Often, women are responsible for taking care of the children and family, while moving to higher areas to avoid floods, carrying necessities and important documents. This situation, added with the uncertainty of when help will arrive, creates very high mental stress. Feelings of uncertainty, trauma, and prolonged fear cause long-term mental health problems such as PTSD (Post-Traumatic Stress Disorder). Although most members of the community do not get diagnosed with PTSD, the signs of this trauma are clearly seen in various ways, for example, extreme fear when hearing the sound of rain.

Meanwhile, the process of applying for and waiting for assistance from authorities or aid organisations is often complicated and time-consuming. The communities in remote areas often receive less attention. While waiting for help, women and children often have to endure hunger. In such conditions, children



often become weak and stressed, while mothers are anxious and worried.

The recovery phase after a disaster is also a challenge in itself. Recovering from property loss, finding sources of income again, and readjusting to daily life is not easy, especially when dealing with trauma and psychological stress.

### **Intimidation from authorities**

Even though JAKOA has the main responsibility to channel aid to the Orang Asli community, the community feels that the aid is not distributed equally and timely. There are reports indicating that certain areas, especially Malay settlements, are given priority in post-flood cleaning activities and aid distribution compared to Orang Asli settlements. One reason often put forward by authorities is the lack of logistics, such as rescue boats and special vehicles.

There are also reports stating that aid, such as food and other necessities, is often only distributed after the occurrence of flood disasters, not during. Furthermore, the aid delivered often does not meet the community's needs. Some families do not receive any aid because their information is not in the registration system. This excuse is unacceptable for the community because community leaders always send updated information about household heads to be updated in the system.

Moreover, villages not registered in the system or fragmentary villages near the main village do not receive any aid because these villages are not considered or recognised as Orang Asli settlements. Regardless of the village status, every person has the right to receive appropriate aid, especially when facing crises. This situation often leads the Orang Asli to just comply because they do not want to cause problems. There are also claims that individuals will be reported to law enforcement for illegally occupying government land, even though the community has long settled in the area.

### **Women in caretaking roles during disaster**



*Kak Zai from Kampung Padang Serun, Pekan Pahang. This picture was taken in 2022.*

According to the personal experience of one of the Orang Asli women, Kak Zai, she has faced multiple flood disasters over the years. She has a son named Zaina who is a Disabled Person (OKU) aged 16 years old. When the flood occurred, Kak Zai acted quickly and contacted nearby villages to ask for immediate help. Those villages contacted several NGOs that were willing to donate aid quickly. At that time, her child had run out of milk and food. He had to endure hunger and his condition became uncontrollable.

Her family could not move anywhere because all areas had been flooded. Their village is also far from urban areas. As a woman, she shared a lot about the challenges she faced in order to continue living, especially while ensuring the safety of her children in this distressing situation. Kak Zai has many children and does not know what action to take when disasters like this happen so suddenly. Until now, it has left a very deep trauma on her because she almost could not survive. She is still glad that there was help from parties who were concerned about her family.

In Kak Zai's sharing, she voiced her disappointment towards the authorities, specifically JAKOA. According to her, the authorities should have long identified areas at risk of flooding and taken proactive steps for preparation, considering flooding is an annual phenomenon.

However, not enough initiative or preventive action has been taken, even until today there is no follow-up action for future preparation.

### **Disaster Relief Aid: Issues of Quantity and Quality**

When disasters occur in remote areas, they are often overlooked. When help arrives, it's usually too late by three days or a week. For example, communities in the Pekan area contact agencies such as JAKOA but help is usually channelled after the flood crisis. The issue regarding disaster assistance is not new, it is often politicised by certain parties especially when approaching election campaigns. They prohibit NGOs from sending immediate assistance when a disaster occurs with reasons for maintaining the safety of the residents, avoiding chaos, or maintaining the authorities' control over the situation, even though this often causes critical delays in the distribution of much-needed aid.

Villagers often complain they receive assistance late until they run out of food supplies. Another factor causing them to receive help late is because JAKOA only recognises main villages in their system, not fragmented villages or branch villages.

The work of delivering aid becomes more challenging when the condition of the roads leading to some villages are very bad and worsened by landslides and floods.

Moreover, the aid received often does not meet the quantity and quality. As the same case in Kampung Permatang Siput, many residents report that the amount of goods received is not sufficient for the number of Heads of Households (KIR). As a result, the KIRs are forced to distribute the aid received with other KIRs who do not get help, and they must seek additional help from other parties to meet their needs during disasters.

Disaster aid, especially food, often does not meet the needs in terms of quality. Communities often receive unsuitable food items for babies, children, and the elderly. Most of the food items they get do not meet the required nutrition, for example, the food often obtained are several tins of sardines, condensed milk, rice, and excessive sugar and salt. Food for babies and children, such as powdered milk and nutritious food, is rarely given. This shortage is due to the reluctance of many parties to take care of these needs, assuming that the problem will be resolved by the impacted family itself or they need to wait for additional aid that may come late.

Therefore, the community takes it into their own hands to find NGOs that can provide assistance according to their needs. However, problems arise when the authorities interfere with the NGO's aid delivery process. Various long bureaucracies need to be done before entering the Orang Asli areas; various kinds of letters need to be prepared, permission or authorisation from various agencies is required. This interference is often caused by the authorities' suspicion that NGOs are trying to undermine their credibility or exploit the Orang Asli community for their own benefit. Another reason given is that NGOs do not inform JAKOA before entering Orang Asli villages to deliver disaster aid. While these bureaucratic procedures are essential, there is a pressing need to streamline them during emergencies to facilitate swift and efficient delivery of aid.

Some authorities only recognise disaster aid from NGOs who are on their side, where both parties have common interests. Unfortunately, this issue still persists. JAKOA and other government agencies should cooperate in addressing issues related to the delivery of disaster aid together with NGOs so that the community receives timely and sufficient aid when facing disasters.

With the impact of increasingly unpredictable extreme weather every day, the government needs to improve the resilience of the community and its agencies in facing crises. It involves not only the provision of more efficient and effective aid but also the construction of better infrastructure, a well-managed database, and building community preparedness capacity.

## Drought & Heatwaves

### Destruction of crops

The uncertain weather has resulted in the destruction of crops and a decrease in crop yields in various villages, affecting the lives of the Orang Asli who mostly still depend on agriculture.

Apart from commercial crops such as palm oil and rubber trees, the Orang Asli also cultivates food gardens that produce cassava, corn, sweet potatoes, and bananas, which are the main sources of food and income for them.

The uncertain weather has left the communities unprepared, and crops experience significant damage, leading to unsatisfactory production or even complete failure. In the worst-case scenario, this damage leads to a food crisis within the community and forces them to spend money to replace the damaged crops, as well as buy food from outside their area.

### Case example:

Most Orang Asli cultivate their food using the concept of forest agriculture, which is a mixed cropping system for example: bananas, coconuts, durians, jackfruits, papayas, and others. All of these are planted in the same area and the method of planting is on a rotational basis. The number of crops planted depends on the needs of a family to obtain food yields and to sell if there is a surplus.

A prolonged drought has occurred in Kampung Jong, Pekan and Kampung Gayung, Rompin causing the land to become dry, making it difficult for crops to grow or they usually die. If this situation worsens, it will be detrimental for farmers who have spent a lot of money on fertilisers and seeds. Finding water sources becomes difficult during the dry season because the available water sources are far from the village and most farmers do not have the facilities to transport water or the funds to build water pipelines.

Kampung Patah Pisau in Muadzam Shah also experiences the same thing. To adapt to these extreme conditions, residents need to choose crops and plants that are heat resistant and do not use a lot of water sources. Plants that have high resilience are cassava, coconut, lime, betel, mangosteen, and others. Orang Asli have to adapt by planting more resilient crops to reduce losses and they use the land as best as possible to obtain enough yields to support their food needs.





**CHAPTER 5:  
LOCAL ECONOMY &  
DEVELOPMENT ISSUES**

Efforts to regulate logging practices have been ongoing since the 1990s, with international and national initiatives aiming to protect forests from permanent destruction. In Malaysia, the quest for sustainable logging has been shaped by two pivotal approaches.

The first approach is the certification of logs, a system initiated in the late 1990s designed to verify the origin of timber products and promote responsible forest management. The second is the Forest Law Enforcement, Governance, and Trade – Voluntary Partnership Agreement (FLEGT-VPA), a collaborative effort launched in 2006 between Malaysia and the European Union. This agreement aims to ensure that only legally harvested timber is imported into the EU from Malaysia.

Despite these efforts, several non-governmental organizations have expressed reservations, withholding their support due to ongoing legal and governance conflicts, particularly those concerning the rights of the Orang Asli to their ancestral lands. Issues often cited include unauthorized logging, harvesting trees below the minimum approved diameter, and operating beyond the designated areas permitted by law.

These mechanisms, while meant to mitigate unsustainable logging practices, seem to have overlooked the incursions into the Orang Asli's traditional territories in Peninsular Malaysia. The intrusion of logging activities into these customary lands is not just a legal issue; it has escalated to a point where the Indigenous communities feel compelled to protest, risking their safety to protect their way of life and environment from the adverse effects of unauthorized logging.

## Logging



Logging area in Lesong Forest Reserve, Pahang

The process of cutting down trees is often carried out without adherence to the set size, worsening the impact on the environment and damaging the valuable carbon sink. The use of the clearcutting method, a very aggressive form of logging, destroys water catchment areas, destroys trees used in religious rituals and materials for making traditional houses of the Orang Asli. This is not just an environmental issue; it is a direct threat to their way of life.

For centuries, the Orang Asli have responsibly collected necessities from the forest. These are practices and skills that have been honed over generations, to honour the forest's ability to regenerate. There are parties who use the excuse of 'development' or 'improving living standards' to obtain permission for logging. This argument is dishonest and also belittles the Orang Asli in determining what development means to them and on their terms.

According to UNDRIP, indigenous communities have the right to self-determination, which includes the right to determine how they live and manage their ancestral lands. The Indigenous People, as forest custodians, have a spiritual and cultural connection to the land that is blatantly ignored.

### Logging at Lesong Forest Reserve, Rompin, Pahang.

While the logging operations in the Lesong Forest Reserve are not directly situated within the lands of the Orang Asli, their proximity to the indigenous settlement of Kampung Petoh, Rompin, has profound implications for the local community. One of the most pressing issues is the degradation of the river, a vital source of livelihood for the Orang Asli, which has become increasingly polluted. The water, once clear, is now muddied and turbid, a stark visual testament to the environmental impact of the logging.

During flood seasons, the problem exacerbates as the swollen river becomes choked with debris and fallen logs. These not only obstruct the river flow but also accumulate along the banks, disrupting the ecosystem and the natural beauty of the landscape.



The Jakun Kuala Orang Asli, in particular, are heavily affected by these changes. Their traditional income from fishing and shrimp harvesting, which typically increases during the rainy season, has been steadily declining. The murky waters, tainted by the logging sediment, deter the aquatic life, reducing both the quantity and quality of the catch year after year.

The lack of consistent supervision by regulatory bodies means that these operations continue without adherence to environmental guidelines. Compounding the issue, the paths that cut through Kampung Petoh – which are integral to the village's daily life – are being used to transport the logged timber, suggesting a disregard for the impact on the community.

### Logging at Bukit Ibam, Muadzam Shah, Pahang.

The logging operations at Bukit Ibam, situated about an hour away from the urban centre of Muadzam Shah, Pahang, are imposing detrimental effects on the nearby Orang Asli settlements, including Kampung Batu Putih, Kampung Ganuh, and Kampung Kemomoi. The activity has inflicted severe damage on the main roadways, with conditions deteriorating further during the rainy season.

There is fear within the Orang Asli communities to protest against these long-standing logging activities.

These operations have also led to the contamination and muddying of vital water sources. The environmental impact extends to the villages themselves, which are covered by dust and the aftermath of using red soil in the construction of logging routes, rendering the surrounding area polluted and dirty.

Tragically, this disregard for the environment is accompanied by a neglect for safety, as highlighted by accidents involving Orang Asli community members, including a particularly serious incident where a logging truck collided with a local's motorbike. It has been reported that the logging company has offered compensation to settle these matters quietly, thus avoiding broader accountability.

## Plantations

The infringement of the Orang Asli's traditional land rights often manifests through plantation developments that disregard the community's needs and benefits. It's crucial to clarify that the Orang Asli are not opposed to development per se, particularly when it can elevate their living conditions. However, they advocate for development that is inclusive, transparent, and fair, not merely profit-driven ventures that offer false promises.

An illustrative case of such infringement began in the 1980s with the Orang Asli residents around RPS Kedaik in Rompin. They were encouraged to participate in a Resettlement Scheme (RPS) associated with an oil palm plantation project. In exchange for relocating to newly built quarters, they were assured of homes under a housing programme, *Program Perumahan Rakyat Termiskin (PPRT)* and a steady monthly income from the oil palm plantation's yield.

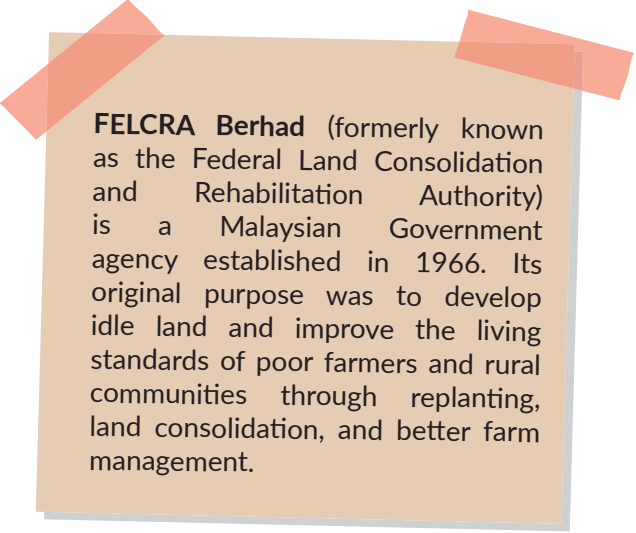
The initial agreement for the plantation project looked good on paper, with promises of steady monthly payments to each family head. However, the situation on the ground was different. Payments came inconsistently, and the agreement wasn't followed as it was supposed to be. The biggest issue was about the land ownership; each Orang Asli family was supposed to get six acres of the plantation land, but when they tried to claim this land, they ran into red tape. The project implementers claimed that the Orang Asli were indebted to FELCRA, a national agricultural body, which was used as a pretext to withhold the land titles that were rightfully theirs.

This scenario not only reflects a breach of trust but also highlights a pattern where development schemes overlook the rights and welfare of the Orang Asli, leaving them disenfranchised and

**The Orang Asli Resettlement Scheme (RPS)** is one of the early efforts of the government in the effort to develop and advance the Orang Asli community in Malaysia, it started around 1980.

The RPS process involves the collection and rearrangement of the Orang Asli community at a new or existing site to enable them to be more easily managed so as not to continue to be left behind in development<sup>6</sup>.





**FELCRA Berhad** (formerly known as the Federal Land Consolidation and Rehabilitation Authority) is a Malaysian Government agency established in 1966. Its original purpose was to develop idle land and improve the living standards of poor farmers and rural communities through replanting, land consolidation, and better farm management.

Ultimately, the residents who have moved feel that the compensation is not equivalent because the distribution of PPRT houses was also given to Orang Asli residents who are not from the area. Local residents had to compete with outsiders to get a house. This situation indicates that the land of the indigenous Orang Asli was leveraged for developments that didn't adequately consider the needs and rights of the longstanding community members.

#### **Pineapple plantation project in Kampung Tanam**

In 2010, the pineapple plantation project was introduced in Kampung Tanam, Kuala Rompin with the goal of improving the livelihood of the local Jakun community. However, it turned out that the project was being implemented on land traditionally owned by the Orang Asli.

The initial discussions held with the villagers included promises of job opportunities and financial benefits for each family. Unfortunately, these promises were not fulfilled. When the project got underway, local villagers found themselves in lower-level jobs with pay that didn't match their expectations. Moreover, the company operating the project chose to employ foreign workers who could be hired at lower wages, contrary to the original agreement that aimed to prioritise employment for the local Jakun community.

The outcome has been a continuation of underdevelopment and a pattern of broken promises for the community, highlighting a misuse of the Orang Asli's special rights.

These experiences have been a lesson for the Orang Asli in Rompin. They have learned to approach government and corporate project proposals with

caution. They now understand the importance of insisting on the FPIC (Free, Prior, and Informed Consent) principles, which protect their rights to agree to or refuse projects that affect their land and resources. These principles stress that community consultations should happen not just at the start but throughout the duration of any project, to prevent manipulation and the prioritisation of external interests over the community's welfare.

#### **Paddy project in Kampung Petoh**

In 2020, the community of Kampung Petoh was taken aback by the sudden proposal of the RPS Kedaik Industrial Rice Plantation Project. The villagers were not given any prior consultation or information about the project; they found out about it only after official paperwork appeared. The project was proposed to address poverty among the Orang Asli and to put undeveloped land, such as marshy areas and regions near rivers, to productive use.

In response, the residents of Kampung Petoh began to organise opposition to the project. They gathered signatures for a petition and drafted written objections. A social media campaign titled "*Akocat sayang hutan akocat*" was also launched, along with the creation of various videos, all aimed at raising public awareness of their cause.

Presently, the fate of the project remains unclear, leaving the community in fear that their land could be expropriated at any moment. The establishment of ORACO, the Pahang Orang Asli Corporation, has heightened these fears, as it suggests that more Orang Asli lands in Pahang could come under corporate management. This could transform areas that are sacred to the Orang Asli and vital for forest conservation into zones of economic agriculture, disregarding the intrinsic cultural and ecological value these "idle" lands hold for the indigenous people.

---

<sup>6</sup>Mustaffa Omar, "Pembangunan dan impak demografi ke atas komuniti Jakun," in Komuniti, Pembangunan dan Transformasi, ed. Yahaya Ibrahim (Penerbit Universiti Kebangsaan Malaysia, UKM, 2009).



# **CHAPTER 6: | HUMAN-WILDLIFE CONFLICT**

Jelintji 2023



Human-wildlife conflict occurs when interactions between people and animals result in adverse outcomes, including damage to assets, disruption of livelihoods, and in extreme cases, loss of human and animal lives. In Peninsular Malaysia, such conflicts are common, particularly involving species like the Malayan tiger, elephants, and various species of monkeys. The root of the problem is habitat encroachment: as agriculture expands, forests are logged, and infrastructure develops, these animals' natural habitats shrink. Consequently, they are driven to forage for food and seek refuge in areas populated by humans or on farmlands.

To mitigate these issues, Malaysian authorities and NGOs are actively implementing solutions. These include the management of animal habitats to ensure sufficient wild space, the erection of electric fences to deter animals from entering human-occupied areas, and community education programs to promote peaceful coexistence and effective response strategies in the event of wildlife encounters.

### **Safety of the community**

We have documented a troubling incident involving elephants wearing neck chains being set free near villages. It appears that certain individuals are releasing these elephants close to where the Orang Asli live, without proper oversight. Despite reporting these matters to the Wildlife Conservation Department, PERHILITAN the concerns of the Orang Asli are often dismissed as trivial. The Orang Asli have repeatedly emphasised the danger of releasing large animals like elephants without planning, as it not only scares the villagers but also leads to their crops being destroyed by these animals. Additionally, the elephants use the paths through the Orang Asli settlements in their search for food, creating a safety hazard for the residents.

In another disturbing development, reports from the Rompin area indicate that crocodiles have been intentionally released into the rivers. This is alarming for community members who rely on the river for their daily needs, raising serious safety concerns. They are calling for stronger measures to prevent such hazardous releases, particularly where the community frequently accesses the river. It's crucial that any conservation-related releases, such as that of crocodiles, are carried out away from populated areas to mitigate the risk of harm to the people. Proper communication with the local community is essential, ensuring they are fully informed and involved in discussions regarding wildlife management near their homes.

### **Extinction**

Conflict between humans and wildlife is a reality that is unavoidable in the modern world. This conflict not only causes damage to property, loss of food sources, and even life, it also accelerates the extinction process of species.

Such conflicts often result in humans killing wildlife in self-defence or as a preemptive measure. Take, for instance, predators such as tigers might be eliminated because they pose a threat to livestock or human safety. This kind of human retaliation can cause the populations of these animals to plummet, edging them closer to extinction. Moreover, continual disturbances and conflicts can stress wildlife, altering their natural behaviours, which can impact their feeding, mating, and migratory patterns, all of which are detrimental to their survival and reproduction rates.

### **Squirrels and wild cats**

Our observations have highlighted the community in Rompin's concerns about the disappearance of species once common in the area. There's a consensus that environmental degradation, especially through aggressive logging, has led to the decline or disappearance of many species. Creatures that were once a familiar sight in the forests, such as squirrels and wild cats, are now believed to have either fled to other areas or perished as a conse-



*This squirrel or Keloncor was found within a village. The community believes that this animal has strayed into human habitation. This squirrel is not an ordinary squirrel, it is also a species that is threatened according to the community's observation*





*The community encountered a wild cat, a species that has become increasingly elusive and is believed to be under threat. Factors such as hunting and the diminishing expanse of the forest are cited as the primary pressures leading to its rarity.*

In addition to the shrinking habitat, the local wildlife like the wild cat is facing new threats from the changing climate. The community has noticed that the rising temperatures and periods of drought are taking a toll on these animals. They have found wild cats that couldn't survive the extreme heat and lack of water in the nearby forests. This harsh, hot weather doesn't just affect the animals; it also threatens the plants and the overall health of the forest ecosystem.



### Nerpok Tree

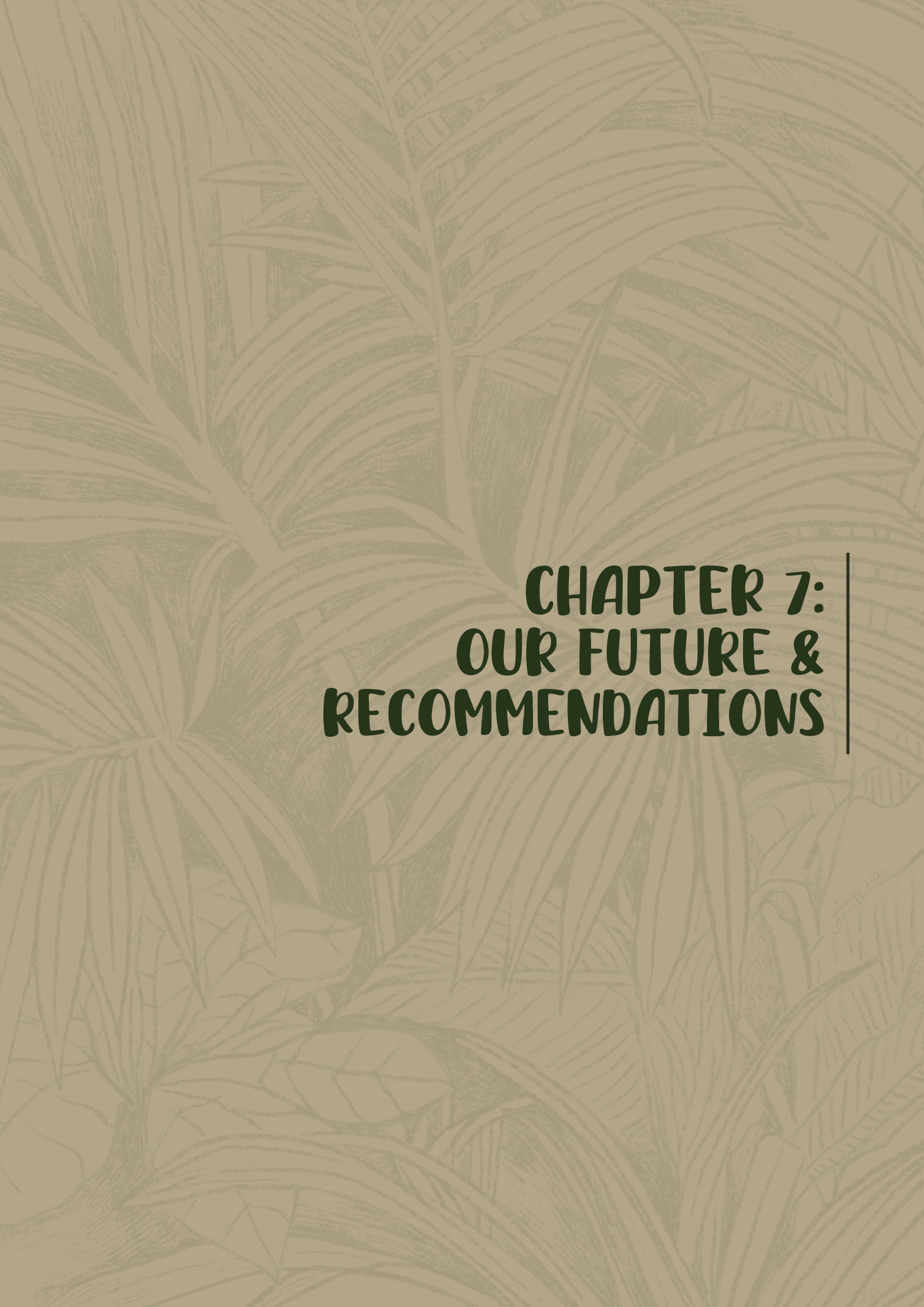
The Nerpok Tree, used by the Jakun community as traditional medicine, is now threatened with extinction. This tree is not only important in terms of medicine, it is also one of the historical evidence of the existence of Kampung Petoh, Kuala Rompin.

In the 1920s, a widespread *Taun* or Cholera struck the Jakun community in the village, causing many deaths and forcing the villagers to distance themselves from those who were infected. Among the historical events that successfully stopped the *Taun* was the role of the Nerpok Tree. At that time, Gelita Kelin (deceased), had been infected with the *Taun* until he was nearly dead. His brother, Yusof, left Gelita under the roots of the Nerpok Tree, assuming he would die from the disease. However, the next day, Gelita was found still alive; water dripping from the roots of the tree flowed into his mouth, saving him from death.

The Nerpok Tree is now rarely found and its seeds are becoming increasingly difficult to propagate. However, after multiple attempts by the community in Petoh, now they have one small Nerpok tree that is growing.

The Jakun people fear that this tree will become extinct because they are unable to pass down enough of the seeds. The overly hot weather also causes this tree to be at risk of dying quickly. The Nerpok Tree, which normally goes through a natural leaf-shedding phase, is now losing leaves at abnormal times, indicating stress due to seasonal shifts. The community has observed the roots beginning to dry and contract.

Although this solitary Nerpok Tree continues to hold on, the residents of Kampung Petoh fear that without a return to more regular seasonal patterns, the tree may not withstand the severe storms predicted to accompany ongoing environmental degradation.



# **CHAPTER 7: OUR FUTURE & RECOMMENDATIONS**



As Orang Asli, we have the right to determine our own future. Laws threatening the Orang Asli need to be reviewed and amended to be fairer and reflect the recognition of human rights.

**The recommendations that we present in this chapter are taken from:**

- *“Ringkasan Laporan Inkuiri nasional Mengenai Hak Tanah Orang Asal / Asli” (2013) by SUHAKAM*
- *“The Rights of Indigenous People in Malaysia: The United Nations Declaration on The Rights of Indigenous Peoples (UNDRIP) and The Law in Malaysia” (2021) by SUHAKAM*

Both sources are important references for understanding the context of Indigenous land rights and their connection to climate justice. Many among the Orang Asli communities have recognised and understood these recommendations. In the context of this report, these recommendations have also received support from the Jakun community in Rompin and Pekan, Pahang.

**There are three main recommendations that we present in this chapter:**

1. Amendment of Act 134;
2. Creation of a legal framework for FPIC;
3. and overall, the implementation of SUHAKAM's National Inquiry Recommendations

### **Recommendation 1: Amendment of Act 134**

The Aboriginal Peoples Act 1954, also known as Act 134, is an important legislation in Malaysia that governs the rights and protection of the Aboriginal Peoples in Peninsular Malaysia. Act 134 provides a legal framework for the recognition of Aboriginal Peoples' land, and establishes rules to protect these areas from external influences. It defines the process for creating Orang Asli Reserves and Orang Asli Areas, where their rights are prioritised, and regulates activities in these areas to protect the interests of the Orang Asli.

Although this Act provides some protections, it is also a matter of dispute among communities who argue that it does not sufficiently protect the rights of the Orang Asli, especially in relation to land ownership and resource control. The situation is further complicated by overlaps with other land acts in Peninsular Malaysia that tend to be biased and not in favour of the Orang Asli. For example, the Torrens system practised by Malaysia through the National Land Code 1965 only considers land that is registered at the Land Registration Office, while Orang Asli land that has been inherited from generation to generation is not included in the registration system<sup>7</sup>. Such administrative oversight has broader implications beyond the immediate loss of heritage and livelihood. The resulting deforestation and land degradation not only strip the Orang Asli of our ancestral domains but also escalate the release of greenhouse gases, contributing to climate change. Thus, the land rights of the Orang Asli are intrinsically tied to environmental sustainability; our struggle for

recognition and protection of these rights emerges as a critical front in the global pursuit of climate justice.

### **Brief background of Act 134**

Act 134, or known as the Aboriginal Peoples Act 1954, was enacted by the British colonial administration in Malaya according to the needs at that time. During the Malayan Emergency in 1954, this act functioned to prevent communist from obtaining any assistance from the Orang Asli community and to prevent them from spreading communist ideology to the community. Therefore, formal recognition of the Orang Asli was only found in the Aboriginal Peoples Act 1954 and was only adopted in Peninsular Malaysia. Act 134 is only meant to control Orang Asli to preserve their interests and rights, but no provisions were made to control and determine their own affairs.

### **Why is there a need to amend act 134?**

Activists and communities believe that the act is no longer suitable for use in this era, it needs to be synchronised with the human rights conventions that Malaysia has signed. Most importantly, it has to recognise the customary land rights of Orang Asli. There are still loopholes in this act that still cannot fully protect the rights of the Orang Asli. Therefore, it is important to review and amend Act 134 so that it is more fair, inclusive, and in line with the principles of human rights.

### **The definition of 'Orang Asli' is decided by the Minister**

Section 3 Act 134 gives the definition of 'Orang Asli'. It outlines three main categories that determine whether someone is considered Orang Asli or not;

- A. Ethnic origin and traditional lifestyle, which includes the language used, customs, and beliefs;
- B. Adoption by Orang Asli community, which refers to individuals who are taken as adopted children as infants by Orang Asli and raised according to Orang Asli's way of life;
- C. and mixed descent, which refers to children from Orang Asli women and men from other races, provided that the child follows the lifestyle, customs, and beliefs of Orang Asli.

Section 3 also explains that embracing another religion does not remove a person's status as an Orang Asli, as long as they still follow the Orang Asli's way of life and customs or speak the Orang Asli's language. However, there is an important issue raised in subsection 3(3):

<sup>7</sup> Noraida Harun and Noor 'Ashikin Hamid, "Akta Orang Asli 1954 (Akta 134): Sejauh mana melindungi hak Orang Asli: Satu Kajian Perbandingan," in ICOPS 2010: International Conference on Public Policies & Social Sciences, 4.



**According to Section 3(3) Act 134:**

*Any question whether any person is or is not an aborigine shall be decided by the Minister.*

This shows that the decision regarding the status of an individual as an Orang Asli is determined by the Minister, not by the individual or the community itself. This is an issue because it denies the basic rights of an Orang Asli to determine our own identity. This is contrary to Article 33 of UNDRIP which states that indigenous peoples have the right to determine their own status and identity. In addition, the Minister may not have a deep understanding of the customs and values of the Orang Asli community, which can lead to discrepancies in recognition. This is a great risk because giving full power to one side can lead to abuse based on political or economic interests.

Additionally, the determination of the status and identity of Orang Asli is important in the context of climate change because it relates to the recognition of our rights to the land and natural resources. Without official recognition of status as Indigenous Peoples, our rights to manage, use, and protect the lands and natural resources we rely on for our life and cultural sustainability are not respected or protected. This can lead to land grabs, for example by large companies and developers, which can lead to environmental destruction and drive the climate crisis.

***Jurisdiction of the Director General***

The Orang Asli are concerned about the power structure set in Act 134. According to Section 4, the Director General of JAKOA is given a huge responsibility in matters of administration, welfare, and general progress of Orang Asli. It gives freedom to the Director General in managing affairs of Orang Asli, although there are exceptions that allow Orang Asli leaders to exercise our power in matters related to customs and beliefs of the community.

According to Section 6(2) Act 134:

*(2) Within an aboriginal area—*

*(i) no land shall be declared a Malay Reservation under any written law relating to Malay Reservations;*

*(ii) no land shall be declared a sanctuary or reserve under any written law relating to the protection of wild animals and birds;*

*(iii) no land shall be alienated, granted, leased or otherwise disposed of to persons not being aborigines normally resident in that aboriginal area or to any commercial undertaking without consulting the Director General; and*

*(iv) no licences for the collection of forest produce under any written law relating to forests shall be issued to persons not being aborigines normally resident in that aboriginal area or to any commercial undertaking without consulting the Director General and in granting any such licence it may be ordered that a specified proportion of aboriginal labour be employed.*

Communities opined that this Act is still not sufficient to protect their interests fully. Section 6(2) of Act 134 states that the Director General must be referred concerning the granting of land or the issuance of licences to collect forest produce. However, it does not state that the Orang Asli community themselves must be consulted or involved in the decision-making process. There have been many cases where land or licences were given to outsiders without the knowledge of the Orang Asli occupying the land itself.

This weakness raises concerns that the rights of the Orang Asli to participate in decision-making are not fully respected, which is also contrary to Article 3 of UNDRIP, which states that Indigenous Peoples have the right to self-determination regarding any matter affecting their lives.

In addition, although this act outlines that companies that are given licences are required to employ Orang Asli workers, it does not specify the percentage or type of employment that should be offered. There are communities that report that even though they are employed by these companies, they are often placed in low positions, given heavy tasks, and receive disproportionate wages. This can be seen as a form of exploitation of Orang Asli labour without giving us due rights in the aspects of management or benefits from our resources and land.

### *Uncertainty of land status and ownership*

The State Government has the power to declare an area as Orang Asli Area or Orang Asli Reserve, as stated in Section 6 and Section 7 of Act 134

#### Section 6(1) Act 134:

##### **Aboriginal areas**

*“The State Authority may, by notification in the Gazette, declare any area predominantly or exclusively inhabited by aborigines, which has not been declared an aboriginal reserve under section 7, to be an aboriginal area and may declare the area to be divided into one or more aboriginal cantons: ...”*

#### Section 7(1) Act 134:

##### **Aboriginal reserves**

*“The State Authority may, by notification in the Gazette, declare any area exclusively inhabited by aborigines to be an aboriginal reserve: ...”*

However, the State Government also has power to cancel the status of Orang Asli Area or Orang Asli Reserve at any time without discussions and negotiations.

#### Section 6(3) Act 134:

*“The State Authority may in like manner revoke wholly or in part or vary any declaration of an aboriginal area made under subsection (1).”*

#### Section 7(3) Act 134:

*“The State Authority may in like manner revoke wholly or in part or vary any declaration of an aboriginal reserve made under subsection (1).”*

This section has had a significant impact because much of Orang Asli land has been taken by the Government or private parties for so called economic development purposes<sup>8</sup>. When this land is taken, often the compensation given to the Orang Asli community is not comparable with the true value of the land and the resources on it.

What's more worrying, Act 134 does not give a mandate to the Orang Asli to obtain compensation from the forced taking of Orang Asli Areas or Orang Asli Reserves. This is because Section 12 of Act 134 states that, if any land is revoked from Orang Asli areas or Orang Asli Reserves, the government may give compensation and Section 11 of Act 134 states that compensation paid is only for fruit trees or rubber trees only. This means it is not an obligation for the government to pay compensation and it is at the discretion of the government to make such payments.

Moreover, Act 134 does not grant full land ownership rights to the Orang Asli. Instead, our right to occupy the said land is only at the discretion and protection of the State Authority, as stated in Section 8.

#### According to Section 8 Act 134:

##### *Rights of occupancy*

*(1) The State Authority may grant rights of occupancy of any land not being alienated land or land leased for any purpose within any aboriginal area or aboriginal reserve.*

*(2) Rights of occupancy may be granted—*

*(a) to—*

- (i) any individual aborigine;*
- (ii) members of any family of aborigines; or*
- (iii) members of any aboriginal community;*

*(b) free of rent or subject to such rents as may be imposed in the grant; and (3) Nothing in this section shall preclude the alienation or grant or lease of any land to any aborigine.*

<sup>8</sup> Noor 'Ashikin Hamid, Noraida Harun, and Nazli Ismail@Nawang, "Pengambilan tanah bagi pembangunan ekonomi: isu dan penyelesaian," *Jurnal Undang-Undang dan Masyarakat* 15 (2011): 135-148.

(c) subject to such conditions as may be imposed by the grant, and shall be deemed not to confer on any person any better title than that of a tenant at will.

(3) Nothing in this section shall preclude the alienation or grant or lease of any land to any aborigine.

In summary, the Orang Asli are only considered tenants, not landowners even though we have lived on the land for generations. The absence of full recognition and compensation contradicts various provisions in the UNDRIP, including Articles 25, 26, 27, 28, 29, 30, and 32.

The uncertainty of land ownership rights has caused concerns and stress to many community members. The role of the Orang Asli in taking care of forests and natural resources should be strengthened, especially when facing the climate crisis and various disasters we see today. If the government is serious about achieving Sustainable Development Goals (SDGs) and maintaining 50% of the country's forest coverage as promised internationally<sup>9</sup>, one immediate step that can be taken is by recognising the land rights of the Orang Asli.

#### Article 27 of UNDRIP:

*States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous Peoples shall have the right to participate in this process.*

Act 134 must be in line with UNDRIP

Act 134 needs amendment to recognise rights over land in line with UNDRIP. It is crucial for this Act to recognise that Orang Asli have legal rights over our traditional lands and the lands we inhabit. Moreover, the rights of Orang Asli in protected areas should be recognised in line with state interests and there should be regulations on the use and management of these areas through consultations and participation of the involved community.

Lastly, following the recommendations presented by SUHAKAM, there should be mechanisms to determine the land, extent and nature of community land rights. These mechanisms can be in the form of a tribunal, a special Commission, or any process initiated by the state government towards an agreement. The established mechanisms should follow the community's protocol in conflict resolution. By implementing these suggestions, we can ensure that the rights and interests of Orang Asli are protected

#### What is a tribunal?

A tribunal is like a court but it is specific for resolving certain issues or disputes in a way that is easier and faster compared to ordinary courts. Its purpose is to facilitate the resolution of disputes.

Decisions from the tribunal can be legally binding, but it depends on the type of tribunal. For example, if there is an Indigenous Land Tribunal, it will be established to handle issues related to the land rights of Indigenous People.

This tribunal might consist of legal experts, representatives from the Indigenous community, and experts in human rights. Its process is simpler and respects Indigenous customs, and its decisions may be legally binding or just as recommendations for the government.

<sup>9</sup> Malaysia's National Statement presented at the High-Level Segment of the Conference UNFCCC COP-26/CMP-16/CMA-3, November 2021.



## Recommendation 2: Establish FPIC legal framework

To strengthen the rights of the Orang Asli, especially regarding land and development, there are several important steps that need to be taken. First, it is very important for us to implement the principle of Free, Prior, and Informed Consent (FPIC). A legal framework for FPIC should be provided so that if there are violations against the existing FPIC guidelines, the community has the right to take legal action against the authorities involved.

For instance, the Philippines has introduced FPIC legislation through their act, the Indigenous Peoples' Rights Act (IPRA) in 1997. Through this act, indigenous communities in the Philippines have the right to give or refuse any development project that will occur on their ancestral lands. This has given them the power to ensure development does not damage their heritage and lives.

Furthermore, ancestral lands should be recognised according to plans and mapping determined by the community itself. Following international standards, state and federal governments should take a human rights-based approach in development and implement the FPIC process to obtain consent. This aims to ensure effective participation from the communities that will be affected.

Besides UNDRIP, there are various instruments and international guidelines that can be referred, such as:

- The United Nations Development Group's Guidelines on Indigenous Peoples' Issues
- ILO 169
- Akwé: Kon Voluntary Guidelines
- EMRIP (Expert Mechanism on the Rights of Indigenous Peoples)
- and PFII (Permanent Forum on Indigenous Issues)

## Recommendation 3: Implementation of SUHAKAM's National Inquiry

We refer to the recommendations stated by SUHAKAM because this is a reference material that many community members are aware of. Communities in Rompin and Pekan in particular are very vocal about Recommendation 14 and Recommendation 18 because we feel these issues have a direct effect on our lives. We believe the implementation of both these recommendations will have an immediate impact.

### Recommendations by SUHAKAM from the "The Summary report of the National Inquiry into the Land Rights of Indigenous Peoples" (2013):

- Recommendation 1: Address Security of Tenure
- Recommendation 2: Clarity of Concepts on Customary Tenure
- Recommendation 3: Restitution for Non-Recognition of Customary Lands
- Recommendation 4: Redress Mechanisms
- Recommendation 5: Address Past Policies & Programmes
- Recommendation 6: Review Compensation
- Recommendation 7: Adopt HRBA to Development and FPIC Law
- Recommendation 8: Ensure Land Development Does Not Adversely Impact Indigenous Peoples
- Recommendation 9: Promote Successful Development Models
- Recommendation 10: Policy Towards People-Centred Inclusive-Sustainable Development
- Recommendation 11: Settlement Exercise on Indigenous Customary Lands

---

<sup>10</sup> C Doyle, A Whitmore & H Tugendhat (2019) (eds), Free Prior Informed Consent Protocols as Instruments of Autonomy: Laying Foundations for Rights based Engagement (Infoe, ENIP)

Based on the SUHAKAM Annual Report 2020, there are several recommendations from the National Inquiry 2013 that are starting to be implemented. However, there are still several other recommendations that have not been updated or not touched at all, for example Recommendation 2. This raises questions about the level of commitment and the actual implementation from the relevant parties. Therefore, it may be necessary to have further feedback or additional explanation from the relevant parties to fully assess the level of implementation of these recommendations.

In addition, it is important for the government to provide sufficient financial resources in the national budget to implement these recommendations. This will not only demonstrate the country's commitment to recognising and protecting the rights of Orang Asli, but also as a proactive step in facing global challenges such as the climate crisis and increasing land issues due to dwindling resources and market-based solutions like the carbon market.

We urge SUHAKAM to continue providing updates on the progress of the implementation of the National Inquiry on the Land Rights of Indigenous Peoples, and the government to earnestly implement these recommendations, and the public to continue to apply pressure and voice these issues, so that they become a priority in the country's development agenda.

# CONCLUSION

## The future of Orang Asli with the climate crisis

Although Indigenous People make up about 15 percent of the world's extreme poverty group and only five percent of the global population, we protect 80 percent of the world's remaining biodiversity. We have managed to preserve forests and biological diversity effectively even with limited resources. This shows that we have the knowledge, skills, and dedication needed to protect the environment. Therefore, it is vital to recognize and appreciate our role in fighting the climate crisis and ensuring that we are involved in discussions and decisions regarding development and natural resource management.

Currently, Malaysia is active in Energy Transition to meet the target of 70% installed renewable energy capacity by 2050 . The Orang Asli community hopes that the green projects to be developed, such as solar projects, mega dams, or others will not affect the fundamental rights of Orang Asli and always follow the FPIC principles. It is important to understand that Orang Asli are not against development. Instead, we want to ensure that our voices are taken into account in the development process. This means that we should be involved in the planning and implementation of development projects, and our rights must be respected and protected.

Climate crisis is a real threat that affects us all, however, its impact is worse for vulnerable communities such as Indigenous communities. The impact of this crisis requires immediate action, not only in the form of mitigation but also adaptation. For the Jakun People and all other Indigenous Peoples, adaptation means not only adjusting to the current climate changes but also protecting the natural resources and cultural heritage that are the basis of our identity. Therefore, the adaptation process requires a holistic approach that combines the conservation of natural resources, the use of modern technology, and the preservation of knowledge and traditional practices.

Natural solutions offer better cost-effectiveness for adaptation, yet we must be wary of “false solutions” that may not provide real benefits to the environment or communities. Real priority must be given to the conservation and protection of natural ecosystems. By protecting forests and coastal areas, we not only contribute to carbon absorption and biodiversity preservation, but also ensure that communities are protected from threats such as floods and land loss. It is crucial to ensure that every action is taken considering the interests and safety of local communities.

Moreover, it is important to integrate the traditional knowledge inherited from generation to generation with modern technology. Traditional knowledge, such as traditional farming practices and knowledge of natural resources, can be integrated with modern technology to create innovative and effective adaptation solutions. However, one of the biggest challenges in adaptation efforts is ensuring that the identity and culture of Orang Asli are continuously preserved and respected. Adapting to the climate crisis should not mean sacrificing heritage and culture.

In the national context, Malaysia is planning a National Adaptation Plan (MyNAP) that will be presented in 2025. It is essential for Orang Asli to be actively involved in this planning process to ensure that our needs, concerns, and contributions are taken into account.



## **Just Energy Transition**

Transitioning to cleaner energy is good. However, we need to understand that the entire process of producing new technologies such as solar panels and batteries requires rare earth elements that need to be mined. The big question is, whose land will be taken for the mining activities and mega projects? Even before this era of energy transition, Indigenous Communities all over the world already faced many disputes over land ownership. In the issue of mega dam construction as well, many local communities are often marginalised in the development process, causing us to lose land, resources, and cultural identity.

Currently (September 2023), the government is developing a National Mineral Policy. Orang Asli must be given the opportunity to voice our views and concerns. We need to be involved in discussions and decisions that affect our lives, not only as recipients of information but as partners in planning, implementing, and monitoring climate-related or environmental projects or initiatives.

To ensure a truly fair energy transition, we must ensure that the principle of fairness is always at the heart of all initiatives. As we have seen in other countries, transitions that do not take into account the rights and interests of local communities will create long-term problems. Therefore, maintaining “fairness” in a Just Energy Transition is not only important, but it is the key to the success of the energy transition in Malaysia.

## **Data Transparency**

Data transparency is a main prerequisite in understanding and facing challenges posed by the climate crisis, especially for the Orang Asli community. This includes data on climate change, development projects, and activities that might affect our land and environment. The importance of transparent data is not limited to understanding the issue, but also in planning effective strategies for adaptation and mitigation. Valid data enables authorities and communities to make decisions based on accurate information.

Furthermore, with data transparency, the Orang Asli community can ensure that our rights and interests are protected. For example, data on development projects and mining activities should be provided to the community so we can make informed decisions regarding the use of our land and natural resources. Often, the Orang Asli are in a state of not knowing about projects or activities that affect our land. Therefore, access to transparent and accurate data is crucial to ensure that the rights and interests of the Indigenous People are respected and protected.

In this digital era, the opportunity to collect, analyse, and share data is greater than ever. Malaysia needs to utilise the latest technology to ensure that data related to the climate crisis and development projects are available to all stakeholders. Overall, data transparency not only facilitates the decision-making process but also ensures that development takes place in a fair and responsible manner towards the Orang Asli community.

## **Stop intimidation towards young environmental human rights defenders**

The future of the Orang Asli depends not only on the preservation of traditions and culture but also on how we address issues such as climate change. Young people, who are now becoming more vocal on climate justice issues, have an important role in determining the community's response to this crisis. Therefore, a conducive atmosphere must be created for Orang Asli youth to voice our opinions and concerns regarding land rights and climate change without fear or threat. Protection of fundamental rights and respect for our views are not only crucial in the context of human rights but also in ensuring fair and inclusive climate action.

The actual reality on the ground shows that young Orang Asli, especially women, often face intimidation and threats when we express concerns about our rights and the impact of development or climate change on our communities. The discrimination that has persisted from generation to generation against Orang Asli must be stopped. We are the present and future leaders and must be given the space to voice and

act for the interests of our community, especially on the issue of climate change that now affects us all.

As a country proud of its diversity and harmony, proactive steps must be taken to ensure that every citizen, including the Orang Asli, is given equal opportunities in discussions and actions related to the environment and climate change. We must support and protect Orang Asli youth so we can continue to fight for rights and a better future for our community.





Kg. Belbas



Kg. Petoh



Kg. Durian Sebatang



Kg. Padang



Kg. Jong



Kg. Jong



Kg. Patah Pisau



Kg. Teraling





Validation process with the communities, at Kampung Petoh





