The Orang Asli of Malaysia:
Poverty, Sustainability and Capability Approach

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Prepared by,
Yi Fan CHUNG
chungyifan@gmail.com

Supervised by,
Turaj FARAN
turaj.faran@lucsus.lu.se
ABSTRACT

Despite growing attention on indigenous cultural survival and its ecological linkages at the international level, the causation of poverty among indigenous people has often not been sufficiently concerned. This research has highlighted, in using the conceptual model of capability approach (CA), the urgency of addressing the issues of poverty among the indigenous people (Orang Asli) in Malaysia. Empirical data was collected mainly through fieldwork in specific Orang Asli villages with special focus on economic livelihood and land, in addition with literature survey and informants interview. The analysis of results by a CA conceptual model showed that poverty and well-being of indigenous people, Orang Asli included, is multi-dimensional – both objective biologically-determined human functionings and subjective, context-dependent well-being dimensions are important. The results were presented from both structural and agential viewpoints. A highlighted point is that the lack of structural-bounded instrumental freedoms, particularly political freedom, impedes development of basic capabilities and assets (i.e. health, education, land) among the poor. Policy implications specific to the Malaysian context were also suggested. Overall, the predicament of indigenous people, particularly persistent poverty, has to be in focus and addressed in order to make progress towards sustainable human development, which incorporates both inter- and intra-generational equity, a coherent objective.

Keywords

Poverty · indigenous people · Orang Asli · Malaysia · human development · sustainability · capability approach
PREFACE

I grew up in a small town along the relative affluent southwestern coastal plain of Peninsula Malaysia bordering Singapore. There is an Orang Kuala (indigenous people) community with several hundred peoples living in a fishing village about 3km far from my house. I knew who they are and could identify them from the others when I met them – on the street, in the post office or a health clinic. But I knew no name of them, let alone become a friend to any of the Orang Kuala, until today.

Yet, when the opportunity presented itself in September 2009 that research students could get funded under the LEP initiative for fieldwork, I initially thought Orang Asli issues of poverty and land tenure would make a good topic. The proposal was rejected eventually but I somehow decided to stick with the original plan (something to do with the Orang Asli, vaguely) minus the LEP framework that appeared to be ostensible and unconvincing to me perhaps due to the sour grape mentality.

I started reading articles and previous literature and soon I fixed my eyes on land issues, particularly of native customary rights (NCR) over ancestral land. It then was and still is the issue brewing huge discontent among the indigenous peoples and concerned social activists. For years, there occurred case after case of land grab involving down-and-out and helpless Orang Asli at one end and capitalistic, self serving businesspersons at the other, all with the blessing and working of (in)visible hands of many high-and-up government officials behind the scene. Such situation was too much to put up with, and I think, perhaps an honest and well-motivated research could bring some light to their predicament.

That was naïve as later I were to discover that there has been no less than 20 Doctoral thesis and several dozens more Master’s produced over the years, by researchers from local Malaysian institutions as well as big name universities abroad (Harvard, Cambridge, Oxford, Yale and name it). Could I offer anything more than those preceding works and more importantly, come out with something of any small practical use to the Orang Asli? I became increasingly doubtful (and I remain so) but the research went forward as supportive teachers at LUMES injected a fair amount of motivation. Initial contact to some organizations based in Malaysia, was met with a rather lukewarm response.

Fieldwork eventually took off starting January 2010 and the research focus has shifted from native land issues to a broader perspective on poverty and inequality. As Amartya Sen once wrote, “One does not need elaborate criteria, cunning measurement, or probing analysis, to recognize raw poverty and to understand its antecedents” (Sen 1982: preface) – by any measure or method it would take little effort to tell that Orang Asli are stuck in the quagmire of poverty. The first step was easy but the later journey was rocky at best as I grappled with different concepts to make sense of what was happening and how could I make a case in a theoretically sound manner.

Finally, a few notes on the classification of this research. Scholar works on indigenous people are dominated by anthropology research (and to a lesser extent, medicine) and I have benefited a lot from many illuminating works of such kind. But for this research I did not undertake the anthropology course as I was fully aware of my lack of formal training in performing one. Instead I started from the standpoint of a development practitioner (knowing its negative connotation especially among the indigenous people) whose tasks are defined by real life issues and practical questions such as, how could the indigenous people live better? And how does it relate to ecological sustainability? Therefore, I saw this research as demanding a trans-disciplinary approach and I boldly tried on different methods drawn from a variety of sources. Obviously, it was tricky and the outcome is not to be judged by myself.

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1 A member of the Orang Asli ethnic family. Orang Asli is a collective term for indigenous people in Peninsula Malaysia.

2 The town is predominantly populated by Malay followed by Chinese, together they made up at least 90% of the total population.
Acknowledgement

Throughout the fieldwork and preparation of this thesis I have accrued kindness that can be acknowledged but hard to repay. First, I could not imagine how much I would otherwise have missed if not being able to work along with the COAC team (Jenita, Ela, Ros, Eli and Colin) during their different working trips. In particular, I am indebted to Colin Nicholas for I learnt much not only from his encyclopedic knowledge on Orang Asli but also his sincerity and persistence in doing every meticulous daily task for improving the livelihood of the marginalized. I must mention my gratitude and respect for the village folks I have met at the Orang Asli villages, particularly with Kampung Kemensah’s whom I have spend most of my times. They have offered so much warmth and patience to an outsider and in so doing allowed me to understand at least a fraction of their hardship and happiness in their daily life. Also, I am grateful to many Orang Asli leaders I have spoken too, including Simpan Suda, Juli Blat, Tjah, Shukri and many more. I was lucky to be accepted as a last minute participant in the NCR Law Conference organized by Friends of Earth Malaysia and I appreciated very much for that privilege.

To my family especially my mother who has suddenly fallen ill as I wrote this pages, I thank you for all your unconditional supports. No word of gratitude can repay your sacrifices over the years. Throughout my fieldwork in KL many friends who I could not possibly list down everyone has supported me and I am grateful to them. I also gladly thanked the LUMES gang for the remarkably short 20 months spent together – nothing is more joyful and valuable than having made good friends in this otherwise gloomy country. The last word of appreciation was reserved for my thesis supervisor Turaj Faran for his patience and attentiveness to my problems that was probably unmatched elsewhere in the school.
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# LIST OF ACRONYMS AND ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>Bkt.</td>
<td>Bukit (Hill)</td>
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<tr>
<td>CA</td>
<td>Capability Approach</td>
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<tr>
<td>COAC</td>
<td>Centre for Orang Asli Concerns</td>
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<tr>
<td>GPS</td>
<td>Global Positioning System</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
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<tr>
<td>ha</td>
<td>Hectare</td>
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<td>HD</td>
<td>Human Development</td>
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<tr>
<td>JHEOA</td>
<td>Jabatan Hal Ehwal Orang Asli (Department of Aborigines’ Affairs)</td>
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<td>Kg.</td>
<td>Kampung (Village)</td>
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<tr>
<td>NCR</td>
<td>Native Customary Rights</td>
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<tr>
<td>NGO</td>
<td>Non Governmental Organisation</td>
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<td>NTFP</td>
<td>Non-timer forest products</td>
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<tr>
<td>OA</td>
<td>Orang Asli</td>
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<tr>
<td>SD</td>
<td>Sustainable Development</td>
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<tr>
<td>Sg.</td>
<td>Sungai (river, stream)</td>
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<tr>
<td>PLI</td>
<td>Poverty Line Income</td>
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<tr>
<td>PPRT</td>
<td>Program Pembangunan Rakyat Termiskin (Programme for the development of the hardcore poor)</td>
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<tr>
<td>RM*</td>
<td>Ringgit Malaysia (Malaysian Currency)</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<tr>
<td>WCED</td>
<td>World Commission on Environment and Development</td>
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*Note:*

1. RM1 = SEK 2.10 or USD 3.30 as of March 2010

2. All numbers written in local Malaysian format, e.g. ‘two thousands’ is written as 2,000.00, not 2,000,00 as of the European conventional format
CHAPTER 1 INTRODUCTION

"...if we have anything to learn from the Noble Savage, it is what to avoid. His virtues are a fable; his happiness is a delusion; his nobility, nonsense."  
(Charles Dickens)\(^1\)

"The Native Mind is imbued with a deep sense of reverence for nature. It does not operate from an impulse to exercise human dominion over it."

(Suzuki 1992: 13)\(^2\)

All around the world, the indigenous people are widely seen not only “the victims of environmental degradation” but also the “protectors of vulnerable ecosystem” or “guardians of nature” (Heinämäki, 2009 and Ksentini, 1991). As the shadow of ecological crisis looms large, many people seek guidance and inspiration from the “Native Mind” on how to live in harmony with nature. Yet, indigenous people around the world have been suffering from an image of being “a prodigious nuisance, and an enormous superstition” (Dickens 1853) for their difference with the majority of population in religion, culture and identity. Historically, indigenous people were dominated, discriminated against and marginalized. Such injustices still prevail in many countries today.

In recent decades, however, the predicament of indigenous people appeared to be getting more attention as an indigenous rights movement came into shape and gained momentum at the international level. International laws and conventions are increasingly making rooms for the participation and incorporation of collective rights for indigenous people, including claims over ancestral land, hunting rights and so on. A discourse was increasing eminent and salient: the culture and identity of indigenous people are unique, valuable, but at the risk of extinction. Examples of such articulation abound, such as;

"Tribal people are damaged by racism and a clash of cultures when links to their land and identity have been broken. Helping them to rebuild those links is the most effective and efficient cure of all?"

Under the guise of ‘development, state-sponsored large and small corporations moved into once remote area, appropriate land and forest resources, and displaced indigenous people already living there for generations. At the same time, as reminded by Suzuki and Heinömöki above, the indigenous culture and identity constructed around a livelihood integral with Nature as their

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1 Charles Dickens, short essay entitled “the Noble Savage”, first published in Household Words, 11 June 1853

2 David Suzuki, a zoologist and prominent environmental activist, was the Right Livelihood Award laureate in 2009 "for his lifetime advocacy of the socially responsible use of science, and for his massive contribution to raising awareness about the perils of climate change and building public support for policies to address it" ( see http://www.rightlivelihood.org/suzuki.html )

‘ecological niches’ (Nicholas, 2000:12) are seen as something worth preserved for its enormous value for ecological sustainability. Thus, preserving indigenous culture and identity is the cause to fight for and this ‘cultural survival approach’, is only taken up among indigenous rights movement, but also appeal strongly to environmentalist as well.

I argued that we could take a different look at the picture. As we get mesmerized by the amazingly rich and unique indigenous culture projected by scientists and anthropologists, have we also caught a glimpse on the poverty and deprivation among the indigenous people? Or, are we assuming that, with land and culture protected against foreign aggression, the indigenous people could live a perhaps, spiritually rich albeit materially poor life? This research is concerned with these questions, but took a widely different approach. Rather than focusing on culture and identity, I propose to evaluate the situation from the human development paradigm. This also means to take on the sustainability challenges from a different departure point.

1.1 A Word on Sustainability

Following the Brundtland Report, the concept of sustainability has been considerably broadened beyond the strictly environmental concern to integrate social issues into the dimensions of sustainable development (SD) (Wise 2001:47). First, it was highlighted that poverty was both the cause and effects of environmental degradation (WCED 1987). Then, the argument gained more currencies with the emergence of the human development paradigm, which according to her founder Mahbub ul Haq defined sustainability as;

"[E]nsuring that human opportunities endure over generations... This means not just sustaining natural capital but physical, human and financial as well... [W]e must not preserve present levels of poverty which is unsustainable in the long run." (Mahbub Ul Haq: 59)

Later, it was put more clearly by Anand and Sen (2001) that if we take the ethical claim for inter-generation justice as valid and irreducible for the SD project, then the intra-generation claim has to be equally valid as well. For, what is there to be sustained into the future, if the current generation is poor and unequal?

Hence, first, the argument for distributional justices between and within generations links together the concerns of indigenous people, poverty and sustainability. Second, on the other hand, sustainability could also come into the context of this research from the ecological dimension of sustainability, such as by evaluating the role of indigenous people and their unique livelihood in preserving ecological integrity. This research was directed towards the former

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4 The term means “a particular geographical space that has a specific ecological identity that is related to a sense of place for its inhabitant” (Tachimoto 1997:13, In Nicholas 2000:12).

5 Indigenous rights movement, of course, is more diversified than what I termed as the ‘cultural survival’ approach here for the purpose of this research. Otherwise, one of the most reputable NGO in fighting for indigenous rights is Cultural Survival [www.culturalsurvival.org] founded by David Maybury-Lewis.

6 More elaborated accounts on sustainable development paradigm and human development were included in Section 4.1 and 4.2.
social dimension, which is by taking the human development paradigm and problematise poverty among the indigenous people. However, I shall point out, as the research proceeds, we could occasionally catch some hints on the later ecological dimension as well.

1.2 Research Background

My problem started with the indigenous people of Peninsular of West Malaysia (see Figure 1 for geographical location), or locally termed in Malay as ‘Orang Asli’\(^7\), meaning ‘Original People’. Numbered around 150,000 or just 0.5% of the national population, the Orang Asli consists of 18 ethno-linguistic ethnic subgroups which are further categorized by the state administration as the Aboriginal Malay, the Senoi or the Semoq/Negrito group\(^8\). In Malaysia, the Orang Asli are the ethnic minority among a population of 27 million people which is demographically and politically dominated by the largest ethnic group, the Malay and to a lesser extent, the Chinese and Indians.

![Figure 1.1: Geographical location of Malaysia in the Southeast Asia region](image)

The geographical distribution of Orang Asli settlements is uneven but largely predictable – many villages are located in the high valleys or at the foothills along both eastern and western flanks of the central mountain range; while some coastal dwelling groups are found along the western coastline from Selangor down to the southern tip bordering with Singapore. Figure 2 shows the distributions of different Orang Asli groups in Peninsular Malaysia. This research was mainly carried out based on fieldwork on the Temuan people in the state of Selangor.

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\(^7\)This also corresponds to the obsolete colonial term “the Aborigines”. One must note that there are also indigenous people in East Malaysia (part of Borneo). Instead of sharing the name as Orang Asli, they are instead called the Natives of Sabah and Sarawak. Unlike the Orang Asli, the Natives of Sabah and Sarawak are ethnic majority in their respective states. This research did not include the East Malaysia’s natives as there were slightly different in legal status, history and demography.

\(^8\)See Appendix B for the list of different Orang Asli groups. For more background refer to Dentan et al (1997: 9 – 12) and Nicholas (2000: 3 – 5).
The Temuan groups reside mainly in the inland valleys of Selangor and Negeri Sembilan and also a small area of Pahang and Malacca.

1.3 The Problematique: A spark-off

On January 08, 2010, I joined a group of NGO workers making a visit to a small Temuan village, Kg. Kemensah, which is probably the Orang Asli settlement nearest to Kuala Lumpur city centre. Despite the proximity to the city, the village was not connected to the main power grid and the NGO was looking for feasible way to power up the village houses. The villagers were looking forward to ditch their petrol guzzling generators which were too costly to run.

At the first glance, the conditions of the village was not as bad as most people would imagine that of a poor Orang Asli village – road was paved into the village, (most) houses are new, village compound planted with flowering plants, and the kids running around and playing so energetically. Surely their life could get better with electricity, and although I have yet to know how much they earn, but I thought then – if they are poor, they have freedom at least, not as unfree as many a worker in the city chained to factory work for 10 to 12 hours a day.
Well, this notion on freedom was soon interrupted by a JHEOA officer, who was coincidentally making her working visit in the village. A conversation or rather, a fiery dispute soon broke off between the officer (A) and the NGO team leader (C), as follows:

A: “Why are you – the NGO people – never ask for our permission before doing project in Kampung Orang Asli? That I know, you always like to make the front page in the local newspaper?

C: Why should we apply for permission from you? This kampung is not yours; it belongs to the community here. The Batin (village headman) agreed and so we come.

A: Eh! no, no... You didn’t read the law well – you have to apply – because we have to control (in Malay: mengawal) the Orang Asli village properly (in Malay: dengan baik-baik). It is in the law, you have to apply from JHEOA.

C: Which law – point out to me – which Act and which Clause!

It went on for another 15 minutes. Harsh words exchanged, numerous phone calls made, and some villagers looked on from sideline, keeping a safe distance. For sure, it was not a misunderstanding because both the activist and the officer has known each other for years.

The keyword in the conversation above, I should point out, is control. One must be pondering – what did the officer mean by that? Why would there be a reason to control a people and/or its place of living? To me, it certainly did not seem as if the Orang Asli were too aggressive to hurt visitors or too weak to defense themselves from us, the so-called cunning people from NGOs. How could the Orang Asli put up with such miserable situation? Freedom must be an alien vocabulary for the Orang Asli – first, without access to basic facilities (e.g. electricity) they could not do much thing they value in their life; second, fundamentally, they live under control – not even allowed to socialize with visitors and friends. While the rest of other Malaysians were not living in perfect harmony and prosperity, it made a stark contrast with the Orang Asli in terms of well-being and freedom.

1.4 Research Motivation

Orang Asli has been attracting a fair amount of research interests since British colonial era in 19th century until present time from scholars of different disciplinary background. Given the demographic insignificance of Orang Asli, as Dentan assumed, “it must be tempting to dismiss the fate of the ‘primitives’ as of little importance” (1997: 130). So, why the “obsession” on Orang Asli cultures, beliefs, language, health and so on – spending time and money studying Orang Asli?

From one perspective, scholarships especially those of anthropology and sociology studies, tend to gravitate towards the unique and the anomaly from the mainstream, such as the ethnic minorities.

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9 The Department of Aborigines’ Affair, which is the state agency dedicated solely to the Orang Asli, responsible for health, education, welfare, development, agriculture and many other affairs. See Appendix A for the history background of the setting up of this department.

10 My own estimate is that at least 20 doctoral thesis plus hundreds master’s had been written on Orang Asli for the last 25 years. Foreign researchers made up a considerable percentage of the numbers.
minority indigenous people within a modern nation-state. But in my view, there is another layer of research motivation – one that is driven by normative goals for universal social justice. I could not help but to agree with R. K. Dentan as he wrote;

“If it is acceptable to isolate a small and powerless group of citizens from other citizens to seize and destroy their property without compensation, and (gently) coerce them into a despised and dependent but assimilated underclass of Malays, what protects other Malaysia (indigenous) peoples?” (ibid: 130)

Poverty, un-freedom and injustices suffered by the Orang Asli community, as was first shown by the incident above, was indeed a serious cause of concern. The identification of Orang Asli as social underclass in Malaysia would inevitably undermines social cohesion in a multi-ethnic society. This motivated me to look into the causation of Orang Asli poverty in Malaysia, and how could that be explained by capability approach and come out with (perhaps) plausible policy suggestions within the human development paradigm. The research outcome would also briefly address the ‘cultural survival’ approach that has great influence within the indigenous rights movement.

1.5 Research Questions and Outline

The overarching concern driving this research is, how could the Orang Asli live a better life out of poverty, one that they have reasons to value? This formulation was informed by theoretical dispositions towards Sen’s Capability Approach (CA)\(^\text{11}\) which conceptualise poverty as capability failure and development as expansion of human capability, or freedom (Sen 1982, 1999). Three main research questions were formulated as follows:

1. How could the situation of poverty among indigenous people, such as the Orang Asli of Malaysia, be framed and analysed by the CA framework? What is the causation of poverty for Orang Asli?

2. To tackle poverty faced by the indigenous people, how plausible and useful is the ‘cultural survival’ approach emphasis on preserving indigenous culture and identity, especially in keeping indigenous land and territory intact?

3. Following an analysis by CA, what could be suggested as policy implications to address poverty under the human development paradigm?

Overall, the thesis would be presented in seven chapters. Following this introductory chapter, Chapter 2 documented briefly the process of research and the methods used. Next, Chapter 3, I intended to clarify the terms related to indigenous people and putting Orang Asli into a social-political context of Malaysia. Then in Chapter 4, I presented the main concepts and theoretical framework of CA and how could it be related to sustainable development.

\(^{11}\) See an introduction to capability approach in Section 4.9
The results were presented in Chapter 5, first by first showing the general situation of Orang Asli poverty in Malaysia and then follow up with the detail report on a specific Orang Asli village. These results were then analysed under a CA model to explore the causation of poverty. In Chapter 6, discussions were made to further the argument for CA and highlighted corresponding policy implications. Finally, the thesis concluded in Chapter 7 with some recommendations for further research.
CHAPTER 2 METHODOLOGY AND PROCESS

2.1 Why choose a qualitative research?
At the outset of this research, a conventional quantitative approach, such as questionnaires survey and statistical analysis was considered as inadequate. In previous research conducted on Orang Asli problem, I found good examples of carefully crafted quantitative research that has yield insightful findings (e.g. Howell et al, 2009). However, limitation of time for fieldwork ruled out this option in my case.

Another option was to plough through the household income and consumption data obtainable from the Statistics Department and the JHEOA and theorize about the trend or pattern on poverty among the Orang Asli. I did not choose this option either for several reasons as follows:

1. Red tapes from State Authority especially the JHEOA\textsuperscript{12} - no systematic historical data could be obtained (if it do exist);

2. Time constraint – collecting cross sectional data (e.g. comparison of average household income or calories intake) during a period of several months, while possible, was tricky due to seasonal fluctuation of income and food availability especially in the case of Orang Asli\textsuperscript{13}; and

3. Most importantly, the main objective is to deepen understanding on causation of poverty by studying a marginalized group. Quantitative approach could hardly captured the underlying dynamics in such research settings.

This research does not aim to generate any theory or test the validity of any theory. The main approach is to relate the specificity of the case (i.e. poverty among indigenous people) to the more general discussion and paradigm (human development/capability approach). This approach is neither purely inductive nor deductive – there were often iterative thinking between theory and empirical data collected during different stages of research. Quoting from Alvesson and Sköldberg (2000), the focus was on a flexible process of research, which presents ‘multi-directional communication and interplay between the empirical and the theoretical spheres’.

\textsuperscript{12} Although a Malaysian citizen, this author qualified as a ‘foreign researcher’ because the research was guided entirely by a foreign institute. In such case, application of research permit was required under the auspices of the Prime Minister’s Department. In addition, research on Orang Asli required further written approval from JHEOA. This author submitted his application in hand on February 10, 2010. Attempts to request data or documents in subsequent months from the JHEOA archives were rejected due to the permit issue. Freedom of Information did not exist, neither in the form of law (no such act), nor in real in Malaysia.

\textsuperscript{13} As reported by Toshihiro (2009: 145 - 182) in his study in Kg. Durian Tawar, Negeri Sembilan
2.2 **Starting the research: Gaining access**

At the beginning, gaining access to the subject matter of the research was deemed most crucial. Knowing that the doors of the state authorities were locked, I opted for working with the local NGO, Centre for Orang Asli Concerns (COAC)\(^\text{14}\) which have done a lot of community work in Orang Asli villages since the 1980s. COAC was the first and most important informant, and I eventually built a good rapport with them. Here, I was aware that this relationship with the informant could possibly bring some sort of ‘interpersonal influence\(^\text{15}\)’ on my view during the research. Keeping this awareness and knowing the value position of my informant helped me to control the risk of unknowingly developed certain bias during research. I also checked frequently with different sources of secondary literature to compare that with the stories told by the informant.

2.3 **Literature Review**

Choosing indigenous people as a unit of research was tricky. Is ‘indigenous people’ a justified category to look at if the concern is about poverty? What I was concerned with is not so much about the anthropological findings *per se*, but its connection to poverty. Therefore, some efforts were put into understanding the definition of indigenous people, and also went to the history to find out how Orang Asli came into a category on its own in Malaysia. This was presented in Chapter 3. These understandings have indirect but far reaching implications towards how fieldwork should be conducted and later the interpretation of results.

On the other hand, an extensive literature review was carried out on Amartya Sen’s capability approach, including its fundamental concepts, features and theoretical framework. This was presented in Section 4.1 to 4.6, forming the theoretical framework of this thesis. The process of literature review went back and forth before, during and after the fieldwork. At the early stage, I have only decided to look at human capabilities, poverty issues and tried to make sense of the Orang Asli livelihood in relation with land and forest (in an economic way, mostly). I remained open-minded and prepared to take on other issues related to that core interest by taking a flexible approach. It was only later, after being exposed through fieldwork that I settled on the human development paradigm so as to link sustainability with poverty, while attempting to response to the arguments about culture and identity popular among indigenous rights movement.

2.4 **Fieldwork**

Fieldwork was conducted from January to March 2010. I took part in some of the activities of COAC, in most occasions as volunteers such as photographer, videographer, site surveyor and car

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\(^{14}\) Led by a long time social activist Colin Nicholas, the NGO was among others known for its active role in assisting uncountable Orang Asli communities in community mapping, organizing art exhibition, legal battles on native customary lands and many more. For details visit [http://www.coac.org.my](http://www.coac.org.my)

\(^{15}\) As discussed further in Yin (2003)
driver. This ‘tagging along’ strategy allowed me ample opportunities to observe events as it unfolded on the ground and meeting other informants and potential interviewees.

All together, I had visited six different Orang Asli villages during the period of attachment with COAC (see Table 2.1). It was a deliberate decision to focus only on the villages of the Temuan people in Selangor. This was partly due to convenience, and also for controlling against potential discrepancy as different Orang Asli subgroup residing in different geographical region could have a different livelihood situation.

Table 2.1: Locations of Orang Asli villages visited for fieldwork

<table>
<thead>
<tr>
<th>No</th>
<th>Village Name</th>
<th>District</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Kg. Kemensah</td>
<td>Gombak</td>
<td>Selangor</td>
</tr>
<tr>
<td>2</td>
<td>Kg. Songkok</td>
<td>Hulu Selangor</td>
<td>Selangor</td>
</tr>
<tr>
<td>3</td>
<td>Kg. Tg. Rambai</td>
<td>Hulu Selangor</td>
<td>Selangor</td>
</tr>
<tr>
<td>4</td>
<td>Kg. Ulu Tamu</td>
<td>Hulu Selangor</td>
<td>Selangor</td>
</tr>
<tr>
<td>5</td>
<td>Kg. Ongkil</td>
<td>Hulu Langat</td>
<td>Selangor</td>
</tr>
<tr>
<td>6</td>
<td>Kg. Bukit Tampoi</td>
<td>Sepang</td>
<td>Selangor</td>
</tr>
</tbody>
</table>

For village No.2 to No.6 (see Table 2.1), the fieldwork comprised of mainly non-participant observations and semi-structured interviews. The interviewees were not identified prior to visit but decided on the spot. These five field visits were mainly short and one-time event, mostly spending 4 – 5 hours in the village. The strategy here was to sample a broad view on different livelihood aspects of the Orang Asli. This was supposed to help me grasping the more concrete dimensions of poverty in their life, and also to check my prior understanding obtained from reading secondary literature.

Then I proceed to do more extensive work in village No. 1, which was Kg. Kemensah. I picked this particular place for detailed fieldwork due to its proximity to the city because; 1) it was more accessible to the researcher and 2) it would make a contrast with other villages that were located further away from urban area. During the fieldwork in Kg. Kemensah, I have conducted semi-structured and open unstructured interviews and making observations with a fair amount of participation\(^{16}\). In addition, I also tried to understand the land issues faced by the villagers (e.g. lack of land, poor soil, etc.) by surveying partly the village territory with the village headmen using a handheld GPS device. The headmen showed me along the village boundaries, where their land was being encroached, rubber farms, streams, etc. and I marked those locations in the map. This was far from a proper mapping exercise, but it helped me to acquire a ‘spatial

\(^{16}\)In Bryman’s term, this is ‘participant as observer’, which level of involvement is slightly short of a complete participant (Bryman 2001: 299).
view’ of the village landscape and also facilitated a natural and relaxed setting for the headmen to tell me different stories connected to different part of their land.

2.5 Other methods
Other than conducting fieldwork in the villages, I have collected data by using three separate methods. First, there were five detailed semi-structured interviews, conducted in a formal setting with Orang Asli community leaders, NGO activists and a church worker. Here I tried to get into detail how each of them perceived the situation of Orang Asli generally. This would be helpful as comparison could later be made against my observation during fieldwork in the villages.

Second, I have attended as a passive participant in two conferences; 1) a legal conference on native land laws attended by academics, lawyers and activists; and 2) a national convention on land matters attended by some 200 Orang Asli delegates. Third, I have also done some archival research, including checking topographical and land use maps, town planning document, land registry and also newspaper articles.

2.6 Analytical framework: Capability Approach
The empirical data was compiled and the results presented mainly in a descriptive manner (See Section 5.2 and 5.3). This was then followed by an analysis using the CA framework (Section 5.4). Since there were no clear rules and CA ‘handbook’ to follow, so what I adopted was a strategy to use a tentative conceptual model, and conduct critical analysis based on my best understanding of capability approach.

2.7 A word of caution: Why this is not an anthropology research?
Some would have noticed the rather unusual approach of framing this research since most research on indigenous people were ethnography conducted by anthropologists. Why wouldn’t this research be conducted in the same manner? The answer is negative for two reasons. First, I should admit that I was not trained as an anthropologist and possessed no more than rudimentary skills in doing ethnography. Second, more importantly, my concern was less on the ‘life world’ in a particular village or of an ethnic group, but more on the social enquiry into the issue of poverty among these people. This allowed me to draw on a variety of other means such as interviewing church worker, GPS mapping, taking video recording and so on to uncover more hidden dynamics that perhaps, could not be seen in observing ‘everyday life’.

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17 See Appendix E, Plate 18
18 See Section 4.6.4
CHAPTER 3 IDENTIFYING THE INDIGENOUS PEOPLE: ORANG ASLI IN MALAYSIA

This chapter aims at clarifying the terms on “indigenous people” and “Orang Asli” used in the research, followed by an introduction to indigenous land rights issues in Malaysia.

3.1 Defining indigenous people

Despite the term “indigenous people” being widely used\textsuperscript{19} it remained a tricky term of which validity is strongly contested by polarizing views, not the least among anthropologists\textsuperscript{20}. As Alan Barnard (2006:8, original emphasis) put it succinctly:

“There is no, and can be no, theoretically-unproblematic anthropological definition of ‘indigenous’ ”

Nonetheless, the ‘indigenous people’ is real, and are useful terms from the perspective of law and politics to mitigate injustices and marginalization suffered by a group of unique peoples (ibis). One plausible approach is to see ‘indigeneity’ as a political concept like ‘ethnicity’ in a Barthian sense\textsuperscript{21} (Barnard, 2006). However unscientific it appears, categorisation according to indigeneity is real and have practical implications on social and political organisation in many countries, including Malaysia.

The UN and most governments adopt a definition of “indigenous people” that is defined polythethically in law. One of the definitions commonly used stated the following four criteria to define indigenous people: 1) first come; 2) non-dominance; 3) cultural distinctions; and 4) self-ascription. (Saugestad, 2001). What is to be avoided is a simplistic and essentialist view towards the indigenous peoples as a homogenous group sharing a common character such as “sacredness” or “ineffable”\textsuperscript{22}.

3.2 Who are the Orang Asli in Malaysia?

As first introduced in Section 1.2, the Orang Asli, literally means ‘original people’, are the indigenous people and ethnic minority of Peninsular Malaysia. They are not a homogenous

\textsuperscript{19}This is especially after the launching of the International Decade for the Worlds Indigenous People by the UN in 1995, the United Nations Permanent Forum of Indigenous Issues (UNPFII), and recently the passing of UN Declaration on The Rights of Indigenous People (UNDRIP). Nonetheless, it is important to be reminded the underlying currents of dissenting voices against the usage of the term, and to avoid an uncritical and indiscriminate deployment

\textsuperscript{20}Following Kuper’s ‘The Return of the Native’ (2003), see a series of debate including Kenrick and Lewis (2004), Asch and Samson, Dahre and Kuper (2006), and also Barnard (2004).

\textsuperscript{21}Fredrik Barth, a Norwegian anthropologist most notable for his work on the Pathan tribes, has argued for realigning the focus of investigation on ethnic groups on “ethnic boundary that define the group, not the cultural stuff in encloses” (Barth 1969: 85).

\textsuperscript{22}See Peter Brosius’s illuminating critics on the misrepresentation of the Penan’s (an indigenous people group in Sarawak, Malaysia) indigenous knowledge (Brosius 1993).
people and the term, Orang Asli (OA) is a collective term used for some 18 ethnic subgroups, each with their own distinct but related ethno-linguistic features and different territories (See Figure 1, Chapter 1).

While the Malay language (of the Austronesian family) is the lingua franca in Peninsular Malaysia for centuries, many OA groups speak Mon-Khmer languages and hence suggesting an ancient connection with mainland Southeast Asia (Dentan et al., 1997: 9). The more southerly Orang Asli groups, which are of the Aboriginal Malay category, the Temuan people included, speak languages closer to Malay. Almost all Orang Asli could communicate in Malay for daily life purposes without problem.

In accordance to the qualification criteria for indigenous people introduced in Section 3.1, it is clear that Orang Asli in Malaysia conforms to the category of indigenous people and they are rightly identified as such in Malaysia. In a hypothetical scenario, if one Orang Asli (be it from the Temuan, Semai, Jakun or other group) met another Malaysian and was asked about his/her identity, it is most likely that she/he would say: “Orang Asli” rather than “Temuan” or “Semai”. On the other hand, traditionally, different Orang Asli group derive their distinct group identity (e.g. that of Temuan, or Semai) by indentifying with the geographical space they lived in (Nicholas 2000: 6).

The historical context of how “Orang Asli” as an ethnic category came into reality was little known publicly in Malaysia and deserves a few words here. Such an ethnic category, let alone ethnic identity did not exist prior to 1960 (ibid). It was legacy of the Emergency period (1948 – 1960) when the Orang Asli (then called aborigines) became a strategic resource for both the communists’ insurgents operating from the forests and the British (later Malayan government) because, to put it plainly – no one knows the forests better than the Aborigines. Hence, the communists first pledge improved welfare and tenure security for the Aborigines (Leary, 2003) and accorded them a proper name, Orang Asal. The government then had no choice and reciprocated to use the closest possible term, Orang Asli (Nicholas, 1994), and starting a series of measure to ‘win over the hearts and minds’ of the locals.

3.3 Orang Asli and Bumiputera politics
It is important to not confuse the term Orang Asli used in this research with the term bumiputera. Bumiputera, literally ‘son of the soil’, is a status accorded to the ethnic Malay group in Peninsular Malaysia and the Natives of Sabah and Sarawak. Ethnic classification according to indigeneity,

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23 Mainly the Negrito and Senoi groups whose settlements were found from center to the north of Peninsular Malaysia, bordering Thailand.
24 That the different groups of Orang Asli are the first residents in the Malay Peninsula is seldom disputed among the public in Malaysia. But this does not necessary leads to recognition of their rights as indigenous people, and above all, as a citizen of Malaysia.
25 Both word, ‘Asal’ and ‘Asli’ are derived from the Arabic root word ‘asali’, which means origin or original.
26 See Appendix A, for a short account of Orang Asli history.
along the *bumiputera* and *non-bumiputera* line is prevalent and significant in Malaysia. It is widely used in state administration matters and "idioms of everyday interaction" (Shamsul 2009: 206) and the politicisation of ethnic identities based on claims of indigeneity and their application in policy making have far reaching impacts in the social fabric in Malaysia (Ong 2007). **Appendix B** gave an overview of different ethnic groups in Malaysia, and the (problematic) differentiation between *bumiputera* and indigenous people.

Despite being the undisputable original habitants of the country, Orang Asli has been largely excluded from the special privileges enjoyed by the *Bumiputera*. Worth noted here was that since the colonial era, the state has always been determined to eventually assimilate/integrate the Orang Asli into the ‘mainstream’ – defined as the Muslim-Malay ethnic group. Practically, a non-Muslim Orang Asli, could turn 'Malay', and hence 'Bumiputera', by converting to Islam. And in fact, the state, through JHEOA and other agencies, has been widely pursuing an Islamisation programme on the Orang Asli communities (Toshihiro, 2009). State aid for the poor Orang Asli *are* distributed by discriminating against non-Muslim Orang Asli. This coercion coupled with a long history of Malay ruler/aristocrats domination over the OA has resulted in certain degree of resentment among the OA against the dominating Malay.

### 3.4 The issues of indigenous land rights and aboriginal reserve

Indigenous land rights based on collective rights’ and historical claim are issues laden with tensions with the foundation of modern legal framework grounded on Western liberal traditions. There are conceptual contradictions and difficulty of proof to incorporate “native claims” into existing laws, but significant progress has been made based on context- and historical-specific circumstance in different countries. This is a welcomed development in view of the marginalization and injustices suffered by many indigenous people groups around the world, Orang Asli in Malaysia included, in having their ancestral land appropriated by later settler and colonizing forces using coercion, or worst, brutal forces.

A key term in understanding the indigenous land rights issue in Malaysia is native customary rights (NCR), which is in fact recognised in law since the colonial era. This is related to how indigenous people view and administer land themselves. Generally, in Malaysia, the indigenous people, organized in different ethnic subgroups, lineage and settlements has each occupied a distinct territory for a very long time, mostly prior to the arrival of other ethnic groups and

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27 The special position status, granted to the Malay and the Natives of Sabah and Sarawak, under the Federal Constitution (Ong 2009:218, Federal Constitution, 1963: Art:153) based on them being their claim of indigeneity, does not include Orang Asli. Although in recent years, OA did enjoy certain benefits as a *de facto* bumiputera such as allocation of scholarships, aid for small entrepreneur, etc. See **Appendix B** for more details.

certainly prior to the colonial government. Since then, distribution and administration of land affairs are regulated by a set of customary laws, or locally called, *adat*.

Land governance issue such as inheritance, rights distribution, etc., within the OA community are regulated by customary law. Colchester *et al* had written on the topic of land tenure and law concerning the natives in Sarawak (ibid: 9 – 21) which helps to illuminate some key concepts depth. In short, each community has their own territory with well demarcated boundaries agreed between neighbouring villages that commonly run along natural lineaments like rivers or ridges. The village territory is communally owned, but individuals and families could acquire personal rights by clearing forests or opening up land for farmlands, subject to discussion and consensus reached within the villagers. These areas then become individual or family owned areas where each family raises their crops and makes a living. In a sense, land is livelihood in the broadest sense, not only for ‘meeting the needs of economic and physical sustenance’, but also for ‘cultural identity and political autonomy’ (Nicholas 2000:102). The land and territory of each OA group or village is hence unique, as it comprised of different tales and legends and historical events that were passed on from by oral traditions for centuries.

The traditional/ancestral territory for a particular group of OA, is called *tanah adat* or *tanah saka*. As the colonial power established foothold in the country and later succeeded by the Malayan government, it was impossible to allow the OA groups to live ‘outside the state system’. On the other hand, it was clear that the customary laws of OA were effective in their self-governance and therefore imposing an entire set of new laws would be disastrous.

Hence, what eventually happened was for the state, first British, then followed by the Malaysia government, to acknowledge and delineate the traditional territory of OA (to be determined and governed by their own *adat*, in parallel with state laws) and gazette them as ‘aboriginal reserve’. This was at least informed by two motivations,

1. To protect the Aborigines against the pressure of the other more economically and technologically powerful ethnic groups; and

2. To isolate the Aborigines from the communist insurgents then fighting the guerilla war in the Malayan forests and allowed effective state control measures (Nicholas 2000).

The Aboriginal Peoples Ordinance (APO) was enacted in 1954, at the height of the Emergency period, and it paved the way for government to delineate and gazette OA territory as “aboriginal reserve” or “aboriginal area” (APA 1974). After the war with communist ended, to a certain extent the aboriginal reserve had functioned as a “safe enclave” within which OA’s livelihood was

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29 This could be understood as “a body of beliefs, social norms, customary laws and traditional practices which is passed on from one generation to the next as oral tradition” (Colchester *et al* 2007:9)

30 Save some minor difference in terms, the concepts of native land governance was not much different from most of Orang Asli groups in Peninsular Malaysia.

31 Subsequently amended in 1967 and 1974, now called Aboriginal Peoples Act (APA) or Act 134.
secured against the forces of market economy and concurrently, increasing land commoditization. However, since the 1970s the Malaysia government has been reluctant in completing the delineation and gazettement of Orang Asli reserve. Applications to gazette as reserve land were submitted by OA community since decades ago, but was never been approved; or after getting approval, never gazetted in official as such (see Section 5.2.4 for data) for a variety of political and economical reasons.

This created a situation where, thousands of OA being accused of ‘squatterting’ on their own ancestral land or best considered as ‘tenant-at-will’ by the state. This inevitably opened up vast opportunities for state-sponsored or private driven opportunities to appropriate “free” Orang Asli land, especially during the last decades when land became scarce commodity as industrialization and large scale plantation economy expanded in Peninsular Malaysia. Many OA communities start taking the cases of land appropriation and encroachment to the court since 1990s and in many instances, the judiciary has reaffirmed the validity of indigenous land rights in Malaysia.
CHAPTER 4  THEORETICAL FRAMEWORK

4.1 Choosing Sustainable Development Paradigm

Following the Brundtland Report, sustainable development (SD) has eventually risen to the very top of global agenda. In recent years, the SD project gained extra momentum as the ecological crisis looms large on the horizon. To simplify, earth's life support system (forests, atmosphere, etc.) that is ‘Nature’ or ‘Environment’ has to be sustained to ensure human life can continue to exist and flourish in the future, hence it was defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (WCED, 1987)

As to how the SD project should proceed – “What is to be sustained? What is to be developed?” and how to implement, the picture is diverse and unclear. Various SD definitions and models continued to be developed and for some, put into operation as driven by different interests. There is an incredible political diversity to which this SD project could potentially be directed, from authoritarianism to decentralised communitarianism, as David Harvey briefly commented (1996: 176 – 181).

One way of understanding different SD paradigm was to take a typological view, which helped to avoid a mismatch between SD concepts and tools. I found the typology proposed by Faran (2010) useful for this research, and was hence organised into the follows as Table 3.1

<table>
<thead>
<tr>
<th>Paradigm</th>
<th>What is to be sustained?</th>
<th>Strategy</th>
<th>Representative Scholar</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 1: Weak sustainability</td>
<td>Well-being / GDP per capita / Capital stock</td>
<td>Economic choice</td>
<td>Robert Solow(^{32})</td>
</tr>
<tr>
<td>Type 2: Strong sustainability</td>
<td>Well-being / Steady-state growth / nature capital</td>
<td>Political choice</td>
<td>Herman Daly and Robert Costanza</td>
</tr>
<tr>
<td>Type 3: Sustainable human development</td>
<td>Freedom / human development</td>
<td>Social choice</td>
<td>Amartya Sen</td>
</tr>
</tbody>
</table>

For the purpose of this research, I adopted the third SD paradigm, namely sustainable human development, following Sen’s earlier writing which put human functionings as opposed to fulfilling “needs” as the foundational basis of a good life. I should here declare that, my theoretical disposition during this research (in taking Sen’s human development paradigm) was informed by the *problematique* of this research, *viz.* poverty among the indigenous people.

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\(^{32}\) For example see Solow (1993)

\(^{33}\) For example refer to Costanza and Daly (1992) seminal paper of the concept of ‘natural capital’
4.2 Sustainable Human Development

The concept of human development stemmed from Sen’s earlier (and still ongoing) works on capability approach (CA) particularly in the context of a series of seminal research on poverty and famine (Sen 1982, Dreze and Sen, 1989). The central argument is to put human agency in the centre, and that “human development [have] both direct and indirect importance (Anand and Sen 1999: 2039). This means that, human functioning such as being well educated and living a disease-free long life, while serve as important means to generate wealth within individual/society, are also ends in itself. Quoting from Anand and Sen (1999);

“What is to be sustained is the nature of the lives that people can lead, and the fact that in that sustaining, human agency would be pivotal, does not reduce in any way the significance of human life as an end”

Another important feature of the human development paradigm is the emphasis for both inter and intra-generational equity. As we know, the instructive element inherent in SD is for the current generation to treat future generation fairly. This ethical claim is independent of the ambiguity in and debates outcome of what is to be sustained and the how to proceed. The question then is, should we take the claim to justice by current generation as strong as the future generation’s? Yes, because;

“sustaining what we now have depends on the quality of what we have, and the entire approach of sustainable development directs us as much toward the present as toward the future.” (ibid)

The logical interpretation of this ethical “universalism” in the context of my research questions is this: if the society holds SD as a legitimate agenda, then prevailing inequality in the society, such as the poverty among indigenous people, should also be brought to the forefront of policy agenda.

In recent years, the concept of human development has taken different forms of extension both in the directions of theory and practice. Many policy tools, projects and new approaches in the field of SD, either developed at international or local level were shaped or heavily influenced by the human development paradigm, inter alia;

• The Human Development Index (HDI) by UNDP;

• The World Development Report 2000/2001 by the World Bank34; and

• Most recently, the Report by the Commission for the Measurement of Economic Performance and Social Progress35.

Obviously, for contemporary development issues spanning from poverty eradication in Third World to well-being assessment in the First World, human development paradigm are widely

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34 See World Bank (2000)
relevant and deeply influential. In view of the neoliberal hegemony and dictation of development agenda in recent decades, Konquoi has written about how the emergence of Sen’s Human Development could be seen as a paradigm shift in international development discourse (Konquoi 2006), which I found illuminating on the subject.

4.3 A Note on the Quality of Life and Well-being

Defining quality of life, well-being and poverty are not straightforward tasks, and these are important and related concepts require clarifications. We can ask: shall we use a similar set of tools to measure quality of life, well-being and poverty? If our aim is to reduce poverty among the indigenous people, then the policies prescribed must necessarily lead the poor people towards an increased level of well-being and quality of life (whichever way it is defined).

Our well-being and quality of life improved at the same time we get less poor. It is not difficult to see these concepts are interconnected, but the task that follows that is to define and measure those concepts under a coherent framework are not entirely straightforward. As Amartya Sen puts it:

“There are many fundamentally different ways of seeing the quality of living...You could be well off, without being well. You could be well, without being able to lead the life you wanted. You could have got the life you wanted, without being happy. You could be happy, without having much freedom. You could have a good deal of freedom, without achieving much.” (Sen 1985:3)

Of course, one would point out that this narrative missed one crucial element: money or in economic terms, income. Indeed, the commonly accepted ‘consumption norms’ presume that as our consumption level moves across the spectrum from the basic goods on the left to the most sophisticated luxury item to the right, achieved by attaining a higher level or income (more money), then we progress from a state of poverty to better well-being or good life.

However, without the need to be convinced by sophisticated theory, we know well that the effect of earning a higher income is not that linear and straightforward – it could either mean substantial increase in wellbeing in some cases, or nothing more meaningful than a change in bank account balance for the others.

So, the simplistic ‘consumption norm’ coupled with a monism approach was deemed not plausible. But then which better direction shall we turn to for measuring well-being, quality of life and poverty? I would argue that the better idea was to use a multi-dimensional approach, which comprised of both objective and subjective elements, as shown in the recent report by CMEP (2009). Having Sen as advisor for the Commission, the report was unsurprisingly influenced by the theoretical underpinning of capability approach36, for which they argued;

36 See the following section for a comprehensive introduction to Sen’s capability approach.
"What matters are the capabilities of people, that is, their opportunity set and of their freedom to choose among this set, the life they value" (ibid: 15)

Hence, the precise list of features that define a good quality of life is a value judgement (of each person), which could not be rightly fixed or dictated by experts or politicians. However, this does not lead us down the path of value pluralism. Indeed, there are consensus that quality of life depends on a multitude of dimension which required a simultaneous measure of both objective and subjective data. These would include (ibid);

- Material living standards (income, consumption and wealth);
- Health;
- Education;
- Personal activities including work;
- Political voice and governance;
- Social connections and relationships;
- Environment (present and future conditions); and
- Insecurity (of an economic as well as a physical nature).

The conception and measurement of poverty, as well-being, is also defined by a combination of objective and subjective elements, albeit in a slightly different formulation. Before we could proceed to discuss further the formulation of such multi-dimensional approach, I should first move on to clarify the concept of poverty, which lies at the heart of this thesis.

4.4 Measuring Poverty

The operation to measure poverty could be divided into two parts; 1) identification of the poor and 2) aggregation of their poverty characteristics into an overall measure; the later comes after the former (Sen 1982: 24). But first, important is to get clear about what kind of poverty is of concern? I draw the following differentiation mainly from Sen (ibid: 11-17)

1. The biological approach – Poverty, expressed in its most fundamental form, is the deficit of nutrients intake in order to maintain physical activity as a functioning human. This is absolute poverty. While factors like climate and physical features do affect nutrients requirement, the potential of variation of among the poor in one particular region is small enough to allow a reliable figure to be established objectively37;

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37 This is particularly relevant for this research, which concerns about the poor Orang Asli in Peninsular Malaysia. The potential problems of inter-region or inter-culture differences in nutritional requirements were largely minimized.
2. The inequality approach – This is to define poverty as a function of inequality. For example, the group of people earning less than half of the average income in a country is defined as “poor”\(^{38}\). An important point is, however, that inequality and poverty do not necessarily move together in one direction. In a time of global recession, inequality could decrease but poverty might well increase\(^{39}\).

3. Relative deprivation – Perhaps this concept could be captured by what Adam Smith once famously wrote as “to appear in public without shame”. It denotes an assessment of poverty must contain \textit{objective} conditions and \textit{subjective} feelings (Sen, 1985). To use an example, two poor children attending school sports day on broken shoes saw everyone else are wearing good sport shoes. One boy feel terribly ashamed and deprived, while the other doesn’t care at all. He took off his shoes as he runs well bare-footed. Still, the concept of poverty based on relative deprivation has to be seen as an addition to that of absolute poverty that is derived from biological needs, without taking over as the core concept.

Hence, a combination of the first approach which defines core poverty based on objective conditions with the third approach that brings in subjective evaluation is deemed an appropriate definition of poverty. Tentatively, we can accept that, one has basic needs that have to be fulfilled without which she will fall into poverty.

\subsection*{4.4.1 Direct vs. Indirect Method}

After setting out a clear conception on poverty (as explained in last section), the task that naturally follows are: How do we identify the poor? There are two alternative methods. First, the direct method is to simply screen among the people whose basic needs which consist of a bundle of goods (essential nutrients, shelter, clothes, etc.) were unsatisfied. Second, the indirect method, or the ‘income method’, is to calculate the minimum income at which all the basic needs could be fulfilled. Take for example, a poverty assessment project in village A can either 1) survey the households to see item by item their basic needs are sufficiently satisfactory, or 2) Calculate a minimum income (say, RM 500) and proceed to survey the household incomes – the poor are those who earn less then the minimum income. Both methods have their own merits and shortfall, and actually represent two different conceptions of poverty (Sen 1982: 28). The Poverty Income Line (PLI)\(^{40}\), a commonly used policy tool in poverty eradication programme, is derived by the income method.

\(^{38}\)This formulation is rather widely used among the European countries, and was argued to be more relevant to apply in countries that has bring down absolute poverty to a negligible level (UNDP 2008:12)

\(^{39}\)According to UNDP (2007: 60 - 63), inequality in Malaysia decreased slightly at the aftermath of the Asian Financial Crisis in 1997/1998 as the rich were hit hardest; but this tell little about how it impacted the bottom poor. A uniform 20\% pay cut in a, say, garments factory may cause a low-salaried wage earner to starve but his manager could still well afford to eat (and do more) without much worry.

\(^{40}\)For example the widely used US1 per day per capita income as specified in the UN MDGs
4.4.2 Welfarist vs. Non-Welfarist Approach

The welfarist approach (also termed as utilitarianism) evaluates well-being in the space of psychic utility or preference fulfilment (Alkire 2002: 5). A person is said to be poor if her utility falls below a target or a threshold level. Formulated in another way, the welfarist approach to improve well-being is to seek utility maximization. Utility is a measure of the relative satisfaction from, or desirability of, consumption of various goods and services. The problem of welfarist approach is the difficulty or rather, impossibility in assessing interpersonal comparison of utility (following Arrow, 1950). First, taking a monism view, that is by using income as a yardstick of utility is problematic. As we know, she whose salary is lower could live a more contented or happier life (that is, higher level of utility) than her neighbour who earn twice but is has mental depression. The second way is to set out using some subjective survey, that is to ask people directly how she thinks she is satisfied with her life. Here, another problem arises as what Sen (1983) succinctly states; 'Why should the grumbling rich be judged poorer than the contented peasant?'

In addition, there is also the adaptation problem – poor people living in destitution might feel greatly contented by having the slightest improvement in the living condition and reported disproportionate gain in utility (Clark 2009). Therefore, it is possible that, poverty eradication policies informed by an informational base constructed exclusively by subjective utility surveys would result in under attention to the poor, while over compensating the rich.

Sen’s capability approach fall’s under non-welfarist approach, so does the basic needs approach associated with Paul Streeten. However, different from the formulation of basic needs approach in terms of commodity possession, Sen’s CA focus directly on functioning achievement (Sen 1985: 33-34). We would have a clearer view on Sen’s formulation in the following section.

4.5 Capability Approach

To avoid confusion of terms, I start this section by digressing into the nomenclature issue. What is the distinction between human development and capability approach? It is probably appropriate to see them as close cousins. I would argue that capability approach is the theoretical backbone of the human development paradigm. ‘Human development’ is termed in a way to make it more politically salient and inclusive, while CA is the academic term mainly used in theoretical discussions.

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41 By the way, the organisation found by leading scholars in this research field are named as “Human Development and Capability Association” [http://www.hdca.org]. Amartya Sen is the Founding President.

42 As the term was made popular by Human Development Report by UNDP first launched in 1990, under the leadership of Mahbub ul Haq.
The CA theory and framework was built on the philosophical ground of positive freedom, and that human freedom as having both intrinsic and instrumental values, and that agency (read human) freedom is central to quality of life. This was reflected throughout Sen's writings following his first Tanner lecture in 1979, entitled "Equality of What", which marks the germination of CA (Sen 1982); and later gained more momentum in one of his seminal work “Development as Freedom” (Sen 1999).

Most important to CA is its departure from the formulation of standard welfarist approach by focusing on capability, rather than utility. To elaborate, if the aim is to achieve some sort of equality in our society then it has to be evaluated in the space of capability, not utility (Alkire 2002: 4). During the earlier period, concepts and principles were laid out mostly by Sen's works among which CA was used in the form of a critical analysis tool. However in recent years, considerable efforts were put into (by other notable scholars) making the CA a comprehensive tool for evaluative exercise in various contexts. As Qizilbash (2008: 53) wrote, the CA stands as one of the “major alternative to standard welfare economics”, and its stature grown by evolving and maturing over time.

For a latest comprehensive summary of the CA's theory, backgrounds and operations, one could refer to Alkire et al (2008). Here I would only introduce the basic concepts and some relevant ideas that were related to the research on Orang Asli poverty and development.

**4.5.1 Functionings, Capability and Agency**

First, I introduce three core conceptual terms, namely functionings, capability and agency.

*Functionings:* The various things a person may value doing or being (Sen 1999: 75). Some functionings are elementary, such as being adequately nourished, being in good health, etc. that are universally valued, while other could be more complex such as having self-respect or being socially recognized (Sen 1993). While functionings are defined in an individual person, often other structural reasons (so-called “other regarding” factors) might restrict that particular functioning.

To illustrate, think a fictional character Akun, a 9 year-old Orang Asli, who attended schools and could read and write well - which is a functioning. However, there was no library within two hours of walking distance from his house, and this deterred his opportunity to learn more about insects (which is his hobby I should explain) which is what he valued doing very much. Akun could have expanded his functioning set by “knowing a wide variety of tropical insects”, but alas for the lack of library facilities it is not possible.

*Capabilities:* Capability is defined derivatively from functionings. It represents the opportunity to combinations of functionings (beings and doings) that the person can choose and

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achieve” (Sen 1992: 40; Sen 1993: 38). In other words, the person’s capability “reflects her freedom or real opportunities” (Alkire et al: 2)

Agency: Sen sees individual human is agent who acts and brings about change (Sen 1999: 19). The notion of “agency freedom” is related but distinct to “well-being”. The informational base for well-being could sometimes hardly leave out the features of agency. In some instances, well-being decrease while fulfilling certain types of agency roles (Sen 1985: 187).

To illustrate, Akun witnessed a fight between two boys at school and tried to bring them apart. His courageous act might put him at risk hence reducing own well-being, but yet he did it, driven by self-defined ‘agency roles’.

4.5.2 Incomplete framework and lists of functionings – A limitation?
CA is still a paradigm in the making and has been widely criticised for its ‘incompleteness’ and difficulty in putting into operation. However, Sen has deliberately kept the theoretical framework of CA incomplete, and abstained from defining a canonical lists of functionings or designing a comprehensive framework for actions. This owed much to the insistence on open valuation scrutiny, on how rankings and choice were made. Hence,

“[T]he framework of capabilities helps to clarify and illuminate the subject matter of public reasoning, which can involve epistemic uses... as well as ethical and political ones” (Sen 2006: 157)

Therefore, for practical use one has to first look at where, when and why a CA evaluation exercise is to be used, and then move on with fixing the list by public reasoning. In the case of assessing poverty and generally human well-being, it was well accepted that, as shown in Section 4.3 and 4.3, there are a set of core, universally valid functionings that should form the backbone of the exercise, in addition to ‘subjective add-on’ that should be decided based on the context of the research. So, an incomplete CA framework should not be seen as problematic for the purpose of this research.

4.5.3 A Tentative Framework for Action by Capability Approach
There are many dimensions of human development, and functionings within CA, as listed in accordance to its use and application. Sabine Alkire surveyed different sources and reported a total of thirty-nine lists of dimensions of human development from different disciplines (Alkire 2002; 75 – 84). This showed the breath of the subject and inevitably contained tensions and ambiguity as CA was still a paradigm in the making. That being said, recent researches have devised different tentative CA conceptual models to proceed with analysing their problems (see Comim et al 2008: 383 – 561).

While constructing my own model tailored to my research context would be ideal, I took the pragmatic approach by choosing one of the conceptual model developed by Chopra and Duraipappah (2008) which was used to analyse the role of institutions in promoting instrumental
freedoms in the context of India. My research focus diverged from theirs, but the underlying terms and concepts presented were not significantly different. The main tenets of CA were well captured by their model shown as Figure 4.1.

![Figure 4.1 Schematic illustration showing a tentative CA conceptual model](image)

Before starting to explain this model, I should first introduce a new term – assets. According to World Bank (2001), ‘to understand the determinants of poverty in its all dimensions, it helps to think in terms of people's assets, which consists of several kinds:

- Human assets (i.e. basic labour, skills, health)
- Natural assets (i.e. land)
- Physical assets (i.e. access to infrastructure)
- Financial assets (i.e. savings)
- Social assets (i.e. kinship networks, friends)

Now we could proceed further to briefly explain the linkages of different components. At the central was the list of five instrumental freedom, as outlined by Sen in Development as Freedom, namely political freedom, economic facilities, social opportunities, transparency guarantees and protective security (Sen 1999). These I took as given by Sen without examining the process of deriving and arriving at such formulation. Crucial though, is to point out the role distinction between agency and structure in Sen’s model. Individual (read agent) needs the presence of the five substantive freedoms to being about assets, functioning and capability achievement. However, it is the institutional (read structure) role that has to come in to put these ‘Freedom’ in
place. Indeed, both formal and informal institutions are seen as structure that bounds individual/agent to act and live by a certain set of rules. Here, institutions are defined in a broad way and it might include inter alia customs (adat\(^1\)), state pension system, family and/or the constitution.

On the outside, functionings, capabilities and primary assets are individual characteristics that define her human freedom. In our daily life, individuals transform her primary assets (i.e. endowments, natural resources or personal attributes) to functionings (to be well nourished, knowing how to read, etc.) to capabilities; and that is the process of human development. These processes are, however, governed and strongly influenced by the five structurally-determined instrumental freedoms which always present in the background (Choppah and Dorraiappah 2008: 366).

### 4.6 Summary: Poverty as capability failure

In summary, the CA framework explains that when an individual lacks primary assets and functionings and capabilities, her freedom would be undermined and poverty arises. In saying a person is it could be due to her lack of primary assets (i.e. land, skills, etc.) or failure to transform the assets she has to valuable functioning and capabilities. This could be a consequence of institutional failure coupled with the absence of instrumental freedoms.

To illustrate with an example, Orang Asli, endowed with some fertile land (assets) and good cultivation skills (functionings), might find it hard to sell her crops because access to market is difficult. Access to market, in this sense, could be interpreted as elements of economic facilities (e.g. roads, electricity, communication tools etc.) or an unfavourable social opportunities (e.g. other ethnic groups unwilling to trade in fair terms with indigenous people). In the worst case, the indigenous people farm land were destroyed in a flood event, and she at risk of absolute poverty. This could be avoided if there were security measures (e.g. emergency food provisioning, shelter) in place.

To sum up, poverty is not a direct consequence of people lacking of assets. Rather, it is capability deprivation or failure that ultimately caused poverty. The implied message is: we should look to both assets and the capability space to evaluate the causation of poverty. Certain (core) assets are fundamental and non-reducible, such as basic healthy life and education, access to basic facilities (roads, water, electricity) but there are also more subjective and interchangeable assets, contingent to individual valuation, like culture or perhaps, religion. I should end here by saying this multi-dimensional way of seeing poverty would be guiding the writings of this research throughout the coming chapters.

\(^{1}\) Adat, in Malay or Temuan means customary laws, which is a prevalent institutional features of the society of Temuan people. Marriage, land matters, dispute settlement are all regulated by adat.
CHAPTER 5  RESULTS AND ANALYSIS

5.1  Overview
In the following sections I would first present the general picture showing the hard cruel facts of Orang Asli poverty in Malaysia. Then I would zoom in to the village level and introduce the case of Kampung Kemensah, drawing from my own fieldwork accounts, to describe different dimensions of poverty observed there. This was followed by an analysis on poverty by using a CA framework by discussing both the agency and structural factors. Throughout the discussions, the line of reasoning was that Orang Asli poverty has to be seen as capability or entitlement failure (Sen, 1981) and its causation be analysed by CA.

5.2  The general picture: How Orang Asli are poor?
Zainal Abidin (2003 in Nicholas and Baer, 2007) had reported that poverty rate (which means income falling under a certain Poverty Line Income, PLI) among Orang Asli in Malaysia was at a astonishing 76.9 percent among whom 35.2 per cent are further classified as hardcore poor. This was in great contrast with the reported national average number, which is 1.4% and 6.5%, for hardcore poverty and gross poverty, respectively. Another figure obtained via a Member of Parliament\(^2\) also indicated that, in a household income survey in 2007, 36% of Orang Asli family surveyed reported a monthly income below RM1000.

To put numbers into perspective, we have to know that the Malaysia PLI was devised based on the basic needs approach and the income method (see Section 4.4). Hardcore poverty is defined by an income falling below the level required to purchase only food to maintain physical activity (UNDP 2007). In 2007, based on a national average household size of 4.4 persons, a household is classified as ‘poor’ if earning less than RM661 (the PLI); and ‘hardcore poor’ if income falls further below RM398 (Ragayah 2007). To summarise, the figures all pointed to a depressing reality – the Orang Asli are poor both in absolute and relative terms, more than one third families had barely enough income to stay out of the risk of starvation.

5.2.1 Health
Nicholas and Baer (2007), in reviewing previous health studies\(^3\) on Orang Asli, painted a precarious condition of Orang Asli health. To illustrate the dire situation, several findings were extracted from their paper and showed as follows:

- Orang Asli children in Perak have three times the incidence of tuberculosis as the state average, and Orang Asli of all ages have 5.5 times the state average;

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\(^2\) Member of Parliament of Sg. Siput, Dr Jeyakumar Devaraj distributed an unofficial document summarising the figures during the Native Customary Law Conference dated Feb 5, 2010 which I have participated.

\(^3\) Among others Jeyakumar (1999), JHEOA (2005), Osman and Zaleha (1995).
• Orang Asli had 51.5% of the malaria cases recorded in Peninsular Malaysia in 2001;

• In Pahang, 35% of the Semai women studied by Osman and Zaleha (1995) had protein-energy malnutrition and 64% were goiterous; even 35% of the men had goiters; and overall

• In 2004, Average life expectancy at birth for Orang Asli was 53 years, compared to the national average of 71.5 years; infant mortality rate was 51.7 deaths per 1,000 births, compared to the national average of 16.3 deaths per 1000 births.

In addition, Zalilah et al (2007) pointed to a prevalence of dual burden households, which means a coexistence of underweight, stunting children and overweight, obese adults in one third of OA communities studied (from 182 households of Mah Meri and Temuans in Selangor). Undernutrition remains a major health concern among Orang Asli children.

5.2.2 Education

Some statistics suggested marked improvement in recent years, although the situation was still far from satisfactory. Summarizing from Nicholas's report, school enrolment doubled from 1994 to 2003 in absolute numbers. But enrolment did not mean completion of studies. Dropout rate among the Orang Asli schoolchildren, at all levels, is disproportionately high compared to the national average. Out of 100 Orang Asli children entering Primary 1, almost half would not make it to secondary school, and only 6 was expected to complete Form 5, that is to complete eleven years of compulsory education (Nicholas 2006). The literacy rate for Orang Asli in 1991 was 43 per cent, while the national rate was 86 per cent (Nicholas, 2000).

Outstanding Orang Asli who had graduated with a doctorate and become respectable experts in their own field had made motivating news articles (e.g. NST 2006), but how many has gone that far? Three.

5.2.3 Access to basic facilities: Water and Electricity

Lacking amenities as basic as municipal water supply, electricity and sanitary facilities are not only the effects of poverty, but these are likely to be the causes of poverty as well. For example, households are not connected to power grid because they could not afford the fees, but without electricity makes it even harder to carry out activities that helps improving life-condition, e.g. the children doing homework at night or the father running a small grocery shop. In my opinion this aspect had not be sufficiently acknowledged.

In Malaysia, 46 % of Orang Asli household has some form of piped water while only 36% were connected to power grid for uninterrupted electric supply (Nicholas 2000: 30). This was in contrast with the overall electrification in Peninsular Malaysia that has reached more than 95% of households. In Selangor, the most industrialized state in Malaysia, out of 80 Orang Asli
villages, at least ten had yet to be connected to the national power grid\(^4\). I have visited six villages\(^5\) during my fieldwork, where only two have power supply. All of these four villages without electricity actually located within a 30km radius from Kuala Lumpur city centre and the physical access was easy but despite repeated appeal and applications to the state authority, the villagers were still waiting.

### 5.2.4 Entitlement to land

Section 3.4 has introduced the background of indigenous land rights in Malaysia. Orang Asli are entitled to land based on their holding of native customary rights, and the historical and ongoing occupation of land. Given the degree of deprivation as shown in the previous sections, one must assume that, state recognition in the form of land entitlement as Orang Asli, could at least function as some sort of “social safety net”. The logic is not difficult to understand – if everything else failed and monetary income amounts to so little, at least the Orang Asli can go back to their land for subsistence farming as the final survival strategy.

However, the figure told a different story. Among some 800 Orang Asli settlements throughout peninsular Malaysia, the total land area qualified and claimed as Orang Asli reserve was about 128,000 ha\(^6\) but as of 2003, only 15% was gazetted as such (Nicholas, 2005). The rest of ungazetted land was subjected to a different degree of vulnerability, cases of encroachment and appropriation by both state or private entities abound. In Selangor, probably the most land-scarce region in Malaysia, gazetted Orang Asli reserves had in fact decreased drastically over a short period of ten years (Nicholas 2000: 37). Given a population around 20,000 Orang Asli in Selangor\(^7\), the gazetted reserve land amounted to a mere 1,263 hectare as of 1999 (Nicholas, 2000). It certainly does not warrant a possible scenario of going back to subsistence farming. To make a further claim, the huge deficit of Orang Asli land gazettement exemplifies the deliberate non-recognition of Orang Asli rights by state and society.

This Orang Asli land issue took a twist recently. The Malaysia federal government announced a new policy to facilitate Orang Asli to be *given* (*diberimiliki*) land ownership rights, with land title individually issued, for their homes and plantation, measuring 0.8ha to 2.4ha for each household. Many Orang Asli saw that as a kind of oxymoron – with 75% of Orang Asli land claims deliberately ignored, the government tried to formulate a “giving land to the native”

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\(^4\) Jenita Engi, personal communication. Jenita was working for the Selangor state government (*not* JHEOA) as special officer on Orang Asli affairs. She is a Temuan from Negeri Sembilan.

\(^5\) See Section 2.4, Table 2.1

\(^6\) This works out to be less than 1% of land area in the Peninsular Malaysia.

\(^7\) A majority are the Temuan people, but also consists of the coastal dwelling Mah Meri group.
policy by combining some mathematical tricks with some lousy policy rhetoric\(^8\) (my own assessment). Indeed, the level of dissatisfaction has culminated into an unprecedented political demonstration attended by some 2,000 Orang Asli from all over Malaysia in March to hand over a memorandum with 12,000 signatories to the Prime Minister (The Sun 2010b). The demonstration, as usual, was dismissed by police force.

5.2.5 Summary
In the previous sections, I have provided a sectional view of socioeconomic situation for the Orang Asli in Malaysia on a general level. This was by no means comprehensive, but it sufficed to project the image of a class of Malaysian society, namely the Orang Asli, who were indeed poor and deprived in both absolute and relative terms. Being the indigenous people, their advantage and natural assets that is the entitlement to land were taken away. Health, education and basic facilities made accessible to them were still in a state of dismal. Income was hardly sufficient to stay above absolute poverty. Seeing numbers at an aggregate level, we might not be able to catch the dynamics of causal effects shaping poverty, but it is unquestionable that poverty is the problem that begged for further explanation.

5.3 The village specific study – Kg. Kemensah
We have come to a baseline understanding of the general situation of poverty among Orang Asli in the previous section. Could this be grounded in some form of empirical fieldwork based in a particular village? From another angle, having been told of the grim overview, a logical follow up question has to be: how do the Orang Asli live really? A glimpse into their daily activities would perhaps offer some further insights as to how different causes and effects of poverty come to shape their life.

Hence, I proceed to show the different aspects of a village livelihood, based on the findings from my fieldwork conducted in one specific place that is Kg. Kemensah in Selangor. I should declare that, at this stage, the viewpoint of my observation in the village was not free from the influence of the human development paradigm and capability approach. Following an introduction to the village setting, Section 5.3.2 to 5.3.7 consists of descriptive accounts on the ‘have’ and ‘have-not’ in the village followed by a detailed report of their main economic activities and income. These empirical observation were given a further analysis by the CA framework in Section 5.4.

5.3.1 Introduction: village setting
At the beginning in Section 1.3, I have mentioned the episode of a conflict taken place in Kg. Kemensah, a neat little village without power supply. One would probably guess that it is among

\(^8\)This is my own assessment, but as many Orang Asli activists said – the number doesn’t match at all, they end up losing much more land if they agree to the new policy and giving up our initial claims. Worst, little details of the arrangement was disclosed to, let alone consulted with the public by the government beforehand.
those remote Orang Asli villages located high in the mountains, or so deeply isolated in the dense tropical forests that made delivery of development goods (e.g. electricity, health clinics, etc.) was not cost-effective. Indeed, I would speculate that few if any city folks in Kuala Lumpur could name even one village to which electrical power line has yet to be connected. It must be a quaint little place in the forgotten part of Peninsular Malaysia.

On the contrary, Kg. Kemensah is only a 15 km car ride from the heart of Kuala Lumpur, the capital of Malaysia. The village was nestled between the western end of the ecological unique Tabur Hills quartz ridge running in the northeast – west direction, and the Klang Gates water reservoir. The village location was at the overlapped boundary of densely populated urban region on one side and lowly developed rural or forested area on the other (See Appendix C for the location map and a glimpse on the surrounding land use shown by Google Satellite Image).

One would pass the National Zoo and a nice country road along the idyllic Kemensah river valley before coming to the village of the Temuan people. Standing in the village, to the east and north were vast tract of greeneries – rubber small holder’s farms and some fruit orchards, and the Gombak Forest Reserve located further beyond. On the other side, within a 2km radius the south and west were mainly rural residential area, and some recreational facilities such as fishing ponds and holiday chalets. The land use pattern changed drastically to the further south and west. About 2 – 3 km apart from the Temuan village are the residential suburbs of Kuala Lumpur, such as Taman Melawati, Kemensah Heights and Ukay Perdana – most of which belong to the upper middle class. Still, there were several ongoing, upscale private housing projects within the vicinity – with the scenic Tabur Hills landscape in the background houses here were highly sought after, by the rich.

There are about 15 houses and 80 residents in Kampung Kemensah. The people called themselves the Temuan people, and the population here is quite young on average. Only three villagers were older than sixty, one of them is the village headman (Tok Batin), Ebak Pulasan, aged 69. According to him, the village was founded at its present location in 1962. Prior to that, they lived in the more westerly area, including the area that was called Kemensah Heights at present until the space was deemed too small to accommodate their growing population. In addition, up to the 1950s, before the Klang Gates water reservoir was built,

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9 It was a un-missable landmark in northwestern Kuala Lumpur, unique for its geological formation and endemic plant species (Wong et al, 2010)

10 In fact there were two men in the village, one a Kadayan from Sabah and another an Iban from Sarawak; who both made long journeys from Borneo to Peninsula Malaysia years ago, worked in the cities, married the local Temuan woman and eventually settled down (see Appendix E, Plate 9).

11 For visual explanation, see Appendix E, Plate 8. This conforms to the national pattern of Orang Asli age distribution – very young (median = 16.4 years as of 1991) as reported by Nicholas (2000: 21).

12 My understanding is, the old village could not expand into the adjacent land as they have been taken up by other people, driven by urban expansion. Therefore, the Temuan people had to move to another new location.
there were Orang Asli living in that valley along side with Malay settlements. Eventually, they were driven further inland to make way for the expansion of urban facilities. The current village site was less than satisfactory according to some villagers. They found it too steep and had shown me an area where the soil was so thin and poor that held no cultivated crops but wild growing bamboo. Some years ago they intended to move south towards the river valley (where some holiday chalets were later built) which is more 'habitable', but that has never materialized, probably due to state’s disapproval.

Nevertheless, the population in Kg. Kemensah had since grown gradually over the years by natural growth as well in-migration due to marriage or by people moving into a close kin’s family.  

5.3.2 Basic facilities: shelter, water and electricity

In the early years, they lived in self-built wooden houses, until the government decided to build them more sturdy brick houses. The latest batch of new housing scheme consists of seven new houses, were just completed in March 2009. The road was paved into the village in the mid-1990s but power grid and municipal water supply had never reached them. Several houses in the village possessed petrol powered generator, which they switched on briefly from dinner time around 1700 until midnight. Occasionally, the generator would run during the day during celebration of festivals, or for watching TV during the school holiday. Those villagers who had no generator have to live without one, the few who could afford the fuel always has much to complain about the cost, as Jaafar told me;

“One night few hours could cost RM 10 for the petrol, depends what electrical appliance you put on. Multiply that to a month, it was like burning cash”

One morning in March 2010, I arrived in the village when a young mother was hanging clothes in her courtyard. To my surprise, there was music played from a radio inside the house. She told me it was operated on dry cells. To my question on electricity in the village, she said:

“Yes, we need and we want electricity. We might have to pay... But it is really not easy living in dark, especially in the early morning, when the kids prepared to go to school”.

In fact, it was quite puzzling on this electricity issue. There was a power line running just about 1km from the village, following the main road to further west for another 2km with street lights...
installed at a 50m interval. For some peculiar reason, the authority in charge found it too costly to lay the cable to the OA village.

On the other hand, although not connected to the municipal water supply network, Kg Kemensah has little problem dealing with their daily water needs. Traditionally they lived on the mountain stream which was small but flowing perennially. Some years ago, the state water authority constructed a simple reticulation network including a small dam, a network of water pipes and two large water tanks as reservoirs. Every house was connected to the ‘automated’ stream water supply network. The stream water had to be boiled before consumption, which was the same way ordinary Malaysians deal with municipal water supply. The villagers had little complain about their water problems.

What was interesting was that, the government\textsuperscript{17} initiated an upgrading scheme for the water supply since late 2009. Until the end of this fieldwork in March 2010, each village house had been connected to an individual water storage tank, with new piping installed, and the key facility constructed was a small filtration and disinfection station\textsuperscript{18}. That would allow the villagers to have cleaner water free from bacteria\textsuperscript{19}, albeit with a hint of chlorine odour in the water. But, automated chlorination facility surely needs electricity to power the operation and as we knew earlier, the village was not connected to power grid. Therefore, the solution was to attach a solar power module to the small chlorination plant to keep the pump running.

To some, this might seem to be a smart, environmental-friendly technological solution. But if we understand the workings behind it, it was a terribly unusual and silly arrangement, reflecting yet another classic case of ill-planned development project. Let me explain why. The new system with all its solar panel, water pipes, tanks, and disinfection equipments could easily cost more than RM80,000. This money could well be enough to finance the connection to the main power grid for the entire village\textsuperscript{20}. And most importantly, the villagers has much more problem with (no) electricity than with water, but as always happened in the OA villages, the authority carried on their development plan by keeping the villagers in dark.

5.3.3 Health and Education
According to my estimate, there are about 10 children at primary school age (under 12) in Kg. Kemensah who were mostly enrolled in the local school. Transport service was arranged by the

\textsuperscript{17}In this case, the project was under the purview of Ministry of Rural Development under which the JHEOA operates.

\textsuperscript{18}See Appendix E, Plate 14

\textsuperscript{19}In the tropics with high temperature, mountain stream with pristine ‘appearance’ could still potentially contain harmful bacteria. Boiling the water would make consumption safe, which is a common practice among Orang Asli.

\textsuperscript{20}This is my own estimate made on informed figures from usual market price, which I obtained from consulting practicing electrical engineers. Detail calculation was not included in this thesis.
government to send them to school for free. In secondary school, however, some students travelled on their own motorbike to schools. As observed among other OA communities in Malaysia, a great number of children started to drop out after finishing primary school. During the time of my fieldwork in Kg. Kemensah, the eldest person still attending school was a teenager boy aged 16 – he was in Form Four. Most adults in the village had never attended any secondary schools.

To get employed in the public and most private sectors as ordinary worker one has to finish 11 year of education. In the past, a Christian NGO, Malaysian Care has tried to provide voluntary school tuition to the children in the village. It was not sure if the programme was still ongoing. However, church workers did visit the village on a bi-weekly basis to teach the young aged children on the Bible. I have witnessed one such event, where some eight children attended the informal class carried out via word games and singing, many of them were visibly incapable of spelling and writing in common Malay words.

I have little data on health issues. A brief survey showed that most children at present were born in government hospital. The biggest health concern, as in many other Orang Asli villages, was alcohol consumption. On a few occasions I have met drunken villagers (male, adult) at day time. As I walked around the village compound, it was not difficult to spot some empty alcohol bottles leftover on the ground. The typical alcohol consumed was of poor quality, made by small local factories – cheap but contains very high alcohol content. I saw one type of bottled ‘gin’ (300ml) with 14% of alcohol content was sold at RM3.50 – RM4.00. A villager has some stocks and operated a small ‘under-ground’ business. The price of alcohol, was in fact not cheap in Malaysia if we compare that with the income level of the people.

5.3.4 Availability of land

The land area under the de facto control of the Temuan community of Kampung Kemensah was approximately 60 acres (equivalent to 25 ha) as of early 2010. But until the mid-1990s, they used to command about 100 acres of land. What they had lost was a sizeable plot at the northeastern portion of their territory when it was claimed by some unknown Malay farmers. The Malay farmers managed to produce a land title (geran) issued by the state authority to legitimize their claim, and the Orang Asli although frustrated, did not challenged and confronted the alleged encroacher (the Malay farmers). Later, I made an effort to check the district land

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21 Marion, church worker, personal communication.
22 See Appendix E, Plate 5
23 Batin Ebak Pulasan, personal communication. To have an idea of how big is 25 ha, one could image an area of 500m x 500m – it was quite small.
24 In fact, when asked, the Batin said they did not even checked the authenticity of the land title produced by the Malay farmer, or thereby requested for clarification of rights from the authority.
survey map and land registry database from associated state departments and confirmed that what they have been told was true – the northern corner was alienated to someone else.

What kind of tenure security the Kemensah villagers have over their land? Indeed, how legitimate was their claim over land, be it 60 or 100 acres? These are difficult questions and I did not have a confidently correct answer. But it was clear that in the case of Kampung Kemensah, the Temuan villagers’ land was not duly gazetted as an aboriginal reserve, and on legal terms, they were treated by the state authority as ‘tenant-at-will’ or worse ‘squatters over the state land’\textsuperscript{25}. This situation has to be contrasted with vast tracts of Malay Reserve land\textsuperscript{26} in the same Kemensah / Hulu Kelang area, for example the Pendas Malay Reserve\textsuperscript{27} that is several times larger than the small 25 ha claimed by the Temuans.

\textbf{5.3.5 Land use and distribution}

Given the land scarcity and insecurity, how did the villagers use their land and distribute the rights between the fifteen household? Were they communally or individually owned and managed?

According to my own estimate\textsuperscript{28}, among all 60 acres controlled by the villagers, two third or 40 acres was cultivated with mainly rubber\textsuperscript{29} and interspersed with fruit trees. The village compound occupied some 5 acres and the rest were secondary forests, roads and streams. The rubber farm was distributed among five households and each worked their own farm separately. The boundaries between rubber farms of two separate families were clearly demarcated and unambiguous. Fences were unnecessary but everyone knew where the line is. I did not enquire into the perhaps sensitive issue of why some family has rubber and the rest not\textsuperscript{30}. Other than the individually owned rubber farms, the rest of the area was communally owned and managed. This included the village compound (other than individual houses), roads, cemetery, streams, and also the hilly and rocky area close to the bordering the Tabur Hills where the soil was so thin and poor that holds nothing but bamboos.

\begin{itemize}
\item \textsuperscript{25}This has to be read in comparison to Section 5.2.3. Also see Section 3.4 for the background of indigenous land rights in Malaysia.
\item \textsuperscript{26}Not greatly dissimilar to the concept of aboriginal reserve, the Malay Reserve was land delineated exclusively for the use of the Malays, and could only be traded among the non-Malay.
\item \textsuperscript{27}According to Kg. Kelang Gates Baru Topographical Map (2007).
\item \textsuperscript{28}With the help of a handheld GPS and simple mapping software, interpreted with interview findings from the local villagers.
\item \textsuperscript{29}The age of rubber trees here was said to be as old as 40 years – still standing strong but the yield was unsatisfactory.
\item \textsuperscript{30}The ownership pattern among the villagers, though important, was best left for another research. What was clear during this fieldwork was that the ownership was hereditary, and the ownership status and boundaries were negotiated among villagers without the formal land titling by state agencies.
\end{itemize}
5.3.6 Economic Activities

The economic activities in the village could be broadly categorized into three, namely rubber small holding, wage labour and hunter – gatherer. First I should describe the situation of the rubber small holders.

5.3.6.1 Rubber / Fruit tree cultivation

Five families in Kg. Kemensah have their own rubber small holdings and each was worked by their family member. There were also some fruit trees planted within rubber farms. The income earned from rubber went to the each owner family. However, the fruits harvested were largely communal, it was mainly for consumption in the villager rather than selling for income.

Economic livelihood by a mixture of rubber\(^{31}\) small holdings and fruit tree cultivation were common among the Temuan villages. The Temuans were known to be good cultivators, and their involvement in rubber plantation could at least be dated back to the 1930s in Negeri Sembilan and Selangor (Harper 1997: 9). More recently, according to Dentan et al (1997: 47 – 48) from their report on a Temuan village in Selangor during the 1980s, the villagers;

"grew some subsistence crops, hunted and gathered in nearby forests, and fished in local streams [and] to get cash ... they tapped rubber, collected forest products, sold food and did occasional wage labour"

In addition, Nobuta Toshihiro’s comprehensive and longitudinal ethnography studies in Kg. Durian Tawar offered an excellent account of the dynamics of daily economic activities involving rubber tapping and fruit tree harvesting in response to seasonal change (Toshihiro 2009: Chapter 3). The major pattern of economic livelihood strategies of the Kg. Kemensah villagers was largely similar to that of the Kg. Durian Tawar’s reported by Toshihiro.

Harvesting of fruit trees was mainly seasonal but the rubber trees were tapped daily. All five families that owned the rubber farms were working themselves as rubber tapper. The rubber tapper has to work everyday, if the weather allows, which is tapping the rubber trees one by one, followed by collecting the solidified rubber, and storing them properly. The amount of produce in each month, and hence income, is proportionate to the days of work in that particular month. If the rubber tapper fall sick and did not tap the trees today, she would not get twice the amount of harvest when she taps the trees tomorrow.

In Kg. Kemensah, an interesting observation was the storage “technology” of solidified rubber by the villager in running stream to maintain moisture\(^{32}\). I have also witnessed a rubber trading session in March 2010 – the buyer drove into the village by a small lorry and the villagers

\(^{31}\) Rubber was introduced to British Malaya in the late 19th century and has been an important cash crops for Malaysia to earn foreign revenue for more than a century till present.

\(^{32}\) Why keep the moisture? Depending on weather, rubber that has been collected for several days could lose its moisture and this inevitably resulted in less tonnage and hence a lower total income by the villagers. See Appendix E, Plate 2 for the villagers’ strategy to keep the rubber “fresh” and heavy.
carried their harvest sack by sack to the lorry where a temporary trading corner was set up with a scale\textsuperscript{33}. The buyer then paid the rubber tappers according to the weight and the current market price, in cash. I learnt that this trading session happened once every 10 days to two weeks, and that was rightly considered the “pay day” for the rubber small holder’s family. These families seem to be more well off compared with other families, not the least due to the prevailing high rubber prices in the world commodity exchange.

5.3.6.2 The Wage Labourer

One might ask at this point, what about the rest of the households who had no rubber? How would they make a living? Well, the “landless” households were broadly separated into two categories, i.e. the wage labourer and the hunter – gatherer. I would first introduce the former.

Approximately six villagers (I believe all male) were employed on a permanent or contract basis as general workers by private landscaping contractors or cleaning contractors\textsuperscript{34}. One weekday morning in February 2010, I was talking to a woman in her late twenties and a mother when her husband was off to work for the landscaping contractor. Asked how she thought about her husband’s job as wage labourer (makan gaji) in comparison to rubber small holder, she said she was rather satisfied with her husband bringing home a fixed monthly income, albeit the money was little. In her own words, “Land was limited, so not everyone could get a piece of rubber farm”.

The implied message in her words was, as I interpreted, that having their own rubber farm would be preferable – rubber was then traded at RM5 per kilogram, doubled since 2007 and therefore the income was attractive. However, she clearly preferred working in the wage earning sector than collecting forest products (cari hasil hutan) which was less stable.

5.3.6.3 The ‘Traditional’ Hunter - Gatherer

The third job category for the villagers was hunter – gatherers whose activities were to collect non-timber forest products (NTFP). In Kampung Kemensah, this was a rather common job among young men in their late teens or twenties still incapable of finding a wage earning job. So, what did they find in the forests and how could that be a source of livelihood?

The hunter – gatherers mostly work in small groups, going into the forests area close to their village for daily work, or occasionally, venturing further towards the east / northeast (where relatively large tract of forests remained\textsuperscript{35}) for a multiple day work trip. The primary

\textsuperscript{33} See Appendix E, Plate 1 and 2

\textsuperscript{34} An interesting observation when we walked around in Kg Kemensah is the varieties of attractive flowers planted around the village compound. Not unlike other rural villagers, the Temuan decorated their living space with ornamental plants but in Kg Kemensah a rather extended variety was blooming in the village compound, probably due to some working for the landscaping contractors.

\textsuperscript{35} The Gombak Forests Reserve area, see map attached in Appendix B
target is almost always *gaharu*, a particularly kind of highly priced incense wood, but looking for *rotan* (*rattan*) and *petai* (a kindly of wildly grown jungle peas) are also common. In fact, the imagery of the Orang Asli communities throughout the Peninsular Malaysia has always been closely associated with *gaharu*, *petai* and *rotan*, among others NTFPs. Upon obtaining the valuable products, one would later trade with a buyer or normally a middle man for cash.

Occasionally, an outsider (a Chinese or Malay trader) would visit the village and place some *ad hoc* but specific orders for certain kind of forest goods. For example, during late March 2010, the Temuans at Kg. Kemensah had collected a small heap of special vine-roots (*akar rempeng*), which could be sold for aquarium decorative use for its peculiar aesthetic values. The order was placed by a Chinese trader few weeks before but he had yet to come back to complete the deal.

Hunting of small animals too, was common but usually for self consumption of game meat and even that contributed to a rather tiny portion of their daily diet. According to the villagers, as forested area dwindled in acreage so did previously the previously abundant wildlife. Hence, game-hunting was considered as pass time and “bonus” – what were still commonly hunted were wild boar, monkeys and probably some reptiles like snake and terrapin. Batin Ebak talked about occasional spotting of *tapir* in the deep forest, but the story of tigers remained as story of the old times.

*Howell et el* (2009) had recently conducted a study on the *Jah Hut* Orang Asli communities in central Pahang about the income, diet dependency and economic well being based on different livelihood strategies involving NTFP collection and trade. Undoubtedly quantitative survey of such kind could provide illuminating insights on the weight and role of NTFP plays in Orang Asli economy. However, this was not carried out during this research due to resource limitation.

Nonetheless, in Kg. Kemensah, the characteristic of an economic livelihood based upon NTFP was studied by observation in the village and interviews with some of the villagers working as hunter-gatherers. This was compared with some of my short fieldwork to other OA villages. A common feature I found was that hunter-gatherers had to face income fluctuation with a great degree of unpredictability beyond their control. According to a villager in Kemensah, it depends on experience and *luck*. When the luck was good, they could find some high-priced *gaharu* and a few days of work sufficed to an entire month’s expenses. On the other hand, working diligently and going deep into faraway corners in the forests did not warrant a proportionate gain in terms of quantities and values of NTFPs collected.

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36 See Appendix E, Plate 2
37 A large mammal species with which was considered as endangered in Malaysia
38 See explanation of different fieldwork in Section 2.4.
39 Kemensah villager, Lan, personal communication
The market for selling forest products was restricted for the villagers - only a handful of external traders made the occasional journey into the village. The villagers did not go around and looked for buyers or do 'marketing' for their products. Their position as a seller is usually handicapped as they have little bargaining power. The buyer, often an urban Chinese or Malay, commands substantially more market information and hence is more powerful. Above all, most buyers would have rightly guessed that Orang Asli, like the Temuans I met in Kg. Kemensah were poor and desperate for cash - they would sell their NTFPs stock off anyway because no other options existed.

5.3.6.4 Subsistence farming
A word must be said on subsistence farming which was so commonly associated with the livelihood of indigenous people, Orang Asli included. This was, in fact, rather limited for the Temuans in Kg. Kemensah. Planting ordinary local food crops like yam, cassava, and fruits around the village compounds were observed but the yield was hardly sufficient for own consumption. The Temuans were known to be skilled wet rice farmers before (Dentan et al 1997: 47), but today no rice fields were found in Kg. Kemensah area or other OA villages I have visited for fieldwork. The villagers bought vegetables, rice and occasionally meat from the groceries shops in town or even supermarkets in the city. Surprisingly, the chicken running around the village yards were not always reared for consumption - "We feed these chickens everyday and as they grow up we couldn't bear (tak sampai hati) to slaughter them", one elderly woman told me in the village.

5.3.7 Income
Having seen the main economic activities engaged by the villages to earn income, here I showed the approximate income level for each main job category. Overall, in terms of income ranking, the rubber tapper ranks top, followed by the wage labourers, then the hunter - gatherer. The monthly income of rubber tapping household is estimated at approximately within the range of RM1,500 – RM2,000; each wage labourer earned not more than RM1,000 per month; and the hunter-gatherer was between RM300 to RM2,000 or more. Worth-mentioning is that job types could and did often overlap in the village. Most often are hunter – gatherer doing temporary odd-job wage labour on an ad hoc basis, such as building Orang Asli style wooden huts for the holiday chalets in the Kemensah area. A permanent employed wage-labourer too would (but not very often) go into the forests during non-working weekends. I did not account this extra earning opportunities in the income figures above. With this income bracket, the Kemensah villagers are mostly just above the national PLI set by the government, but in the worst case the

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40 See Appendix E, Plate 3.
41 I did not conduct any detail household income survey. The range of income for different jobs are rough estimate based on interviews and my own estimate.
42 For more about PLI in Malaysia, see Section 5.2.
hunter-gatherer could fall into intermittent absolute poverty during certain period of the year. The rubber tappers, while seemed to be quite well-off now, are always facing the downturn risks of highly volatile world rubber market.

5.3.8 Summary: The village-specific picture

The poverty in Kg. Kemensah was multi-dimensional. From the perspective of income and material belongings, they were not as poor in relative to the Orang Asli living in the more rural area. However, comparison to average Malaysian living in the outskirt of Kuala Lumpur would have shown the serious deprivation observed in Kemensah. Further more, if we look directly into the fundamental dimensions like health, education and electricity, no doubt the Kemensah villagers could be identified as poor. Throughout the description on land and economic activities in the previous section, it was also shown that, indirectly, their living condition was subjected to a great amount vulnerability and uncertainties. Such were integral features of poverty.

5.4 Analysis – The Causation of Poverty

I have now developed a grounded argument that Orang Asli poverty was a serious problem, reflected in different ways by both ethnographic accounts in Kg. Kemensah in addition to the general background of Orang Asli’s situation in Malaysia. We would be reminded that, the CA proposition of seeing poverty as capability deprivation or entitlement failure. But then, how does CA come in here to explain why human capability, including both the basic ones like food, education and health and the complex ones like social participation, are absent among the poor?

I start by referring back to the CA model introduced in Section 3.10 by breaking down the arguments into two parts, i.e. by taking an agency view and a structural view. The interactive sum of the two would give us a complete picture on the causation of poverty.

5.4.1 Agency view – lack in assets

From an agent (read individual) point of view, without assets functionings and capabilities could not develop. The individual is the unit that we take to analyse the capabilities – functionings – assets loop. As informed earlier, assets could be transformed into functionings and capabilities to reduce poverty. Using the formulation in Worldbank (2001), these assets could be categorized into five different kinds, i.e. human, physical, natural, financial and social Assets. The exercise here is to match these assets with the poverty dimensions among the Orang Asli presented in the earlier section. I would focus on human and physical assets in more detail.

43 A desktop research using the database at this website (www.indexmundi.com) showed that world rubber market price (in US cents / pound) for the month of January was 119.92, 68.26, 139.73 in year 2008, 2009 and 2010, respectively – fluctuation was high indeed.
5.4.1.1 Human assets

The most important human assets are inarguably education or skills and human health. First, they are the most fundamental means for other human functionings (such as working, playing, taking part in community work, etc.) to develop so that capability expands and poverty reduced. Second, often forgotten is the fact that, education and health has intrinsic value in itself that is considered integral to human freedom. Here I discussed the lack of education and health by bringing in the importance structural forces.

In general, there are multiple reasons why Orang Asli have low education attainment. However the most plausible explanation could not overlook structural barriers such as lack of commuting means to school, unmotivated teachers sent to rural areas, and expenses (Nicholas 2006). In Kg. Kemensah, the problem of travelling distance and transport was largely solved and this is a positive direction towards getting the young children to school. On the other hand, it was not entirely clear how much incentive has been put in place to bring down the dropout rate among the student, getting them staying on school.

One should note that public education in Malaysia is not 100% free. Despite receiving full government subsidies, individual schools were still allowed to charge a ‘small’ fee each semester which costs around RM 50 or more. The poor, such as Orang Asli, has to bear disproportionate financial burden in paying this money which was negligent for the middle-class family. I would suspect that the extra education subsidies given to the Orang Asli were insufficient. From 2000 to 2005, the increase in state budget for Orang Asli education subsidies was rather mediocre and could hardly account for the rise in number of students, not to mention inflation. There was an astonishing drop of Orang Asli school enrolment in the year 1999, followed by the subsidies cut implemented in 1998 due to the Asian financial crisis. For an Orang Asli family making RM 1000 a month, sending four or five children at the same time to school and pay a ‘small fees’ of RM 50 each time the school term commenced would be a burden, to say the least.

For health, more has to be said on the alcohol problems because it is really problematic among most OA communities in Malaysia. Two points must be highlighted. First, cheap alcohol of low quality (GAPA 2001, 18 – 20) is ubiquitous. Second, the driver of excessive alcohol consumption, not unique to indigenous people, strongly correlates to socioeconomic underachievement, that is poverty. As observed in Kg. Kemensah, alcohol is as much an effect as a cause of poverty.

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44 See numbers reported in Nicholas (2006: Table 1)
45 Being a predominantly Muslim country, state taxes on alcohol was very high, Ordinary brand-name alcohol is expensive, but there are also cheap alternative that are locally made without proper quality control. Regulations in place were inadequate and worse still, poorly enforced.
5.4.1.2 Natural assets

Natural assets, such as land, could also be seen as endowment or entitlement in Sen’s earlier work (Sen 1982). I have shown the background of Orang Asli land rights in Malaysia (Section 3.4), the overall situation (Section 5.2.4) and particularly in Kg. Kemensah (Section 5.3.4). The evidences suggested that the lack of tenure security and overall, the scarcity of land have strong links for poverty among the Orang Asli community. And this went beyond the economic returns of land as natural assets. In fact, ancestral land has also enormous social benefits to the Orang Asli. While having land does not guarantee a prosperous life, losing land almost certainly caused Orang Asli to lose the entire livelihood – economic bases, as well as dwellings, social and cultural space and identity. The fact that having limited and dwindling natural assets, especially land was a serious cause of Orang Asli poverty could not be over-emphasized.

5.4.1.3 Physical, financial and social assets

I chose not to discuss the remaining three assets in detail. In short, we could infer from the fieldwork observation account in Section 5.3 that there was serious shortfall in all these three kinds of assets. My emphasis though was that, the deficiency in human and natural assets, as detailed above, were most serious and relevant to the situation in Kg. Kemensah.

5.4.2 Structural view – Instrumental Freedoms

In Sen’s thesis of development as freedom, freedom is both constitutive to development and instrumental to it (Sen 1999). He named five instrumental freedoms which are substantive means to develop agency achievements, viz. political freedom, economic facilities, social opportunities, transparency guarantees; and protective security.

Institutional (or structural) roles are central to promote these five instrumental freedoms. A comprehensive analysis of Orang Asli poverty would require an item by item discussion down the list of five instrumental freedoms. However, I would only briefly provide several examples of ‘match’ between the first four freedoms with already shown empirical observations (Section 5.2 and 5.3);

- Economic facilities - No electricity, communication facilities important to support income-generating initiatives
- Social opportunities - Little interaction with other segments of Malaysian society
- Transparency guarantee – Orang Asli land alienated by state to other people without their consent
- Protective security – Absence of safety net to protect small farmers against fluctuating rubber prices -
This left us with the first item, *viz. political freedom* which was not entirely clear to what extent has it impacted on Orang Asli poverty. In view of this, I would proceed to make a strong case: political freedom has far reaching impact on the well being of Orang Asli and hence deserves a closer scrutiny.

5.4.2.1 Political Freedom

In terms of political freedom, Orang Asli as an ethnic group collectively has to face much worse restrictions compared to the ordinary Malaysia citizens who are already facing serious deprivation of political rights\(^46\). This was largely due to paternal politics and the effects of obsolete laws. We learned in earlier chapter the enactment of APA 1956 (see Section 3.3) that secured Orang Asli certain indigenous rights, but at the same time, compelled them to secede much political autonomy as a people. In administering APA 1956 and in combination with other state policies, the state agency dedicated to improve the well-being of Orang Asli, JHEOA has become the *de facto* and *de jure* patron to an entire population. From the following lists excerpted from APA 1974 we could see how Orang Asli was controlled (APA 1974):

- All dealings in land (lease, sell, mortgage, etc.) by Orang Asli had to be consented by the Commissioner\(^47\);
- The Minister could prohibit any person or class of person from entering an aboriginal area;
- Police officer may detain any person found in any aboriginal area whose activities *he* has reason to believe are detrimental to the aborigines; and
- The Minister may make regulation to prohibit the circulation of printed material and films in aboriginal area; and prohibit sale or gift of intoxicating liquor

Why such legal clauses were included in the APA could not be interpreted but in relation with the historical background of warfare with the communists’ guerilla. However, they were not repealed after the end of Emergency period (See Section 3.2), and are now instead causing Orang Asli to be tightly controlled and losing much autonomy compared to the other non-Orang Asli Malaysia citizens\(^48\).

\(^46\) On the bottom line, Malaysia is a functioning democracy with constitutional monarchy-parliamentary system. General election was held at least once in 5 years since 1957. However, the political hegemony of the UMNO-led BN coalition government, as a result of holding power uninterrupted for half a century has caused bad governance and oppression of citizenry rights. Press and speech freedom was largely curtailed by draconian laws, including the Internal Security Act (ISA), which permits *detention without trial* for years (SUARAM 2009). To legitimize the authoritarian rule, one commonly cited excuse was that hate speech and sensitive ethno-religious issues could easily erupted had it been no control by the state. However, such restrictions on civil rights ostensibly for social harmony has in effect more to do with serving the politicians’ self interests and that caused the Malaysian public dearly in terms of political freedom (Mohd. Sani 2008).

\(^47\) In this case, it is the Director General of JHEOA

\(^48\) Why? Nicholas (2000: 102, 139) contended, and I agree, that the state’s aim to undermine the political autonomy of Orang Asli as a *person* and as a *group* are much related to Orang Asli’s claim to vast natural
The deficiency in political freedom has prevailing and strong impacts on the daily life of Orang Asli. To make my point, I gave three recent examples:

1. In Kg. Kemensah, the JHEOA officer tried to harass the NGO that I was working with for not having prior approval from the department to carry out our project for rural electrification (as first introduced in Section 1.3). The NGO was there to assist the villagers to power up their houses which they valued a lot. The state agency instead, tried to prohibit the NGO from carrying out activities and also strongly advised the village headman against allowing ‘strangers’ to visit the village in the future, if unattended by JHEOA;

2. During a by-election recently, the JHEOA had conducted political campaign for the ruling party BN by various activities including dubious events with elements of vote-buuying. There was a surge in police presence in some OA villages and entry control arbitrarily set up by the police. DVD player sets were handed out free to the Orang Asli villagers, and abundant, free flow of alcohol was available during the nights prior to the voting day.

3. The appointment to the position of village headmen was the sole discretion of the JHEOA. The villagers have no autonomy in deciding who represents them. Most villages’ headman was a hereditary position, but some villages use a vote system too (Jenita Engi, personal communication). While the villagers determine their headmen (read political representative) either by vote or by adat customs, the paternal JHEOA makes final decision on appointment, or replacement. The only symbol (that is, of no real power) of OA representation in the entire political system in Malaysia is one reserved seat in the Senate in parliament, and is without exception, appointed by the state.

Other examples abound. Having such little political freedom, it is perhaps not too surprisingly to understand the reason of persistent poverty among the OA community. For they were treated (at best) merely as ‘needy patients’ but never as ‘agents for change’ (Sen 2004). Without expanding political freedom, human agency could hardly function. Compensation by other means could never make up the deficit in political freedom.

resources (based on their NCR) and concurrently resisting against assimilation/integration into the mainstream Muslim-Malay section of society despite state coercions. One cannot grasp the dynamic of the problem without understanding the political economy of ‘forests’ and ‘land’ resources in Malaysia. This is too large a topic to be discussed here, for which one could refer to Nicholas (2000) and Harper (1997) for detail accounts.

49 For the Parliamentary seat, Hulu Selangor, located at the northeast of Selangor state. It was tightly contested and there were considerable Orang Asli population in the area.

50 Colin Nicholas, personal communication.

51 Jenita Engi, personal communication.
5.5 **Summary**

The results of village specific study at Kg. Kemensah conformed to the larger pattern of poverty as reported in literature and as observed during this research at other villages in Selangor. The analysis of results by capability approach has centralized poverty as the problem and highlighted the multi-dimensional nature of poverty from a structural and agential perspective. This line of argument would be further discussed in Chapter 6.
CHAPTER 6 DISCUSSION

Following the analysis in Chapter 5 which has related the specificity of Orang Asli (OA) poverty to a Capability Approach (CA) framework, this chapter brings the discussions further and highlighted several plausible policy implications to be considered.

6.1 Centralising Orang Asli Poverty by Capability Approach

By a critical analysis using the conceptual model of CA, the different dimensions of poverty were singled out the problem faced by the Orang Asli in Malaysia, specifically the Temuan community researched in Selangor. The causes of poverty were associated with the shortfall in various individual assets and human capabilities, bounded by a structure seriously lacking in instrumental freedoms, especially political freedom.

In other words, the deep cause of being poor is to be deprived of opportunities to develop human capabilities. This could be explained if we examined the assets holding of the poor especially in terms of human and natural assets. Lacking education and training causes deficiency in human assets, while unrecognized land rights (see the observation as presented in Section 5.3.4 and 5.2.4) further undermined the assets base by taking away NCR land from the Orang Asli. As a direct consequence, sources of economic income were seriously affected. This was in addition to the more intangible loss (but no less valued) because ancestral land are meaningful places where social and cultural activity took place in the past and still practiced by the current generation. A CA analysis brought out the picture that human poverty and well-being, Orang Asli included, is multi-dimensional – both objective biological-determined human functionings and subjective context-dependent well-being dimensions are both important, one is not to be subsumed by the other.

6.2 The limitation of ‘cultural survival’ paradigm on ‘land’

It would be rational to elaborate more on this subject as land is the issue that gathered most attention among different groups of Orang Asli throughout Malaysia. The amount of attention and concern could not be overstated\(^2\). Indeed, as pointed out earlier in Section 5.2.4 and 5.4.1, land as natural asset was crucial in terms of bringing further capabilities for Orang Asli. I would add another point which is that land could be seen as a protective security\(^3\) in the way that, unlike the urban poor, an Orang Asli could at least go back to his land and labour for food in the case of unemployment. The notion that ‘Land Is Life’ for indigenous people has been reiterated

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\(^2\) More than 200 delegates from different villages gathered at the first National Land Convention for Indigenous People in March 2010 (Appendix E, Plate 18). As I observed, the level of participation in joint discussion was high and when JHEOA officers explained the new land policy (See Section 5.2.4), heated debate followed suit.

\(^3\) See introduction in Section 4.5.3 and 5.4.2
in many places (e.g. Colchester et al 2007), and is a salient feature of the ‘cultural survival’ paradigm. Yet, I should also point out some tricky blind spots in this area of concern:

1. While being evicted from land would almost certainly drive Orang Asli into destitution, having land does not necessarily bring them out of poverty. As shown by my research and others54, much of Orang Asli land were planted with cash crops mainly oil palm and rubber – these are global commodity with volatile market prices. There was little protective measure to help these small scale cash crop farmers when prices fall below cost level. On the other hand, there were examples where farmers (including Orang Asli) who entered into long term agreement with a third-party buyer with a bad deal which gave little leverage to market upturn price revision, while promise no minimal price guarantee during recession;

2. The hunter – gatherers situation showed that even with land and forest rights secured (which was often not the case), selling NTFP was a tough livelihood choice for Orang Asli. This was pointed out in my study55, and also found proof in Svarrer and Olsen's observation on the Jah Hut56 community who tend to take up labour job and forego NTFP collection because of higher return on labour. Howell et al (2007) also concluded that the hunter – gatherer typically were the most vulnerable group in earning the least income. This was probably due to either NTFP selling price was low, or that the availability of NTFP kept falling as forests become fragmented and the biophysical stocks dwindled. Both could be true at the same time. Given the current economic system, it was unlikely that the hunter – gatherers, most of whom are lowly-educated, could manage to improve their situation by own efforts;

3. The trend of more Orang Asli working in the wage sector was quite obvious in Kg. Kemensah, and other Orang Asli villagers not far from job centre57. Their dependence on land for economic livelihood reduced to a very low level. This means, the well-being of many Orang Asli households would be strongly linked to their working condition as a wage labourer. However, no research has investigated this aspect of problem, and for example, comparing working condition of Orang Asli labourer compared to the general workers’ situation. In at least two different occasions, Orang Asli villagers mentioned that it was almost an ‘understood arrangement’ that they would be given less salary in comparison to other workers when applying for jobs, although skills and time requirements were similar.

Inferring from these discussions point, there are many areas that should be given attention to improve the well-being for Orang Asli – not only land, but much more than that. These are

54 See Section 5.3.4 to 5.3.6, Toshihiro (2009), Nicholas (2000)
55 As shown by their economic activities in Section 5.3.6 and their low-income in Section 5.3.7
56 An Orang Asli ethnic subgroup residing in central Pahang in the Krau area, see Figure 1.2
57 Refer to Section 5.3.6.3 – The Wage Labourer. Also, in Kg. Songkok during this fieldwork, I have observed several young women commuting to work as gardener in a holiday resort close to their village.
mainly structural factors such as access to market, labour and social security arrangement and also fundamentally, skills training for working adults\textsuperscript{58}.

6.3 Policy Implications
This was not an attempt to prescribe comprehensive solutions to a wicked situation which no research could claim to have found the answer. I merely intend to point out several policy implications following my analysis based on capability approach.

6.3.1 Changing agents
Investing in health, education and basic economic facilities are ‘old-fashioned’ poverty reduction policies but for good reasons. What is required is substantially more and better-planned public investments. From CA point of view (see Section 5.4.1), two things are important, i.e. empower the poor as agent for change (not merely as ‘needy patients’) and that investing in building individual assets. However, both cannot be done without removing structural barriers.

6.3.2 Structural barrier – JHEOA
I insist that, at the risk of becoming controversial, the first and most rational thing to do for improving institutional roles is to dismantle the obsolete colonial agency, the JHEOA. One must be reminded that this special department dedicated to improve Orang Asli well being\textsuperscript{59} would not exist had it not been the war with communist insurgents 50 years ago. The threat has gone for decades. The expiry date for such paternal and (still) colonial institution is long overdue.

The relationship between Orang Asli and the State, which is supposed to be that of a citizen and a government, was so distorted into a corrupted patron-client network. The consequences were reflected clearly in the reality of Orang Asli poverty, in both absolute and relative measures. Take for example, the delivery of health care services by JHEOA to OA communities today is still very much relying upon the framework\textsuperscript{60} devised during the 1950s despite the demography and requirements of OA communities has changed (Bedford 2009). It is hardly conceivable for a hospital to be managed by Ministry of Rural Development, but not directly under the Ministry of Health.

So does education. Ministry of Education has taken over the schools from JHEOA but accessibility of OA children continued to be controlled by JHEOA, in the form of handing out subsidies, scholarships, recommendation later, etc. A former JHEOA worker bluntly pointed out that the state agency is really the stumbling block and it creates more problem than it solves.

\textsuperscript{58} More elaborated explanation was given in Section 5.4.2
\textsuperscript{59} Which was what written as their mission statement, see \texttt{[http://www.jheoa.gov.my]}
\textsuperscript{60} Centred on the Hospital Orang Asli in Gombak, field staff made visit to different village outpost all over the peninsula. OA patients are always referred to the Hospital Orang Asli, prior to being transferred to other government hospital for specialist services (See Bedford, 2009). Even then, the Hospital OA service is in a state of dismal, lacking both staff and facilities, cases of mistreatment abound. Some OA leaders organised a public protest against the deteriorating hospital services in early 2010 (Idrus 2010, The Sun 2010b)
today. Some OA has voiced out for a better JHEOA to be staffed and led by Orang Asli themselves, while this might have brought staffs with better motivations to the field, it does not change the patronizing nature of such a state authority.

6.3.3 Political and social participation: Realising Multiple Identity

In Section 5.4.2, it was argued the Orang Asli has much worse political freedom compared to other Malaysians and this has directly and indirectly impacted their well-being. A total change in political regime was seen as some as being essential to turn around the situation for Orang Asli. But of course, we shall not be too naive to assume that this would happen over night and then things turn rosy for the Orang Asli.

There is a strong case for the Orang Asli, to participate actively in the social and political processes, and many among them has come to realize the necessity of doing that. Yet, this has not been sufficiently stressed. It was especially relevant at the level of local government. It was hard to imagine, an ethnic community of 150,000 people strong had no single elected representative in any legislative body in the country, from parliament to every municipal councils.

More should be done towards realizing Orang Asli’s multiple-identity, as a citizen and a member in the greater society, with equal rights and responsibilities along with citizens of other ethnicity in Malaysia. Orang Asli is also a voter, worker, farmer, youth, retiree, etc., and this should not contradict by any means with an identity of culturally-unique indigenous people. By ascribing to these multiple identities, it contributes to agency freedom and also opens up vast opportunities for political and social participation. Membership and participation in non-ethnic based organization should be widely promoted, such as rubber small holders association, trade union, political party, teacher-parents association or even hunting clubs. This also helps diminishing the social segregation along single identity line that is dangerous if coupled with poverty and inequality (Sen 2008).

6.4 Indigenous culture and identity in the HD paradigm

Some critics, such as those working in the ‘cultural survival’ paradigm, would point out that CA did not feature a cultural perspective in its analysis. This is a legitimate concern, as pointed out by Daskon (2010: 1086);

‘An inadequate consideration of the cultural perspective over simplifies not only people, but also their resourcefulness and capacities and thus the complexity and diversity of resource entitlement and livelihood opportunities’

61 Personal communication with Simpan Suda, former field officer of JHEOA, retiring after 30 years in service.
62 My own observations during the National OA Land Convention. Many argued for more OA staffs in JHEOA, which currently consists of 70% Malay staffs.
An emerging concept within Sustainable Livelihood Approach (SLA), which is not inconsistent with a CA framework, is to take in culture and traditions as 'cultural capital' or cultural assets. Culture and traditions, such as those of indigenous people, could be constructively used to build and strengthen livelihood assets, improving accessibility and therefore reducing vulnerability in the long term (ibid). Research in this direction remains at an early stage, but it nevertheless point towards a direction to bring culture into the HD paradigm.

From another perspective, fundamentally, cultural liberty is a vital part of human development, because ‘being able to choose one’s identity – who he is – without losing the respect of others or being excluded from other choices is important in leading a full life’ (UNDP 2004:2). This argument might fall short of the aspirations of those operate within the ‘cultural survival’ paradigm, but that does not undermine the overall strength of CA/HD in centralising poverty and shedding light on the predicament of the poor, including the indigenous people, as already shown in this research.

6.5 Concluding Remarks
By using the conceptual model of capability approach, this research brings forward the urgent issue facing the indigenous people in Malaysia that is poverty characterized by deprivation in basic human capabilities and assets. Serious gaps in basic capability dimensions particularly health, education, access to basic facilities, security and political freedom caused Orang Asli, the ‘Original People’, to become the social and economic underclass in Malaysia, locked into the vicious circle of poverty.

Any plausible policy suggestions have to be based on an understanding of dynamic interplay between both structural and agential factors that together determine the outcome of poverty, or well-being of a people. On the other hand, this thesis pointed out that emphasizing on cultural survival and identity preservation of indigenous people might overlook the picture of persistent poverty, which is a threat to social sustainability in any geographical settings. To conclude, in studying the causation of poverty among Orang Asli in Malaysia by CA, this thesis put in focus the urgency of addressing poverty among indigenous poor in order to make progress towards sustainable human development.

6.6 Recommendation for Further Research
There were several issues and questions encountered during the course of this research that could not be sufficiently dealt with in one project. It is therefore worth included in this closing paragraph these ideas to inform potential future research with similar concerns;

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63 See Appendix D for a polemical reflection on the difference between the propositions of HD paradigm and the 'culturalists' approach
1. Variation in types and dimensions of poverty among different group of indigenous people – what are the comparisons between cases of a remote, subsistence farming/foraging community and a semi-urban, wage earning dependent community?

2. A scoping study by using participatory research methods to enlist valued human functionings and capabilities among the indigenous people – to what extent do the valuations and rankings of functionings differ between culturally unique indigenous people and say, a group of multi-ethnic rural poor?

3. Evaluating (previous) different projects conducted by indigenous rights advocacy NGOs by capability approach (e.g. Alkire 2002:233-296) – analysing strengths and weaknesses among projects initiated by different kinds of indigenous rights movement (either aware or unaware of the CA approach) from the perspective of human development.
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News Articles:


Statute and Acts


Map

APPENDICES
Appendix A  A Short Account on the History of Governing the Orang Asli

The term “Sakai” or “Semang”\(^1\) referred to debt-slaves, servants or dependents, and were used to call the “untamed”, “wild” or “uncivilised”\(^2\) man living in the jungle by the British colonial government, the Malay and the Chinese residents since probably as early as the 19th century. These terms carried adverse derogatory connotation and was (and still is) deeply insulting to any Orang Asli. Yet, it is not unusual today for such terms to be heard in private conversations between the Malay/Chinese people, normally in the absence of Orang Asli. The naming reminded a bitter history of enslavement of Orang Asli by the Malay aristocrats, occurring mostly during the 19th century or earlier. Slavery was abolished and prohibited in the 1920s when the British colonial government took greater grip on all the Malay states\(^3\).

What then followed was a series of paternalistic policies by the British driven by several seemingly contradictive motives. First, early ethnographic accounts portrayed the Aborigines (or the Sakai or Semang or Jacoon) as “defenceless creatures with limited intelligence and capacity for self reliance” and hence justified the establishment of aboriginal land reserve to protect them against the economically and technologically superior Malay and Chinese (Nicholas 2000: 79). Therefore, the policy was one of protection and isolation. But second, there was also an anthropologic vision that the Orang Asli represented an early stage of Malay development, and eventually they would progress towards a more civilised state by merging into the Malay society\(^4\) (Harper 1997: 5). Yet, as all colonial government did, the British policy towards the Orang Asli was not free from elements of control because of strong interests on colonial exploration and extraction of resources from the forests.

After the Second World War, the British returned in 1945 the situation started to change tremendously for the aborigines as the Malay Peninsula entered a period of Emergency Rule from 1948 to 1960. Communists insurgents, previously fought alongside the British forces in resisting the Japanese Occupation, were then launching guerrilla war from the dense forests spanning across Malaya, a territory no one knew better than the Orang Asli (or the aborigines, as it was then called). The Communists made some early victories by strategic recruitment of thousands of the aborigines, forming the Asal Protection Corps (Leary 2003). They accorded the impoverished and marginalised aborigines with a proper name, Orang Asal that carried the positive meaning of ‘First People’ (Nicholas 1994). For a period of time the aborigines were attracted to the

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\(^1\)Ironically both terms, “Sakai” and “Semang” in its original meaning, carried neutral meaning such as “friends” or “people”. For a discussion on the naming issue, refer to Dentan (1997: 112 – 114).

\(^2\)These are incorrect racist labels and deeply insulting to the Orang Asli. The use of such remarks should be seriously condemned, but nonetheless, it was reproduced here for the purpose of presenting how the image of Orang Asli is (incorrectly) constructed by the powerful.

\(^3\)The history of Orang Asli enslavement was never mentioned in official accounts, let alone written into history textbooks in public schools.

\(^4\)The Malays were then predominantly rural peasants.
communists’ pledge of a better life and secured land tenure. Then, the British changed tactics and saw “winning over the hearts and minds” of the people, including the aborigines as the crucial strategy to alienate and defeat the Communists. The British High Commissioner (later Field Marshal) in Malaya said frankly, “The only reason why I directed that something must be done about the aborigines of Malaya was that they had become a vital factor in the Emergency” (Holman 1958 in Bedford 2009).

Against this background, the Aboriginal People Ordinance (APO) was enacted in 1954 and that marked a watershed of state administration policies towards the aborigines – the overarching aim shift towards controlling access and isolating them from the communists (Nicholas 2000). The Department of Aborigines (the precursor of JHEOA) was established and put under the purview of Ministry of the Interior. It was later transferred to Ministry of Rural Development after the threat of communists ceded.

Overall, it would not be an over exaggeration to say the identity of Orang Asli was born and constructed following the war with communist insurgents. Orang Asli occupied a strategic position in the war and by 1960, to win over their hearts and minds, the Alliance government had no choice but to accord them some recognition by calling them ‘Orang Asli’. The Aboriginal People Ordinance 1954 was subsequently amended in 1967 and 1974, and is still in force (APA 1974) despite the ending of emergency in 1960 and finally the complete disarmament of the communist insurgents following the Haadyai Peace Accord in 1989.

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5 This phrase is a long lasting addition into the counter insurgency lexicon. Little known was its origin traced back to Sir Gerald Templer (then British High Commissioner to Malaya) when fighting the counter-insurgency war in British Malaya (Shennan in Ludwig 2007: 63).

6 The closest term to “Orang Asal” - the term communists had earlier employed (Nicholas, 1994).
Appendix B  Ethnic groups in Malaysia: Orang Asli, Bumiputera and Indigenous People

Notes:
1. The term “Bumi-putera” (sons of the soil), defined by Article 153 in the Federal Constitution, includes the Malay and all the natives of Sabah and Sarawak. This is not to be confused with the term “indigenous people”.
2. The “Bumiputera” citizens are accorded with special privileges and rights, e.g. fix high quotas in universities, placement in public services, board membership in public listed companies, etc.
3. Orang Asli is not recognized as Bumiputera in law (de jure) but enjoyed most positive discrimination policies to which Bumiputera entitled (a de facto Bumiputera).
4. Orang Asli are the ethnic minority in Peninsular Malaysia, but the Natives of Sabah and Sarawak are ethnic majority in their respective states.
APPENDIX C  Location Map of Kampung Kemensah

Approximate Scale:

0  1 km

(Source: Open source mapping from Google Earth and maps.google.com)
Appendix D  Theoretical Excursion: Reflection on The ‘Cultural Survival’ Approach Towards Poverty

The policy implications of this study for how to improve the lot of the Orang Asli present no novelty and will come as no surprise to those familiar with Capability Approach. Yet, not only in the context of the public awareness of ethnically-differentiated Malaysia, but equally in the context of the dominant, culturalist, discourse of indigenous rights movement, the policy implications of the present study could not be more controversial. In contrast to CA, the cultural survival paradigm, by putting preservation of a unique indigenous people identity, culture and tradition at the center of their agenda, runs a risk of overlooking and being indifferent to the un-freedom and material poverty of these people. While, not only Human Development and CA, but all approaches in Sustainable Development all share the advantage of at least acknowledging the need to deal with poverty for achieving social sustainability.

The cultural-survival approach cannot maintain that once the cultural rights of the Orang Asli are recognized and implemented their material well-being will follow. One could of course assume that the Orang Asli in their original state, i.e. in the pre-modern era, enjoyed a good-enough standard of living and quite extensive degrees of freedom; but even the fullest restoration of cultural rights and original life style cannot guarantee the alleviation of poverty and extension of freedom in the present context. Given the realities of the national and international social and economic institutions, no ethnic community could remain isolated from interaction with the larger social and economic matrix. The logic of the present economic system would certainly affect the less capable players adversely; as indeed measured by social and economic indicators the world over, Malaysia included. One could, and maybe one should, defend the cultural rights of the Orang Asli vehemently, but one must recognize the fact that this is not the same as tending to their problems of poverty and deprivations. Since taking a “isolate and protect” strategy is not desirable and reasonable for the Orang Asli, then the better alternative is to close the capabilities gap between the Orang Asli and other stronger member in the society. The well being of a society of people, certainly including the indigenous people, does not lie in looking back towards a traditional way of life (if it do exist it is a poor life) but going forward towards a diverse, multi-dimensional livelihood which allows human functionings to flourish and freedom expanded.

To recognize the failure of the culturalist approach to resolve the problem of poverty and deprivation is not to legitimize an ethnic or cultural assimilation strategy that aims at diminishing the cultural distinction of the Orang Asli. Rather, the emphasis by the open CA framework was on individual valuation and public reasoning in determining the well being dimensions – obviously ‘culture and identity’ could finds its space as being a subjective dimension of well-being.

This thesis does not investigate the validity of claim that ecological sustainability could be better attained by preserving indigenous people and their culture because of their unique ‘living in harmony with nature’ lifestyle. Nevertheless, even if we hold that claim as
valid, the capability approach still advises us to prioritise on reducing poverty and expanding basic capabilities. I should reiterate that there are core, biological dimensions within the conception of poverty that could be assessed objectively and demanded immediate attention.

In other words, the well-being of indigenous people at one end and the integrity and sustainability of forests/ecosystem at the other, are two separate projects with some overlapping concerns, but go their separate way as guided by different set of values. One should not undermine the other, but both could not be assumed to go hand in hand.
APPENDIX E  Photographs*

1. Kampung Kemensah

Plate 1: Rubber harvested was “preserved” by soaking in a small pool of stream water by the villagers. It was an improvised strategy to keep the rubber from losing moisture so that they would not weigh less when sold. (2010-03-15)

Plate 2: By the roadside, sacks of rubber were weighed and transferred onto the lorry by the rubber trader visiting Kg. Kemensah once in two weeks. In the background, a small heap of special vine-roots, called akar rempang used for house or aquarium decoration, still awaited the buyers to arrive. (2010-03-15)

* All photographs hereinafter were taken by this author during fieldwork unless otherwise stated.
Plate 3: View from higher ground at the back of the village – a contrast between two adjacent houses built at different time by different material. In the surroundings, if we looked closely, there were a) lemon grass; b) yam; c) banana trees; d) mango trees; e) coconut trees and many more valuable plant and trees. (2010-03-16)

Plate 4: Jaafar’s new house was completed on March 16, 2009, built by the federal government (Inset: overview of the house). However, electricity from the national power grid had yet to arrive. In contrast, the National Statistics Department had come for a household survey/census recently, with the pink paper as the evidence. (2010-03-18)
Plate 5: Church workers arrived in the village with a guitar and some goods including books, fruits and biscuits. Later, they played games with the children to teach them Bible. (2010-03-16)

Plate 6: This was Lan's house. It was self built by putting together a wooden frame, some bamboo panel walls, and zinc-asbestos roof. Lan (standing at the back) asked a young cousin to help fixing the roof sheets, it leaked badly the previous night during a thunderstorm. Lan lived in this house with his newly wed wife since 2008. (2010-03-18)
Plate 7: A small petrol powered generator was switched on for an afternoon DVD screening session for the children (see the following photograph). The presence of dogs reminded the visitors that this was definitely not a Malay-Muslim village. (2010-03-18)

Plate 8: It was an afternoon of a school holiday, and the children (plus several teenagers cropped out of the frame) gathered at Jaafar’s house for a DVD movie screening of “Jibon” – a Malaysian film with Orang Asli village as the story background. Count the number of children in the photograph – this was indeed a very young village. (2010-03-18)
Plate 9: Two men were playing a board game as pass time in a hot afternoon. Sitting on the right, the younger man in black was from Sabah (East Malaysia). He married a local Temuan girl many years ago and settled down in the village. He speaks the Temuan language fluently. (2010-03-16)

Plate 10: A glimpse into a village home showing the kitchen / dining room / living room all in one space in Kg. Kemensah. The young boy played on his own as the woman talked. (2010-03-18)
Plate 11: Simon, 12, told me he was pondering if he would attend the extra classes in school on the following day. It was then school holiday so the free shuttle van for school kids would not run. His mother and elder sister (aged 19, mother of two) were standing in the background. (2010-03-15)

Plate 12: Walking up back home after work. At far back carrying a knife and a water bottle was the village headman, Batin Ebak. The teenager at front was attending upper secondary (Form Four, or the 10th year at school), and he was then the eldest in the village that was still in school. Many school age teenagers dropped out early. (2010-03-16)
Plate 13: A group of young men riding back from work in the early afternoon. They had spent some hours in the forest searching for *gaharu* and other sellable forest goods, but got nothing that day. (2010-03-15)

Plate 14: The government spent at least RM 80,000 (author’s own estimate) to set up a small localised stream water filtration and disinfection facility in Kampung Kemensah, powered by solar cells (because the power line has not come in). The villagers were puzzled: they have little problem with water, but they really want electricity. Has the authority done their homework? (2010-02-26)
2. Other villages around Selangor

Plate 15: Evening cooking on a fuel wood stove in Kampung Songkok. The kitchen was cramped, with bad natural ventilation, and badly lit by kerosene lamp. The state road B66 runs across the village, leading towards a hilltop casino resort. But, there was no electricity here, too. (2010-02-27)

Plate 16: Another roadside Temuan village, Kampung Ongkil, built on a narrow strip of land or otherwise a scenic but hilly location. The state road B32 runs across the village. There was no electricity here, too. (2010-03-10)
Plate 17: A mobile grocery store stopped over at Kg. Tg. Rambai, a Temuan village located at Hulu Langat district in Selangor. (2010-03-10)

3. During the National Land Convention, Kuala Lumpur

Plate 18: During the National Orang Asli’s Land Convention attended by well over 200 delegates from Orang Asli villages all over Peninsular Malaysia, an Orang Asli youth came forward and posed a question – his father was an ethnic Indian, but he grew up in his Orang Asli mother’s village since small and he saw himself as an Orang Asli; but could he qualify as one under the official definition? (2010-03-06)
Plate 19: A Temuan youth in Kg Songkok was seen riving bamboo collected from the forests into thin strips next to his house. Bamboo is a typical non-timber forest products that Orang Asli collected and sold for earning a small income. (2010-02-09)