

**THE DEPARTMENT OF
ORANG ASLI AFFAIRS, MALAYSIA**
– AN AGENCY FOR ASSIMILATION –



ASIAN INDIGENOUS & TRIBAL PEOPLES NETWORK



**The Department of Orang Asli
Affairs, Malaysia
- An Agency for Assimilation -**

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I. The context

A few countries in Asia (India, Nepal and Philippines) have established National Institutions on the Rights of Indigenous Peoples (NIRIPs) while a few others have refused to establish such NIRIPs. A few governments have set up Ministry, Department or Cabinet level Committee to deal with the affairs of the indigenous peoples/ethnic minorities of their respective countries. The Ministry of Chittagong Hill Tracts Affairs (MoCHTA) of Bangladesh, Department of Orang Asli Affairs (also known as JHEOA) of Malaysia and the Committee for Ethnic Minorities (CEM) of Vietnam are amongst the few. These agencies are not expected to meet the existing standards relating to the National Institutions as they are not National Institutions but their role remains crucial as they are often highlighted as governments' commitment towards indigenous/tribal peoples.

As a part of its project, "*Realisation of Indigenous Peoples Rights at National Level in Asia*" financed by the European Commission under the European Initiative for Human Rights and Democracy, Asian Indigenous and Tribal Peoples Network (AITPN) conducted studies on the MoCHTA of Bangladesh, the JHEOA of Malaysia and the CEM of Vietnam. AITPN also conducted studies on the National Commission for Scheduled Tribes of India, National Commission on Indigenous Peoples of the Philippines and the National Foundation for Development of Indigenous Nationalities of Nepal.

On the basis of its studies, AITPN has come to the conclusion that the governmental agencies, departments and foundations are ineffective. They suffer from common flaws as cited below:

1. These are governmental agencies and hence **lack independence, impartiality and objectivity**. Instead of protecting the rights of the indigenous peoples, they are reduced to agencies implementing the anti-indigenous/minority policies of the government. This is evident from the implantation of Muslim peoples from plain areas to the Jumma peoples' lands in CHTs of Bangladesh which has threatened the very existence of the indigenous Jumma peoples, and the implantation of the Kinh majority from the lowlands to the Central Highlands in Vietnam to the effect that the Kinh people's population increased from 5% in 1945 to 70% of the total population of Central Highlands at present. The Department of Orang Asli Affairs has become a mechanism of the Government of Malaysia to regulate, control and assimilate the Orang Asli and not to develop them.
2. **These Ministries/Department/Committees are not headed by indigenous peoples and do not have true representation from the**

indigenous peoples. The MoCHTA is controlled by the Prime Minister while JHEOA's top level officers belong to majority Malays. The CEM is headed by a Minister who may not be from ethnic minorities. Hence, the MoCHTA, the JHEOA and the CEM remain more concerned about what the government wants rather than what the indigenous peoples need.

3. **There is no transparency and accountability in the functioning of these institutions.** Only in a rare case, in December 2000 then Chairman of the Committee for Ethnic Minorities and Mountainous Areas (predecessor of CEM), Minister Hoang Duc Nghi was summoned to the National Assembly for the involvement of CEMMA officials in corruption and was severely reprimanded. The investigation also led to dismissal of several provincial level officials but the central officials went scot free.
4. **These governmental departments/agencies/committees do not have financial independence.** They cannot determine their own budget and their financial strings are controlled by the government which make them highly vulnerable and impartial towards the government.
5. **There is no plurality and proportionate gender representation in the appointment of members.** The composition of the members of MoCHTA, JHEOA and CEM is determined by the interests of the ruling party.
6. **Assimilation of the ethnic minority/indigenous peoples into the mainstream society remains the main agenda of these governmental departments/agencies/committees.** It is the truth in case of Orang Asli of Malaysia, Jumma peoples of CHTs or 53 ethnic minorities of Vietnam.
7. The areas of indigenous peoples have been under strict government control. The freedom of the press has been curtailed by the Aboriginal Peoples Act of 1954 which prohibits entry or circulation of any thing including films capable of "suggesting words or ideas" in the Orang Asli areas in Malaysia. In CHTs of Bangladesh, freedom of the press and speech of the indigenous peoples have been under tight control of the government.
8. As the indigenous peoples demand various degree of autonomy or self determination, the indigenous areas have been turned into **virtual military zones** due to huge presence of military. High militarisation violates the daily routines and human rights of the indigenous peoples

as the security forces primarily target the indigenous population. The MoCHTA, the JHEOA or the CEM do not have any mandate to protect the indigenous peoples/ethnic minorities against human rights violations by the security forces or the members of the majority.

The experience of India shows that a Ministry for Tribal Peoples (not to speak about Department or Committee) is not adequate by itself. The National Commission for Scheduled Tribes, despite its flaws, is mandated to act independently. The experience of the Philippines has shown that a National Commission on Indigenous Peoples is not adequate by itself as its independence is subsumed by the departments under which the Commission is placed.

There is a need to establish departments and agencies for ensuring development of indigenous peoples with their distinct identities as well as independent and autonomous National Institutions on the Rights of Indigenous Peoples to protect the rights of indigenous peoples.

The United Nations Paris Principles on National Human Rights Institutions (NHRIs), the minimum standards for establishing any NHRIs are highly restrictive and do not reflect the realities of indigenous peoples. While there is a need for the United Nations to develop the new principles on the establishment of National Institutions on the Rights of Indigenous Peoples, for the time being the governments in Asia must establish independent and autonomous National Institutions on the Rights of Indigenous Peoples at least in conformity with the Paris Principles on NHRIs.

II. Introduction

The 'Orang Asli' are the indigenous minority peoples of Peninsular Malaysia. 'Orang Asli' is a Malay term which means 'original peoples' or 'first peoples'.

In 1954, the British colonial government enacted the Aboriginal Peoples Act. Prior to this, in 1950 the colonial authorities had established the Department of Aborigines during the Emergency, primarily to win the loyalty of Orang Asli. In 1954, the government dramatically expanded the Department of Aborigines and made it responsible primarily for enlisting Orang Asli in the government cause against the communists. The Aboriginal Peoples Act of 1954 gave the Department the control over all matters concerning Orang Asli and henceforth it came to be known as Department of Orang Asli Affairs or JHEOA.¹

The Federation of Malaya comprising of 11 states achieved independence on 31 August 1957. In November 1961, the Government of the Republic of Malaysia made the Department of Orang Asli Affairs permanent and made it responsible for all programs concerning Orang Asli. One of the reasons for the single agency approach was that over 60% of the Orang Asli still lived in isolated areas, far from normal government services like education and medical care.²

According to the Department of Orang Asli Affairs, the primary Mission Statement of the Department of Orang Asli Affairs is to develop the Socio-economic well-being of the Orang Asli Community and to enable them to participate and compete actively in the mainstream economic, social and political development of the country, while at the same time preserving the Orang Asli identity and culture.³ However, the plight of the Orang Asli speaks a completely different story — of neglect and discrimination — by the state. The deplorable conditions of the Orang Asli only vouch for the failure of the Department of Orang Asli Affairs and of the Government of Malaysia.

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1. Ethnocide Malaysian Style: Turning Aborigines into Malays by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magickriver.net/ethnocide.htm>
 2. Ethnocide Malaysian Style: Turning Aborigines into Malays by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magickriver.net/ethnocide.htm>
 3. Livelihood & Indigenous Community Issues, Department Of Orang Asli Affairs (Jheoa); available at: Http://Www.Ipieca.Org/Activities/Biodiversity/Downloads/Workshops/Feb_04/Session5/Abdhamid_Jheoa.Pdf

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The goal of the Government of Malaysia is “their ultimate integration with the Malay section of the community”⁴ to the extent that they would cease to exist as a separate ethnic community.⁵ The intention of the Government is to assimilate the Orang Asli into the Malay population which eventually leads to an increase in the number of Malay voters⁶ and extinction of a people with its distinct identity.

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4. 1961 Statement of Policy Regarding the Administration of the Orang Asli of Peninsular Malaysia of the Ministry of the Interior, Government of the Republic of Malaysia
 5. Planning and Administration of Development Programmes for Tribal Peoples (The Malaysian Setting) 1983 by B.Idris Jimin, Mohd Tap Salleh, Jailani M. Dom, Abd. Haliam Haji Jawi, Md. Razim Shafie
 6. Ethnocide Malaysian Style: Turning Aborigines into Malays by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magickriver.net/ethnocide.htm>

III. The Orang Asli

The 'Orang Asli' are the indigenous minority peoples of Peninsular Malaysia. 'Orang Asli' is a Malay term which means 'original peoples' or 'first peoples'. It is a collective term introduced by anthropologists and administrators.⁷ The Orang Asli comprise at least nineteen culturally and linguistically distinct groups. The largest groups are the Semai, Temiar, Jakun (Orang Hulu), and Temuan. In 1999, their population was 105,000 persons representing less than 0.5 per cent of the national population.⁸ According to the records of the Department of Orang Asli Affairs (JHEOA), a total of 147,412 Orang Aslis or mere 0.6% of the national population were living in 869 villages in 2004.

Most of them descend from the Hoabinhians, stone tool-using hunter-gatherers who occupied the peninsula as early as 11,000 B.C.⁹

Linguistically, the Orang Asli have been categorised into three Aslian groups viz. Northern Aslian comprising Kensiu, Chewong, Batek, Kentaq Bong, Jehai, Medrique and mintil (Malay) and Tonga' and Mos speakers from Southern Thailand; Central Aslian comprising Temiar, Semai, Jah Hut, Jengjeng, Lanoh, Sabum and Semnam; and Southern Aslian comprising Ma'Betisek, Semelai, Temoq and Semaq Beri. The remaining Orang Asli comprising Temuan, Jakun, Orang Kanaq and Orang Selitar speak Malay dialects.¹⁰

Based on the criteria of ethnicity and culture, the Orang Asli are categorized under - Senoi which includes the Temiar and Semai; Semang which include the Lanoh, Semnan, Sabum and all the Northern Aslian speakers except the Chewong; and Aboriginal Malays which include the Temuan, Jakun, Orang Kanaq and Orang Selitar.¹¹

Orang Asli were once thinly scattered throughout the peninsula. But, as the majority Malay population grew on the coastal plains and major river valleys, most of the Orang Asli were pushed back into the interior montane forests. Majority of Orang Asli still live in rural and remote areas. Until recently they lived by various combinations of hunting, fishing, gathering, swidden farming, aborigiculture, and trading forest products. Land development

7. THE ORANG ASLI OF PENINSULAR MALAYSIA by Colin Nicholas, available at: <http://www.magickriver.net/oa.htm>

8. Orang Asli Banking on Pledge (1999) by M.K.Megan New Straits Times, 14 May 1999

9. Prehistory of the Indo-Malaysian Archipelago (Revised edition, 1997) by Peter Bellwood, Honolulu: University of Hawai'i Press

10. The Orang Asli, available at: <http://www.temiar.com/asli.html>

11. The Orang Asli, available at: <http://www.temiar.com/asli.html>

projects and government programs have turned many into rural peasants or day labourers.¹²

The Orang Aslis, literally meaning first peoples have been treated as second class Bhumiputras, sons of the soil. The Special Provision made under Article 153 of the Constitution of Malaysia only ensures “the special position of the Malays and natives of any of the States of Sabah and Sarawak” and makes no reference to the Orang Aslis. The references to the Orang Aslis under Article 8(5)(c), Article 45(2), Article 160(2) and Article 89 of the Federal Constitution¹³ of Malaysia failed to address discrimination against the Orang Asli.

A. Non-recognition of land rights

The Orang Aslis possess over 1,38,862.2 hectares of land but they are not recognized as the lawful owners of their lands. The Malaysian government maintains the obnoxious position that the Orang Aslis "have no rights in the land itself" as they are mere "tenants" on the lands they occupy.

Under Section 12 of the Aboriginal People’s Act of 1954, the authorities may at any time seize or take under its control by providing compensation for the loss of whatever grown on the land. Section 12 of the Act provides that *"if any land is excised from any aboriginal area or aboriginal reserve or if any land in any aboriginal area is alienated, granted, leased for any purpose or otherwise disposed of, or if any right or privilege in any aboriginal area or aboriginal reserve granted to any aborigine or aboriginal community is revoked wholly or in part, the State Authority may grant compensation therefore and may pay such compensation to the persons entitled in his opinion thereto or may, if he thinks fit, pay the same to the Director General to be held by him as a common fund for such persons or for such aboriginal community as shall be directed, and to be administered in such manner as may be prescribed by the Minister."*¹⁴

Under this Act, indigenous Orang Asli have been victims of systematic discrimination and forcible evictions by the State and the private companies.

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12. Ethnocide Malaysian Style: Turning Aborigines into Malays by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magickriver.net/ethnocide.htm>
 13. Orang Asli and Our Constitution – Protecting Indigenous Customs and Cultural Rights, available at: http://www.malaysianbar.org.my/malaysian_law_conference_organising_committee/orang_asli_and_our_constitution_protecting_indigenous_customs_and_cultural_rights.html
 14. ORANG ASLI'S RIGHTS: Malaysia's Federal Court faces acid test, Asian Indigenous and Tribal Peoples Network, available at: <http://www.aitpn.org/Issues/II-03-06-Orang.pdf>

The government has the right to gazette lands as Orang Asli Reserve and to degazette the same. However, lands approved for gazetting as Orang Asli Reserves dating back to the 1960s were never officially gazetted. Some of these areas have been reclassified as State land or Malay Reserve land or given to individuals or corporations without the consent or knowledge of the Orang Aslis. In fact, the areas of the Orang Asli gazetted reserves have been decreasing over the years. For example, in 1990, 20,666.96 hectares was gazetted as Orang Asli Reserves. However, by 2003 only 19,222.15 hectares remained, with 1,444.81 hectares degazetted. During the same period, there was an increase in applications for de-gazetting of Orang Asli Reserves, from 67,019.46 hectares to 79,715.53 hectares. A majority of these new applications were to replace Orang Asli lands de-gazetted for development projects, such as the Kuala Lumpur International Airport and Selangor Dam or for new resettlement schemes.¹⁵

B. Forcible evictions of Temuan Orang Asli: Sagong Bin Tasi case

In 1995, the State government of Selangor forcibly acquired 38 acres of land from 23 families belonging to indigenous Temuan tribe for the construction of the Nilai-Banting highway linking with the Kuala Lumpur International Airport. The eviction was done in haste so as to complete the highway project in time for the 1998 Commonwealth Games held in Kuala Lumpur. Their dwelling houses and standing plantations of oil palm, rubber and fruit trees were indiscriminately destroyed. The displaced Temuan tribes were given nominal compensation only for trees, fruits, crops and houses in accordance with section 12 of the Aboriginal People's Act of 1954.¹⁶

Seven affected Temuan Orang Asli including Sagong Bin Tasi filed a case in the Shah Alam High Court, Selangor against the Selangor State government, United Engineers Malaysia, Malaysian Highway Authority, and Federal Government of Malaysia for the loss of their lands and dwelling houses. In an historic ruling in 2002, the Shah Alam High Court ruled that the Orang Aslis have a proprietary interest in the customary and traditional land occupied by them and that they have the right to use and derive profit from the land. The Court held that members of the Temuan tribe were unlawfully evicted from their ancestral land in central Selangor State to make way for the highway and ordered payment of compensation. The four defendants

15. Orang Asli want development in sync with native rights, *The Malaysian Bar*, 1 November 2007, available at: <http://www.malaysianbar.org>

16. ORANG ASLI'S RIGHTS: Malaysia's Federal Court faces acid test, *Asian Indigenous and Tribal Peoples Network*, available at: <http://www.aitpn.org/Issues/II-03-06-Orang.pdf>

appealed before the Court of Appeal of Malaysia. But the Court of Appeal upheld the historic judgment of the Shah Alam High Court in 2005.¹⁷

Again the defendants have appealed to the Federal Court, the Highest Court of Malaysia. In April 2008, the case has been postponed by three-member panel led by Chief Justice Datuk Abdul Hamid Mohamad as the newly formed Selangor State government needed time to study the 13-year-old Orang Asli case.¹⁸

This is a test case on whether the interest of the Orang Asli over customary land is merely a right of usage of the land or it also includes a proprietary interest in the land. The survival of the Orang Asli to a large extent hinges on this keenly awaited judgment.

C. Exclusion from benefits of development

Poverty is widespread among the Orang Asli community. There were about 22,967 Orang Asli families whose monthly incomes are below the poverty line as in mid-2005.¹⁹

The poverty is a direct consequence of the failure of the initiatives undertaken by the Department of Orang Asli Affairs such as RPS (Rancangan Perkumpulan Semula, the Regroupment Schemes) launched in late 1970s to assimilate the Orang Aslis. The JHEOA launched RPS in Betau, Pahang; RPS and TSK Tanaman Semula Komersial Pos Jernang, Perak; and RPS Lenir Bekok, Johor.²⁰ These regroupment schemes were implemented to re-group the scattered Orang Asli settlements located near the main range of Peninsular Malaysia. Under these schemes forest areas were opened up and released by the Forestry Department for land development schemes. The land schemes are transformed into settlements of Malays and for plantations of cash crops such as rubber and oil palm plantations.²¹

Obviously, the Orang Asli did not benefit. These projects however isolated the Orang Aslis from their custom and culture, destroyed their homes and the natural resources, and made them poorer and more marginalised.

17. Ibid

18. 13-year-old Orang Asli case postponed, The Borneo Post, 16 April 2008

19. The Development of the Orang Asli Community in Peninsular Malaysia: The Way Forward - Ministry of Rural and Regional Development Malaysia

20. Orang Asli and Our Constitution – Protecting Indigenous Customs and Cultural Rights, The Malaysian Bar, 1 November 2007, available at: http://www.malaysianbar.org.my/malaysian_law_conference_organising_committee/orang_asli_and_our_constitution_protecting_indigenous_customs_and_cultural_rights.html

21. <http://www.fao.org/DOCREP/ARTICLE/WFC/XII/0175-A2.HTM>

Further, dam projects are also displacing the Orang Aslis. The Che Wong Orang Asli community is facing relocation because of the Kelau Dam project in Pahang. About 500-plus Orang Aslis are affected by the construction of the Kelau Dam which is expected to inundate 4,090 hectare of land including 1,000 hectare of the Lakum forest reserve, Federal Land Development Authority (FELDA) reserves and Orang Asli's ancestral lands.²²

22. Orang asli refuse to move, The Star.com, available at: <http://thestar.com.my/news/story.asp?file=/2007/3/12/nation/17103441&sec=nation>

IV. The Department of Orang Asli Affairs

A. Historical background

Colonial period

After the surrender of the Japanese in 1945, the Orang Asli people suddenly became crucial players to determine as to who controls the country after independence. The British colonial rulers did not want the communists, mostly Chinese, in the government that would be formed in independent Malaysia. On their part, the communists wanted to stake claims in the anticipated post-independence government. Subsequently in 1947, the communists returned to the forests and started an armed insurrection, the “Emergency” which would last from 1948-1960.²³ To prevent the communist guerrillas from winning the support of the Orang Asli people inside the deep forests, the British authorities decided to resettle the Orang Asli like the Chinese squatters. The authorities forced the Orang Asli people residing at accessible villages into camps which were surrounded by barbed wire and constantly guarded. But the authorities did not provide basic requirements like proper shelters, sanitary facilities, or nutritionally adequate food. Denial of basic services in the camps resulted in death of large numbers of Orang Asli. Some of them who escaped from the camps passed on their experiences of ill treatment in the camps back to their relatives still in the forest. This led to increasing antagonism toward the authorities and virtually all the Orang Asli of the central highlands, mostly Temiar and Semai, had turned to the communists for protection against the government by 1953.²⁴

Experienced with the setback, the authorities drew the lesson that the cooperation of the Orang Asli people could be won only by being kind to them and not by intimidation or force. This prompted the colonial authorities to allow all camp inmates to go home. Then, the authorities set up “jungle forts”²⁵ in the areas of Orang Asli which had larger number of communists. Security forces patrolled the Orang Asli villages at regular intervals to provide protection to them and male nurses at the forts delivered basic health care services. The security forces also sold salt, tobacco, and metal tools from small shops they had opened at the forts.²⁶ Preceding the setting up of the

23. *Violence and the Dream People: The Orang Asli in the Malayan Emergency, 1948-1960* by John D. Leary (1995) Center for International studies, Ohio University

24. *Orang Asli: The Aboriginal Tribes of Peninsular Malaysia* (1976), Iskandar Carey

25. *Ethnocide Malaysian Style: Turning Aborigines into Malays* by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magicriver.net/ethnocide.htm>

26. *Orang Asli: The Aboriginal Tribes of Peninsular Malaysia* (1976), Iskandar Carey

Department of Orang Asli Affairs, the colonial government established the Department of Aborigines primarily to win the loyalty of Orang Asli. In 1954, the government dramatically expanded the Department of Aborigines and made it responsible primarily for enlisting Orang Asli in the government cause against the communists. Under the Aboriginal Peoples Act of 1954, the Department has been given the control over all matters concerning Orang Asli and henceforth it came to be known as Department of Orang Asli Affairs, also known as JHEOA. Field assistants—mostly Malays with some police or military experience—were posted at the jungle forts. They were given the responsibility for medical care while some of them offered informal classes in reading and writing Malay to Orang Asli children.²⁷

The efforts of the authorities fructified. They were able to win the support of the Orang Asli to the government side. By the late 1950s the security forces had even formed an anti-guerrilla unit composed mostly of Orang Asli, the Senoi Praak (Fighting Aborigines).²⁸

Post independence

In 1961, during the opening of Parliament, the King declared that the nation would not forget Orang Asli even though the Emergency was over. He said his government was adopting a “long-term policy for the administration and advancement of the aborigines” in order “to absorb these people into the stream of national life in a way, and at a pace, which will adopt and not destroy their traditional way of living and culture.” In November 1961, the Government of the Republic of Malaysia made the Department of Orang Asli Affairs permanent and made it responsible for all programs concerning the Orang Asli. One of the reasons for the single agency approach was that over 60% of Orang Asli still lived in isolated areas, far from normal government services like education and medical care.²⁹

Since the end of the Emergency, the established aim of the Government was to bring the Orang Asli into the national “mainstream” but official statements and documents on the issue had ambiguity as to what that meant. The Ministry of the Interior’s Statement of Policy of 1961 states that the goal is “their ultimate integration with the Malay section of the community,” while

27. Ethnocide Malaysian Style: Turning Aborigines into Malays by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magicriver.net/ethnocide.htm>

28. “The Orang Asli: An Outline of their Their Progress in Modern Malaya, 1968 by Alun Jone published by Journal of Southeast Asian History

29. Ethnocide Malaysian Style: Turning Aborigines into Malays by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magicriver.net/ethnocide.htm>

it also stated that it prefers “natural integration as opposed to artificial assimilation” and that “special measures should be adopted for the protection of the institutions, customs, mode of life, persons, property and labor of the aborigine people.”³⁰ On the other hand, others advocated for complete assimilation of Orang Asli into the Malay community to the extent that they would cease to exist as a separate ethnic community. Throughout the 1970s, the officials of the Department of Orang Asli Affairs made ambiguous pronouncements about their ultimate goal.³¹ However, by the early 1980s, apparently under pressure from the Islamic Affairs Section of the Prime Minister’s Department, the Department of Orang Asli Affairs had decisively favoured assimilation of the Orang Asli as the ultimate goal. In 1990, then Director-General Jimin Bin Idris stated that he hoped that the Orang Asli would fully integrate into Malaysian society, “preferably as an Islamized subgroup of the Malays.”³²

The policy of assimilation of the Orang Asli into the majority Malay communities cropped up from Malaysia’s ethnic politics. The major ethnic groups in Malaysia, the Malays constituting 51% of the total population, Chinese constituting 30%, and Indians constituting 9% compete for power and wealth through a parliamentary political system and a market economy. Since independence in 1957, the majority Malays have dominated the political arena, while the Chinese have dominated business. One reason to assimilate Orang Asli into the Malay population is to increase the number of Malay voters and control the government.³³

B. Organisational set-up

The Department of Orang Asli Affairs (JHEOA), a federal government body was established in 1954 under the Ministry of Interior of the colonial government. Depending upon the requirements of the Government, the Department of Orang Asli Affairs has been transferred from one ministry to another ministry and so forth. The JHEOA had been under the Ministry of Home Affairs from 1955-1956; then under Ministry of Education from 1956-

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30. 1961 Statement of Policy Regarding the Administration of the Orang Asli of Peninsular Malaysia of the Ministry of the Interior, Government of the Republic of Malaysia
 31. *Planning and Administration of Development Programmes for Tribal Peoples (The Malaysian Setting)* 1983 by B.Idris Jimin, Mohd Tap Salleh, Jailani M. Dom, Abd. Haliam Haji Jawi, Md. Razim Shafie
 32. *Stolen Birthright: Orang Asli Rapidly Losing Land*, 1990 by Halinah Todd, published by Utusan Konsumer.
 33. *Ethnocide Malaysian Style: Turning Aborigines into Malays* by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magickriver.net/ethnocide.htm>

1959; then again under Ministry of Home Affairs from 1959-1964; then under the Ministry of Land and Mines from 1964-1970; then under the Ministry of Agriculture and Land from 1970-1971; then under Ministry of National and Rural Development from 1971-1974; then again under the Ministry of Home Affairs from 1974-1990; then again under the Ministry of Rural Development from 1990-1993. Since 1994, Department of Orang Asli Affairs has been functioning under the Ministry of National Unity and Social Development.³⁴

The headquarters of the Department of Orang Asli Affairs is based in Kuala Lumpur. It has 6 state branch offices, 36 district offices and 133 post or project (projek) offices. The Director-General of the Department is assisted by three Deputy Director-Generals. The Department has various divisions like Administration and Personnel Division, Finance and Supply Division, Transport and Communication Division, Socio-Economic Development Division, Research and Information Division, Training Division, and Medical and Health Program. Each Division has a Director who remains under the control of the Deputy Director-Generals.³⁵

While the functions of different divisions in the Department are self-explanatory there is one exception with regard to one division viz. Research and Information Division. This division does not work on any kind of research of its own but collects research reports and publications produced by outside scholars.³⁶ On the other hand, the Division gathers intelligence on threats to national security and it devotes and spends most of its energy in propagating Islam among Orang Asli.³⁷

C. Personnel of the Department of Orang Asli Affairs

Majority of the employees, particularly all in policy-making positions in the Department of Orang Asli Affairs are Malays. The Department seldom gives the exact figure of the Orang Asli employees in the Department and keeps on giving widely varying figures.³⁸ The high-ranking officials of JHEOA reportedly make blatantly deceiving statements not only on TV but also in

34. The Orang Asli and the Contest for Resources by Colin Nicholas

35. *Ethnocide Malaysian Style: Turning Aborigines into Malays* by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magicriver.net/ethnocide.htm>

36. *Planning and Administration of Development Programmes for Tribal Peoples (The Malaysian Setting)* 1983 by B.Idris Jimin, Mohd Tap Salleh, Jailani M. Dom, Abd. Haliam Haji Jawi, Md. Razim Shafie

37. *Ethnocide Malaysian Style: Turning Aborigines into Malays* by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magicriver.net/ethnocide.htm>

38. *Planning and Administration of Development Programmes for Tribal Peoples (The Malaysian Setting)* 1983 by B.Idris Jimin, Mohd Tap Salleh, Jailani M. Dom, Abd. Haliam Haji Jawi, Md. Razim Shafie

the Parliament. For example, in a TV Forum in April 1989 the former Director-General of the Department of Orang Asli Affairs, Jimin Bin Idris stated that 1,000 of total 1,700 staff in the Department are Orang Asli. On the other hand, one month prior to the statement, in a written reply to a Parliamentary question raised by Democratic Action Party parliamentarian Dr. Tan Seng Giaw, the JHEOA revealed that there were not more than 395 Orang Asli employed in the Department of Orang Asli Affairs and not 1,000 as claimed on national TV.³⁹ In 1997, the Director-General said 30% of the staff in the Department was Orang Asli but none at management-level.⁴⁰ Malaysians of Chinese or Indian origins are not hired by the Department except occasionally as doctors.⁴¹

As all senior personnel in the Department of Orang Asli Affairs are Malays, the policies of the Department are influenced and biased in favour of the majority Malays. The Orang Asli face discrimination as the Malays finds it difficult to consider the Orang Asli as their cultural equals. The Department refers to Orang Asli religions as “superstitions” (*kepercayaan*) rather than “religions” (*ugama*). Malays do not feel comfortable entering the homes of Orang Asli and usually will not eat with them because of Muslim dietary prohibitions. Malay government employees working with rural Orang Asli generally prefer to live in Malay villages and commute.⁴²

Until about 1990, its staffs including the high ranking officials were taken from within the Department of Orang Asli Affairs. Because of this, high ranking officials had a chance to develop some expertise about Orang Asli and from 1961 to 1992 all Director-Generals of the Department had formal training in anthropology. But since 1992, the Public Services Department has been appointing top officers, usually from other government departments and ministries and therefore, recent Director-Generals have little, if any, prior knowledge of Orang Asli.⁴³

39. *Orang Asli Official-Speak-The Doublespeak You Can Be Doubly Sure Is All Hog-Wash* by Colin Nicholas; published in *Aliran Monthly*, Vol. 12 (9), 1992, pp. 2-4 and available at: http://www.coac.org.my/codenavia/portals/coacv2/code/main/main_art.php?parentID=11489123149742&artID=11517431445159

40. *Kenyataan Ketua Pengarah Jabatan Hal Ehwal Orang Asli Malaysia pada Perjumpaan dengan Wakil-Wakil Media Massa* pada 31 hb. Oktober, 1997. Kuala Lumpur: Jabatan Hal Ehwal Orang Asli (1997) by Haji Ikram Jamaludin

41. *Ethnocide Malaysian Style: Turning Aborigines into Malays* by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magickriver.net/ethnocide.htm>

42. *An Examination of Development Planning among the Rural Orang Asli of West Malaysia* (1990)-A Ph.D. dissertation by Mohd Tap bin Salleh, University of Bath

43. *Ethnocide Malaysian Style: Turning Aborigines into Malays* by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magickriver.net/ethnocide.htm>

D. Procedures in policy-making

All policies and programs of the Department of Orang Asli Affairs are devised by the high ranking officers in the Department headquarters at Kuala Lumpur. While the state level, district level and local level officials implement them. Department planners worry more about the concerns of the Government which is dominated by Malays. They are also usually more concerned with what other departments do than about what Orang Asli themselves want.⁴⁴ The supposed beneficiaries have no way to initiate programs. Orang Asli have little say over projects intended for them. Except for schemes of regrouping the Orang Asli and Muslim religious facilities, the Department does not force Orang Asli to accept programs. It offers projects consistent with the government's overall goals. Orang Asli communities can accept or reject them.⁴⁵

As the Department planners are more concerned with what the Government wants, the programs undertaken are generally unsuitable and un-relatable to the situations of the Orang Asli on the ground. Low ranking staff of the Department would avoid criticizing even bad programs, because of fear of negative impacts on their employment prospects.⁴⁶

44. *An Examination of Development Planning among the Rural Orang Asli of West Malaysia* (1990)-A Ph.D. dissertation by Mohd Tap bin Salleh, University of Bath

45. *Ethnocide Malaysian Style: Turning Aborigines into Malays* by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magicriver.net/ethnocide.htm>

46. *An Examination of Development Planning among the Rural Orang Asli of West Malaysia* (1990)-A Ph.D. dissertation by Mohd Tap bin Salleh, University of Bath

V. Mission Statement and objectives of the Department of Orang Asli Affairs

The primary Mission Statement of the Department of Orang Asli Affairs is to develop the Socio-economic well-being of the Orang Asli community and to enable them to participate and compete actively in the mainstream economic, social and political development of the country, while at the same time preserving the Orang Asli identity and culture.⁴⁷

The main objectives⁴⁸ of the Department are as under: -

- i. Eradicate poverty among the Orang Asli by the year 2020;
- ii. Reduce the gap in income, education, health and access to the basic facilities between the Orang Asli and the other mainstream communities in Malaysia;
- iii. Enhance the capability, confidence and self-esteem, courage and sense of discipline and eliminate all forms of negative stereotyping towards the Orang Asli; and
- iv. Upgrade the health level of the Orang Asli and eradicate all kinds of contagious diseases.

But in the guise of accomplishing its objectives, the Department of Orang Asli Affairs has been pursuing its policy to assimilate the Orang Asli into the Malay community. Most of these strategies such as resettlement of Orang Asli population in accessible locations, destroying their political autonomy, transforming their economies into market-oriented peasant economies are directed towards its policy of assimilation and converting them to Islam and other features of Malay culture. The Constitution of the Republic of Malaysia has been indicative of the process of assimilation of the ethnic minorities by the majority. The Constitution defines a Malay person as a person who habitually speaks the Malay language, practices Malay customs, and is a Muslim (Malaysian Government 1982). Since most Malaysians can now speak Malay and Malay customs are variable and ever-changing, the definitive criterion is Islam.⁴⁹

47. Livelihood & Indigenous Community Issues, Department Of Orang Asli Affairs (Jheoa); Available At: [Http://Www.Ipieca.Org/Activities/Biodiversity/Downloads/Workshops/Feb_04/Session5/Abdhamid_Jheoa.Pdf](http://Www.Ipieca.Org/Activities/Biodiversity/Downloads/Workshops/Feb_04/Session5/Abdhamid_Jheoa.Pdf)

48. Livelihood & Indigenous Community Issues, Department Of Orang Asli Affairs (Jheoa); Available At: [Http://Www.Ipieca.Org/Activities/Biodiversity/Downloads/Workshops/Feb_04/Session5/Abdhamid_Jheoa.Pdf](http://Www.Ipieca.Org/Activities/Biodiversity/Downloads/Workshops/Feb_04/Session5/Abdhamid_Jheoa.Pdf)

49. *Ethnocide Malaysian Style: Turning Aborigines into Malays* by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magickriver.net/ethnocide.htm>

VI. Programmes of the Department

The JHEOA maintains a hospital, training center, museum, and library at Gombak, in the foothills about twelve miles outside Kuala Lumpur.⁵⁰

A. Medical Program

Like all its other programs, the medical program of the Department of Orang Asli Affairs was originally intended to make Orang Asli loyal to the government as well as to improve their health. However, the government continued and expanded the service even after the Emergency was over because many Orang Asli people still lived far from clinics and other medical facilities. The hub of the system, a 450-bed Orang Asli hospital is situated at Gombak, in a forested valley outside Kuala Lumpur. Although some of the old wooden patient wards are being replaced with modern multistory building, the hospital had a number of features designed to make it congenial to Orang Asli, like small, wooden wards sited under trees along the Gombak River. The other key component of the medical system is a series of medical posts in Orang Asli communities, some at former jungle forts. Each medical post has at least one partially prefabricated building containing an examination area, a few patient beds, a medicine storage area, a two-way radio, and a living area for a medical assistant. Some posts also have a helicopter landing pad for emergency evacuations. Doctors tour the medical posts every month to treat patients and look for their problems.

The medical service of the Department of Orang Asli Affairs is a qualified success, although the quality of care has not improved appreciably since the 1960s. In 1983, a former Director-General claimed that “the overall health standard of the Orang Asli is generally good and comparable with that of the main community [Malays]”.⁵¹ It has been found that many diseases, like ringworm and yaws, have declined dramatically since the 1950s while infant mortality rate appears to have come down, and the total population of the Orang Asli has been increasing. However, malaria and tuberculosis still remain serious problems while respiratory disorders and pollution-induced diseases have increased.⁵² Malnutrition is widespread.⁵³ In the present day,

50. *Ethnocide Malaysian Style: Turning Aborigines into Malays* by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magickriver.net/ethnocide.htm>

51. *Planning and Administration of Development Programmes for Tribal Peoples (The Malaysian Setting)* 1983 by B.Idris Jimin, Mohd Tap Salleh, Jailani M. Dom, Abd. Haliam Haji Jawi, Md. Razim Shafie

52. A. Baer. *Health, Disease and Survival: A biomedical and genetic analysis of the Orang Asli of Malaysia*. COAC, Subang Jaya, 1999

53. “Malnutrition Still a Problem” (1993) by Jeyakumar Devaraj. 1993.

most rural Orang Asli seek medical care at government clinics instead of facilities of the Department of Orang Asli Affairs.⁵⁴

B. Educational Program

Until 1995, like other programs, education was a key mechanism in the campaign of the Department of Orang Asli Affairs to assimilate Orang Asli and to improve their standard of living by giving them new occupational opportunities. The Department ran a three-tier educational program aiming to prepare Orang Asli children to enter the national education system. The program covered about eighty schools in remote areas and during the first three years of inception of the program, children went to village schools and taught by field staffs of the Department of Orang Asli Affairs. But none of the teachers were formally trained, and most had a low level of education themselves. Students who continued after three years went to central primary schools in larger Orang Asli communities where they could continue through grade six. However, the teachers were Malays, provided by the Ministry of Education. Students who passed their exams at the end of sixth grade could go to normal government secondary schools in nearby rural or urban areas.⁵⁵

The educational program of the Department of Orang Asli Affairs was a dismal failure.⁵⁶ In 1995, concerned with the futility of its efforts, the Department of Orang Asli Affairs handed over its educational program for all Orang Asli to the Ministry of Education. The Ministry allocated M\$45.5 million for developing the schools, but faced the shortage of qualified teachers as many qualified teachers are reluctant to teach in Orang Asli schools due to the lack of facilities and because the environment is not conducive to learning.⁵⁷

However, the situation has not improved much even after JHEOA's transfer of the education program of the Orang Asli to the Ministry of Education. Except some improvements in the overall school attendance of the Orang Asli pupils, the drop out rate among Orang Asli children remained

54. *Ethnocide Malaysian Style: Turning Aborigines into Malays* by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magickriver.net/ethnocide.htm>

55. *Ethnocide Malaysian Style: Turning Aborigines into Malays* by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magickriver.net/ethnocide.htm>

56. *Kenyataan Ketua Pengarah Jabatan Hal Ehwal Orang Asli Malaysia pada Perjumpaan dengan Wakil-Wakil Media Massa* pada 31 hb. Oktober, 1997. Kuala Lumpur: Jabatan Hal Ehwal Orang Asli (1997) by Haji Ikram Jamaludin

57. *Ethnocide Malaysian Style: Turning Aborigines into Malays* by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magickriver.net/ethnocide.htm>

disproportionately high. By 2003, the over all enrolment of Orang Asli children in primary school had risen to 23,807 from 13,200 in 1994 showing an increase of 45 per cent. Similarly, the number of Orang Asli students in secondary standards had increased to 6,675 in 2003 from 2,694 in 1994 showing an increase of 56.9 per cent.⁵⁸ But, drop out rate remained overwhelming. In 1997, National Unity and Social Development Minister Datin Paduka Zaleha Ismail expressed concerns on the disproportionately high dropout rate of Orang Asli pupils.⁵⁹ Studies done by the JHEOA and by independent consultants revealed that the dropout rate among the Orang Asli schoolchildren, at all levels, is disproportionately high compared to the national average. It was found that out of every 100 Orang Asli children entering Primary 1, only about 6 students reach to Form 5 eleven years later and the rate of dropout is 94 per cent by then. Equally high is the dropout rate for transition from Primary 6 to Form 1. In 2003, of the 3,333 Orang Asli schoolchildren who finished Standard 6, only 1,869 continued into Form 1 constituting 43.9 per cent of dropped out after primary school.⁶⁰

C. Economic modernization

Another goal of the Department of Orang Asli Affairs is to "modernize" Orang Asli economies, to shift them from subsistence activities like hunting, gathering, and growing crops for their own consumption to activities directed toward market oriented economies that includes selling commodities or labor and buying food and other necessities.⁶¹

One method the Department of Orang Asli Affairs has used since the early 1960s in pursuing its goal of modernizing the Orang Asli economies is to encourage Orang Asli families to grow cash crops like rubber, oil palm, coconut, and commercial fruits. While the Department supplies the necessary tools, seedlings, weed-killers, and fertilizers, the Orang Asli provides the labor, for which the Department pays them a small daily wage. However, since the late 1970s the Department has been engaged in a more radical method of transforming Orang Asli economies through "regroupment schemes" in view of armed attacks by guerrillas from the vestigial Communist Party of Malaya (1974-1975). Despite beginning as a surveillance program,

58. The State Of Orang Asli Education And Its Root Problems by Colin Nicholas

59. Concerted Effort Needed To Reduce Dropout Rate Among Orang Asli Pupils, The New Straits Times, 16 July 1997, Available At: [Http://Www.Highbeam.Com/Doc/1p1-4591484.Html](http://www.Highbeam.Com/Doc/1p1-4591484.Html)

60. The State Of Orang Asli Education And Its Root Problems by Colin Nicholas

61. *An Examination of Development Planning among the Rural Orang Asli of West Malaysia* (1990)-A Ph.D. dissertation by Mohd Tap bin Salleh, University of Bath

regroupment schemes soon became the Department's basic method for so-called modernizing Orang Asli economies everywhere. Regroupment schemes (Rancangan Perkumpulan Semula, or RPS) were extended even to Orang Asli territories outside the security sensitive areas and by 1999, eighteen regroupment schemes were either completed or in progress. But, owing to various reasons the RPS scheme was a total failure. It made the Orang Asli further dependent on the Department and the government for even the most trivial of things.⁶²

D. Islamization

In 1960s, a policy of integration of the Orang Aslis was started through the Department of Orang Asli Affairs (JHEOA) with the ultimate aim of integrating them into the mainstream Malay society. Until the mid-1970s, the Department of Orang Asli Affairs tried to “mainstream” Orang Asli by raising their living standards. However, since the late 1970s, JHEOA’s policy has taken a different shape.⁶³ The Orang Aslis who traditionally do not follow mainstream Muslim religion have been targeted for proselytization by the Islamists.⁶⁴ The Department of Orang Asli Affairs formed a special *dakwah* (Islamic propagation). In the early 1980s, alongside the officials from the Islamic Affairs Division of the Prime Minister's Department, the Institute for Proselytization and Islamic Training, and the Centre for Islamic Studies, the Department of Orang Asli Affairs actively participated in developing a master plan for converting all Orang Asli. The *dakwah* programme involved the implementation of a ‘positive discrimination’ policy towards Orang Asli who converted, with material benefits given both individually and via development projects.⁶⁵

Preachers who marry Orang Asli women reportedly received a lump sum of 10,000 Ringgit (2,707 dollars) as well as free accommodation, a four-wheel drive vehicle and a monthly allowance of 1,000 Ringgit (Malaysian currency). More than 12,000 Orang Aslis reside in Kelantan State and 2,902 have already converted to Islam. But the provincial government reportedly unhappy with the slow process of proselytisation wanted to complete the process of

62. Ethnocide Malaysian Style: Turning Aborigines into Malays by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magicriver.net/ethnocide.htm>

63. An Examination of Development Planning among the Rural Orang Asli of West Malaysia (1990)-A Ph.D. dissertation by Mohd Tap bin Salleh, University of Bath

64. Malaysia: Conversion by inducements, Indigenous Rights Quarterly, AITPN, April – June 2006

65. Ethnocide Malaysian Style: Turning Aborigines into Malays by Kirk Endicott and Robert Knox Dentan, available at: <http://www.magicriver.net/ethnocide.htm>

conversion by inducements.⁶⁶

In June 2007, authorities in Kelantan State demolished a church shortly after it was built by members of the Temiar tribe in their ancestral land. The village headman and three others have challenged the State government in Court seeking a declaration that the land belonged to them and the demolition was unlawful. While the Kelantan government claimed that the church was illegally built on State land and the villagers ignored notices to stop construction.⁶⁷

Kelantan is a province ruled by the Islamic fundamentalists.

66. Malaysia: Conversion by inducements, AITPN, April - June, 2006, available at: http://www.aitpn.org/IRQ/vol-I/story13.htm#_Toc145929116

67. Malaysian tribe sue Islamic state government over church demolition, The Associated Press, 15 January 2008, available at: <http://news.id.msn.com/lifestyle/article.aspx?cp-documentid=1193041>

VII. JHEOA: A mechanism to control the Orang Asli

The Department of Orang Asli Affairs (JHEOA) is an agency of the Government of Malaysia tasked to regulate and control the Orang Asli and not truly meant for their upliftment. The circumstances under which the Aboriginal Peoples Act of 1954, the organic law that created JHEOA, was enacted were basically related to security concerns during the Emergency rather than ensuring the welfare of the Orang Asli. The colonial authorities were primarily concerned with prevention of the communist guerillas from winning over the support of the Orang Asli.

The Aboriginal Peoples Act of 1954 gave broad range of powers to the JHEOA. Under section 19 (1) (a-k) of the Act, these includes the creation and regulation of Orang Asli settlements, control of entry into Orang Asli abodes, appointment and removal of Orang Asli headmen, prohibition of the planting of any specified plant in Orang Asli settlements, permitting and regulation of felling of forest within traditional Orang Asli areas, permitting and regulation of forest produce, birds and animals from Orang Asli areas, and even prescribing the terms upon which Orang Asli may be employed.⁶⁸

Section 19 (1) (n) allow the Minister (of the Ministry which controls JHEOA) to pass regulation prescribing the terminology by which aborigines, aboriginal communities and aboriginal ethnic group shall be referred to.

Under Section 19 (1) (l), the controlling powers of the JHEOA extends even to prohibiting the entry into or the circulation within any aboriginal area, aboriginal reserve or aboriginal inhabited places of any written or printed matter, any cinematograph film and everything whether of a nature similar to written or printed matter or not containing any visible representation or by its form, shape or in any other manner capable of suggesting words or ideas. Under this provision, literally the JHEOA is authorized to control even the Orang Asli's access to the outside world.⁶⁹

Effectively, all these provisions of the Aboriginal Peoples Act of 1954 are intended for destroying the autonomy of the Orang Asli. Fourteen years after the end of Emergency, in 1974, the Government of Malaysia has amended the Aboriginal Peoples Act of 1954 but these draconian clauses remain untouched although the security concerns of that time are not there any more.

68. The Aboriginal Peoples Act of 1954

69. The Orang Asli And The Contest For Resources (2000) By Colin Nicholas

The Asian Indigenous and Tribal Peoples Network (AITPN) is an alliance of indigenous and tribal peoples' organisations and individual activists across the Asian region. It seeks to promote and protect the rights of indigenous and tribal peoples in Asia:

- by providing accurate and timely information to national human rights institutions, the United Nations and its specialised mechanisms, as appropriate;
- by conducting research, campaigning and lobbying on country situations or individual cases;
- by increasing the capacity of indigenous peoples through relevant training programmes for indigenous peoples' rights activists and community leaders;
- by providing legal, political and practical advice to indigenous peoples organisations;
- by providing input into international standard-setting processes on the rights of indigenous peoples; and
- by securing the economic, social and cultural rights of indigenous peoples through rights-based approaches to development.

AITPN has Special Consultative Status with the United Nations Economic and Social Council (ECOSOC).

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