

The Making of a Subaltern Discourse in the Malaysian Nation-State: New Subjectivities and the Poetics of Orang Asli Dispossession and Identity

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Words are fragments of discourses. . . . [Foucault cited in Macey 1995: 124]

What is the truth about us Orang Asli? How are **truths** about us taken to be **facts**, when in reality the situation is something else Indigenous peoples are often a misunderstood category. The best way is to be cautious and historically aware just how ideas and pictures about us have been formed. [Akim B. Buntat 1993: 2]

I Introduction

A. *Subjectivities and the Subaltern Discourse*

In the social sciences, subjectivities can no longer be discounted simply as disembodied fragments of thoughts without their own genealogy of history or structure [Mama, A. 1995]. Whilst always aware of some of the methodological problematics and the authoritative limits of such a genre of representation [Spivak 1988; Stephen Tyler cited in Kahn 1995: 128-129],¹⁾

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1) Stephen Tyler, on the question of "dialogical" ethnography as a form of "representation" in anthropological writings, made a pertinent but still debatable observation, when he wrote that:

. . . dialogue is the source of text, but dialogue rendered as text, which must be the consequence, is no longer dialogue, but a text **masquerading** as a dialogue . . . since the informant's appearances in the dialogue are at best mediated through the ethnographer's authorial role [emphasis mine] [cited in Kahn 1995: 128]

Kahn added that

the voice is not the voice of the other, it is the voice of the author, simply spoken in different tones. [*ibid.*: 129]

My present response to the above is that in any form of "representation" of "the other" — a phrase, a word, or even an exclamation uttered by "the other" in the text is privileged by the "authorial role" of the ethnographer. For that matter even from the time he begins to do fieldwork, how he defines his problem and framework, how he decides to go about collecting his "fieldwork" data, and the kinds of questions that he chooses to ask, and who his key informants are — the selective and "interventionist"/interpretative role of the researcher anthropologist is implicit from the beginning to the end. In part, the resort to a "dialogical" ethnography is determined by the research problem itself, specifically how important such "peoplespeak" qualitative data is to both the empirical and theoretical questions begin addressed to. On the other hand, it is also related to the whole ethical/political question of personal anthropology and the involvement of the anthropologist, combined with a genuine concern to render "the other" not simply as "objects" of research but also as subjects, though, admittedly, it is expressed through the confines of the author's own platform (indeed in this respect, "the other" can never be full "subjects" or authors). The "authorial role" of the anthropologist is never in doubt, but surely the resort to the above "dialogical" ethnography is not an attempt to deliberately deceive or disguise, as Tyler's "masquerading" seems to suggest.

subjectivities, couched in the language and poetics of subjects, still remain the most tangible form of “peoplespeak data” an anthropologist can have access to “on the ground,” as a way of gauging the deconstructing or beginnings of discourses.

Accepting the fact that a discourse is situated on a terrain which is continuously being “contested” [Cooke 1995; Baumann 1996], subjectivities reflect not only the extent to which “regimes of truth” [Foucault 1967; 1972; 1976] propagated by the dominant or “authority-defined” discourse (see Shamsul, in this volume) have become self-internalised (hence the extent of their hegemony), but at the same time, the contents of such subjectivities may also indicate some measure of the capacity for everyday deconstructing which takes place amongst the subjugated. Changing historical and material conditions in society may indeed help to foster the “deconstructing” rather than the “internalising” process, and as such a process gains more momentum and group solidarity, it may be possible to detect the beginning of a counter or subaltern discourse in the making, as the subjugated themselves move to formulate, articulate and even politically assert their own “truth” and “interpretation” based on a set of different terms of reference and geneology, to offer an alternative to the dominant discourse of the day.

Spivak, in a critical essay cautions against “universalising” the “situation” in which “the subaltern speak” since “it accommodates unacknowledged privileging of the subject,” and that “[w]ithout a theory of ideology, it can lead to a dangerous utopianism” [1988: 290]. It is therefore crucial to situate “subalternism” in the on-going dynamics of discourse-formation and deconstruction since “[d]iscourses articulate and convey formal and informal knowledge and ideologies” and “are constantly being reproduced and constituted, and can change and evolve in the process of communication” [Mama, A. 1995: 98]. Hence “subaltern discourses ... exist in contradiction to hegemonic ones, which subvert the dominant symbolic order and empower oppressed groups through their resonance with alternative ideologies and cultural practices. In other words, discourses not only transmit cultural content but also power relations, both relations of oppression and subordination and relations of resistance” [*ibid.*].

B. *Malaysian Post-Colonial Developmentalism, Orang Asli²⁾ Dispossession and New Subjectivities*

For a long time, as a historically constructed regime of knowledge, the discourse on Orang Asli in the Malaysian nation-state, has been the prerogatives of the state and officialdom (articulated

2) “Orang Asli” (a Malay term which means “original people”) is the current official term to describe the “Aboriginal Peoples” of Peninsular Malaysia. The Orang Asli are by no means a homogenous ethnic entity. By the end of 1993, their total population was officially reported to be 92,529 (Negrito: 2,972; Senoi: 49,440; and Proto-Malays: 40,117) [JHEOA 1994]. They are probably amongst the country’s poorest and politically marginalised communities, and it is only lately that the country’s development planning is focusing on them as an independent target group in its poverty eradication and alleviation programme. The official profile on the Orang Asli in 1993 only provides the following selective categories in relation to their income levels, but adequate enough to demonstrate their current underdeveloped economic status: 3.5% — no income; 30.2% — less than RM100; 39.3% — between RM100 to RM200; 11.5% — above RM350 [Unit Penyelarasan Pelaksanaan Jabatan Perdana Menteri 1994]. Another source cites only 20.9% of the Orang Asli populace as being above the poverty line [cited by Long Jidin in Zawawi 1996: 105].

and represented by the JHEOA, i.e. Department of Orang Asli Affairs), aided knowingly or unknowingly, to some extent by certain “orientalist” construction of knowledge on Orang Asli in anthropological writings [Hood Salleh 1987; Walker 1995]. It is the contention of this essay that in the current period of Malaysian post-colonial developmentalism, the hegemony of the above authority-defined discourse has come under challenge by the growing assertion of an Orang Asli counter-discourse marked by the resurgence of new subjectivities. In part, this new development has to do with factors of education (though still very much lagging behind other Malaysians) and increasing political awareness³⁾ on the part of the Orang Asli. The above process of political conscientization has been enhanced by the formation of the Peninsular Malaysia Association of Orang Asli, POASM (Persatuan Orang Asli Semenanjung Malaysia) since 1977 [see POASM 1990; Nicholas 1996; William-Hunt 1994; Lim Heng Seng 1993; Zawawi 1995; 1996], led by a new set of educated, articulate and often vocal political leadership which cuts across the heterogeneity of the Orang Asli “tribal” and “sub-tribal” groupings. On the other hand, the above resurgence is also related to the increasing developmentalism pursued by the post-colonial state, which over time, has engendered its own contradictions within both the physical and cultural/moral landscapes of the Orang Asli established communities. The expansion of productive capital in the early 70’s and its attendant infrastructures into the rural interiors of Orang Asli habitat and territory (which have already been “squeezed” by merchant capital [Nicholas 1991]) in the name of “regional development” (*pembangunan wilayah*) has not only made Orang Asli traditional settings and land increasingly vulnerable to encroachments by outsiders, but that apart from replacing the forest and its jungle resources with plantation crops, it has also made Orang Asli become the target of dislocation as they are re-settled into re-groupment centres known as the RPS (Rancangan Penempatan Semula), as part and parcel of a planned development “from above,” and implemented by the various bureaucratic agencies of the state [Zawawi 1995]. In other contexts, the post-colonial state’s push towards developmentalism in its desire to embrace globalism and the NIC status, as part of the Vision 2020, has also encroached into the landscapes of territory, social space and “communitas” of the Orang Asli, long established in urban peripheries in order to make way for the New International Airport, new golf tourist resorts and a new network of national-grid freeways.

Post-colonial developmentalism has created a new crisis in the everyday livelihood, status and identity of the indigenous Orang Asli. It has led to feeling of dispossession of a kind. Dispossession in this context refers not only to a loss of land due to encroachments (some of which are justified as “legal” when such appropriation is conducted by the state) but more than

3) The “international factor” in creating increasing political awareness among Orang Asli leaders cannot also be discarded. Increasingly, POASM has been fostering links with other indigenous peoples of Asia. The Centre For Orang Asli Concerns or COAC, based in Malaysia is also an influential body in forging international networking and concerns. The recent “First International Seminar on Indigenous People” held in Malaysia on November 29th 1993, and sponsored by the Malaysian government, for the first time history, also brought the Orang Asli educated leaders and representative, however briefly, in contact with their indigenous counterparts from the rest of the world.

that, it strikes deep into the soul of the Orang Asli as the original indigenous people of the country. It conveys a sense of denied belonging — of being disappropriated from “indigenoussness”⁴⁾ — in short, a feeling of being “the other” in the context of an independent nation-state — a place in which since time immemorial, they have been told by their forefathers, and re-told through generations, and even confirmed by their so-called “protectors” — that their rights to the land would always be honoured, upheld and secure without the necessity of owning a land title (*geran tanah*). Today, the poetics of such “otherness” have become the everyday lament of the subjugated Orang Asli voices “on the ground.”

In a recent exchange between Orang Asli leaders, when they were asked to talk freely about their thoughts and fears, the following expressions of “otherness,” directed against a nationhood and a developmentalism which disappropriates and dispossesses, were documented:

At this moment, the Orang Asli that I'm referring to are people without power [*kuasa*], without knowledge and without capital Hence they suffer [*terseksa*]. Have we left them in their own period, the Stone Age, I don't think the Orang Asli would have suffered as much as now It is unthinkable that a race [*bangsa*], a community called human [*manusia*] does not want development.” [Achom Luji in Zawawi 1996: 39]

Orang Asli definitely desire development but at times, development terrifies the Orang Asli. Because of such development, Orang Asli, living on the periphery of highways and towns will be pushed back, deeper into the interior. [Arief bin Embing in *ibid.*: 67]

We want a type of development which brings benefits to the Orang Asli community . . . but the kinds of

4) The *official* claim to indigenoussness in Peninsular Malaysia is provided by the category/term: “*Bumiputera*” (sons of the soil), whilst for East Malaysia, it is *Pribumi*. But *Bumiputera* is synonymous with “being Malay,” i.e. *Melayu* rather than *Asli*, and though in the Constitution, the Orang Asli is not regarded as “*Bumiputera*,” the state has lately extended the term to also include the Orang Asli, evident for instance, in the following extract of the opening speech made by the Deputy Prime Minister, Anwar Ibrahim, when launching the “International Seminar of the Indigenous People”:

The indigenous people in Malaysia . . . are still citizens of the country. As a member of the Bumiputera community they share the political leverage for advancing their legitimate interest. In Malaysia, there will be no artificial barrier to their achieving success, their path will be facilitated by the government through specific affirmative action. It is our conviction that the rhetoric on indigenous people without serious attention to their prospects for progress and development is of benefit to no one. There is need to restore the pride and confidence as well as to preserve the dignity of the indigenous people (Special Issue, *The Sun Magazine*, 15 Nov. 1994) [cited in Zawawi 1996: 135]

Despite their “Bumiputeraism,” Orang Asli’s claim to “indigenoussness” with regard to land rights and the law seems to nullify such a status. The Orang Asli, since 1954 have been subjected to a specific type of law, Act 134 (which was revised in 1974) and Department, the JHEOA. The Act, for instance, does not provide them rights to individual titles even on Orang Asli Reserves (as the Malays have on Malay Reserves), and the fact that out of a total of 132,187.79 hectares of Orang Asli land area, only 17,903.61 hectares have thus far been officially gazetted [JHEOA 1994], always threatens their security on the land, especially in the context of rapid post-colonial developmentalism. In the last two years alone, 2,764 hectares of Orang Asli land have been degazetted [Nicholas 1996: 169]. Thus for the Orang Asli, their claims to indigenoussness, despite the rhetorical pronouncements of the state, in practice, continue to remain elusive.

development that we have received, most of them have made us lose out our land. Needless to say, all forms of development require land, be it the airport, or whatever. And we are citizens of Malaysia; we too want to live on land. But if we can stand on clouds, then I don't need land! [Dewi bin Malam in *ibid.*: 74]

Why is it that those who plan for the Orang Asli never thought of the dimension of human feelings and rights? They only plan according to their own dictates but not according to the wishes of the people. [Azizah in *ibid.*: 75]

Until when will Orang Asli society be left in this state of total impoverishment [*daiif segala-galanya*]? Are we fugitives in this country? Are we aware that Orang Asli are the indigenous people of this beloved country? [Ramli in *ibid.*: 63]

In the rest of the paper, I will pursue further the above textual representation of Orang Asli new subjectivities as they express the poetics of “dispossession,” which are at once articulations of a subaltern discourse in the making. As we follow the motion of conversations, dialogues, narratives and story-telling collected from various case-studies of the “dispossession crisis,” we will not only hear the pronouncements and rhetorics of the “authority-defined” but we shall also take stock of new revelations of “truths” and “knowledge” as the Orang Asli subjects, in their own words, begin to deconstruct and debunk mythologies propagated by the dominant discourse, and transmit their own “cultural content” and “power relations ... of resistance” [Mama, A. 1995: 98].

II Dispossession and New Subjectivities: Subjects and Case Studies

The following empirical data is based on anthropological fieldwork conducted since 1990 among the Jakun Orang Asli communities in the Pahang Tenggara region of Pahang, and more recently in Selangor, where new developments have created a series of “dispossession crisis” among the Temuans living on its urban peripheries. The “fragments” of Orang Asli “peoplespeak” data presented below were captured as part and parcel of the anthropological “listening” to the voices of the affected Orang Asli subjects as they were articulated through the emotive motion of conversations, narrations, dialogues, or recorded statements (e.g. letters or tapes) in the context of the respective “dispossession” case-studies.

A. *Regroupment and Resisting Dislocation: RPS Kedaik, Pahang Tenggara Regional Development*⁵⁾

On 6th September 1990, amidst pomp and ceremony, and accompanied by so much public fuss and newspaper and TV coverage, for the first time in history, the Prime Minister of Malaysia officially “met” the Orang Asli people at RPS Kedaik, the first Orang Asli Re-groupment Centre in the Pahang Tenggara region of Pahang.

RPS Kedaik was supposed to symbolise the new way of life and a new development model

5) For a detailed analysis of the Pahang Tenggara Regional Development and its impact on the Orang Asli community, see Zawawi [1995]; also Sharpe [1976], for an analysis of the earlier pre-Pahang Tenggara development period.

for the Orang Asli⁶⁾ which apparently, was conceptualised to counter the alleged Orang Asli's tendency to live "scatteredly" (*berselerak*) and pursue a "nomadic" living (*pindah randah*). The ideal scenario is one in which most, if not all the Orang Asli "scattered" in their traditional villages in the Pahang South-eastern region (Pahang Tenggara), will eventually be grouped in these centres, the latter being the focus of development and infrastructural inputs, built around a plantation crop (oil palm) as the primary source of economic mainstay for the rest of their lives and the generations to come. Altogether 9 RPS were planned for the whole Pahang Tenggara region. DARA, the Pahang Tenggara Regional Development Authority, formed in 1972 and representing the bureaucratic arm of the state, was empowered to develop the virginal forest region (about 1 million hectares) in the above area. RPS was a way to "integrate" the 5,000 or so of the Orang Asli dispersed throughout the region, which by 1972 were living in about 60 or so traditional Asli villages. DARA, via the role of other state agencies, coordinates the penetration of capital (private, including foreign capital, public and state capital) into the region, and in the process, radically reorganises both the natural and human resources (including the indigenous Orang Asli communities which have for generations subsisted on their ancestral land (*tanah saka*) and the forest) into plantations, industries, and urbanising centres. Thus, on the above date, Orang Asli traditional leaders (*Batin*) representing diverse "tribal" groupings from all over the country and their respective entourages, came to RPS Kedaik to be presented to the Prime Minister, Dr. Mahathir.

But RPS Kedaik is a story based on "dispossession." People from the old Kedaik had to move to the new RPS area to start a new life. By 1987 the first phase was ready to accept the first batch of Orang Asli. Not everybody moved. Batin Bogi and his followers refused though his other brother, Batin Boh Suan went along. The old Kedaik apparently already had its own school and hostel, clinic, and village hall and even electric poles had already been laid. People still have their *saka* there. The sentiments of the old Kedaik are expressed in the words of Batin Bogi:

Once I was told by the protector of the Orang Asli — he said: "This is Orang Asli reserve area. You don't need a grant . . ." For me I don't consider my staying here as taking shelter in someone else's land . . . I must say I am not good with talking. Please forgive me if I'm a bit rough with my language. They asked me: "Why don't you move?" "Why should I move?" I said. "I am not a refugee from Vietnam. I'm not a refugee from Kampuchea. This is my birth-place — I feel comfortable living here, even though I'm poor, I'm happy . . . It seems to me its policy of the government today to make us *pindah-randah*. Because long ago, people were scattered — then moved here to make village — easy access to medicine, school. Then when everybody had moved here, they made another project, they asked us to move again — so my fate as an Orang Asli is like the fate of a cow — brought to the field, eat the grass, finish, then chased to another again . . . I am hardheaded [*keras kepala*] to defend my rights . . . If I go too, I will suffer the same hardship . . . [referring to the Kedaik RPS settlement]. It's like staying in the desert, in the middle of the sun . . . Here there is

6) RPS Kedaik is by no means the first regroupment scheme in Peninsular Malaysia. The earlier Titiwangsa Regroupment Schemes in central Peninsular Malaysia were however driven more by reasons of security, whilst those proposed under the Pahang Tenggara's paradigm, such as RPS Kedaik, are more development-oriented. See Zawawi [1996b].

dusun [fruit orchard]; it's cooling — here too the fish is near, there's no need to travel for miles. All of us also have our own *sampan* The children are no longer schooling — they feel rejected [*merajuk*]. Even a school already so close, right by the doorstep, they shift so far away . . . why should we chase it? It will make us look stupid. Well, let us be stupid forever, they say.

On 17th June 1987, the new land allocated for RPS Kedaik, about 1,746 hectares (4,314 acres), were gazetted under Section 7 of "The Aboriginal Peoples Act of 1954," to be the Kedaik Aboriginal people Area for Rompin District of Pahang state. The status of old Kedaik as *tanah asal* (the original settlement) or what is going to happen to the *saka* land of the Orang Asli there, are all questions that have yet to be resolved. The ideal situation would have been to combine the old settlement with the new, but the old Kedaik could not apparently be compromised in that way because of the discovery of tin deposits in the area. Indeed on 30th May 1978, the Land Office at Rompin had already approved a company, Permodalan dan Perusahaan Pahang Bhd. (SPPB) to mine these deposits in an area totalling 280 acres in old Kedaik. The above land apparently included rubber and *dusun* cultivation of the Orang Asli and even some buildings to service the JHEOA. During the months of May and June 1978, the villagers of Kedaik, through their leader Batin Boh Suan, appealed to the Menteri Besar (Chief Minister) of Pahang state to intervene so that the Orang Asli did not have to be moved out of the village, that they too would be given a share of the wealth that was found on their land. As part of the letter reads:

After my return from Kuantan, my kinsmen [*anak buah*], altogether 75 families in Kedaik village, informed me that this village would be mined by a company because this area has precious minerals . . . that recently some Chinese came to dig and survey this area, and according to them the government is going to chase [*menghalau*] us Orang Asli from this area.

After reflecting deeply over the matter, we feel that in the long run, we are the ones who will be losing out . . . the coconut trees are already bearing fruits, the rubber trees can be tapped, and our reason for being here in the first place was also organised by the government so that we could be regrouped together. Before this we lived scattered all over the place [*berselerak*], but since then our children can go to school, and a village hall [*balai raya*] has also been built, and there is also a playing field for our children.

The past has taught us Orang Asli a lot of lesson, this is evident from the way logging concession has been allocated in this district. We Orang Asli have always been mere spectators [*berputih mata*]; only those who are already wealthy live lavishly and are smart.

If the government wants to assist us Orang Asli who are already well-known to be loyal and obedient, poor and stupid, and whose lives always revolve around "chasing" a living [*memburu hidup*], then we suggest that the mining ownership [*milik perlombongan*] of the reserve area of the Orang Asli here at Kampung Kedaik be given to all the Orang Asli here, and the government, on its part should provide help by way of capital and other facilities so as to make the mine a success. In this way we can at least taste some of the natural wealth of our country, what more when it is already in existence in our own area. This would be a justice and it would prevent all the riches from being diverted to those who are already wealthy, what more to those who are not *bumiputera*.

The letter appeals for a review of the situation, to prevent the Orang Asli from becoming "fugitives in their own country" (*berdagang di tanah air sendiri*).

The mining company wanted the JHEOA to ensure that the mining area that was leased to

them was clear from all existing buildings and rubber cultivation by September 1980 so that their mining schedule would be on time. The company further requested for an enlargement of the existing mining area, hence involving additional land. The company also proceeded to cut down the trees without any negotiation with the Orang Asli, and without any payment of compensation for the above losses. The villagers were adamant that the existing mining area should not be enlarged beyond what was given since they were not going to gain anything from this. They would only agree to leave if the authorities were also willing to accept the Kedaik villagers as "shareholders" (*pemegang saham*) in the mining company. They argued that it was illogical if they could not gain anything out of an industry that "originated" from their own area.

In July 1980, in desperation the villagers wrote to the then Minister of Internal Affairs. Part of the letter reads:

Kg. Kedaik has been an Orang Asli area since 1950; the government on its part has gone to great expenses to ensure the existence of basic facilities here, such as the village hall, school, clinic and hostel located on Orang Asli Reserve and we live here with our families and kinsmen, in peace and harmony, aspiring with dreams for a future and with hopes, but only to be dashed recently because our village [Kedaik], the Orang Asli reserve has been given to a company ... to mine in the area, for under the ground that we stay there is tin ore ... our crops have been dug and shoved away with no compensation, an act outside humanity akin to that of a robber.

Honourable Tan Sri, we feel that from the perspective of justice as practised by the government, Orang Asli land and area should definitely not be passed on to others but to Orang Asli themselves since it is we Orang Asli who slogged to cut and clear the land. But when they found that our village has precious minerals then these capitalists who are capable of imposing hardship on those who are already living in hardship would rush to accumulate profits, and those who authorise and give them permission without thinking of the consequences it would bring on to the life of others, would only generate perpetual suffering.

It is indeed a tragedy for us Orang Asli, always watching as mere spectators by the side as the natural wealth in our own land is being dug, loaded and taken away by those who are already rich; what is left for us to taste is dust and humiliation only, nothing less than that, and definitely so far away from justice.

So ... we appeal to the honourable Tan Sri to have the mining in our village [Kedaik] discontinued and the mine closed down. This is the only village that has given happiness to our people, and one day, our children who will be educated will at least taste one drop of goodness after the rest has already been appropriated by those who are already rich always wanting to get richer.

The JHEOA on its part defended the rights of the Kedaik people and insisted that the company pay for all expenses to re-allocate the Orang Asli in a new place, in addition to all the compensation of losses experienced by them. The Department calculated that the company would gross about 7.5 million Malaysian Ringgit in the years of its operation and agreed to assist in relocating the Orang Asli as well as to prepare a scheme for the involvement of the villagers in the mining company. In its recommendation, the Department felt that:

It is clear that there is "a moral side to the whole issue." What is meant here is that the authorities must give consideration to welfare and "moral justice" to the Orang Asli community in Kampong Kedaik and not only evaluate solely from the view of law. "Moral justice" states that the people of Kampong Kedaik must receive the gains/benefits from the said project.

The JHEOA proposed that the involvement of the Orang Asli was via the latter holding an equity capital share of 30% from the total, the “capital” of the Kedaik folks being their cultivation and whatever compensation for losses rendered in their area. The Department argued that with an Orang Asli stake in the mine, the re-location of these people into the proposed RPS would no longer be a problem since “the Kedaik villagers will willingly move to a new area knowing that they have a share in the activity that is being operated in their own village.”

The recommendation concludes rather strongly in the following way:

The Orang Asli people realise that the areas in which they live and work on which they regard as their “*saka*” [ancestral land] contain a lot of natural resources that are of value and such wealth should by right be shared by them. The Orang Asli people now are aware that the opportunity to enjoy this wealth on a continuous basis should be their basic rights. All this while, the Orang Asli have not really tasted the fruits and gains from the natural resources of their areas. *Neglect of their basic rights will most certainly give rise to social and political problems and questions which could be manipulated by the enemies of the nation in time to come* [original emphasis retained]. All attention should be given and action should be taken to avoid from what has been experienced in countries such as New Zealand, Australia, the United States where the “original people” in these countries are making claims over their ancestral land [and the natural wealth of these areas].

What is being done now by SPPB [a government agency] at Kampong Kedaik can be regarded as an act which is not proper [*tidak wajar*]. There is no reason why the people of Kedaik should not be given the opportunity to enjoy the wealth arising from their own village. There is no reason why the government should act to turn a *bumiputera* group in their own country into fugitives. Nevertheless, the time is still not too late, and the authorities can still determine that the people of Kedaik could also share the wealth of the country together with other communities.

Well that is history now. The Kedaik people lost out — they have no share in the company — but they still have to move out to RPS Kedaik where their new life, where a better future, was promised to them.

But for Batin Bogi and his kinsmen who still persist in the old village, the “struggle” has sharpened his political consciousness somewhat; and he has no qualms about what being Orang Asli means to him and his people. As he reflects:

For me I regard my staying here as not taking shelter in someone else's land. If other people can do as they please, I too can do as I please. That's my resolution I have no other choice. If others can do as they please and occupy my land, I am willing to die [*Saya sanggup mati*]. I told my children that while I'm still alive, if I were to move to another place, I'll be in a worst position. I will have no rubber trees to give which they can tap. What I can bequeath them is my *geran* [apparently by some quirk of history, his late father was the privileged recipient of a titled land in the old Kedaik] — but the government has not given it yet to me, but I am willing to pay for it.

So I don't ask help from RISDA [A government authority which takes care of improving the smallholders' lot in the country, such as by giving them subsidy benefits or replanting rubber]. They said — “We cannot give you, *Pak Cik*, because your land has no grant.”

Mahathir is a leader with the peoples' heart — it is those who are below [*yang duduk di bawah*] who are the worst. Because of them we suffer.

“The people whom I fight for,” he says. “They have special rights, the *pribumi* people [indigenous people],” that's what the PM said recently. So I want those rights. I don't want to “disturb” [*kacau*]

others I don't want to claim other people's rights [*hak orang lain*] I want my own rights. For the people from outside it's so easy for them to come and extract our riches from the village — I'm not satisfied [*tak puas hati*].

See the mine — we should have been rich! [*Kita sepatutnya kaya*]. First they began by selling the sand, then the logs they also grabbed, now the tin deposits also they "eat" [*makan*].

I'm an Orang Asli like a dog, I bark at the mountain, it will not fall.

If I don't vote for 46 [the Malay opposition party which broke away from the dominant Malay ruling party, *UMNO*], I think I'll be a stupid Orang Asli. Because the *Barisan Nasional* [Ruling Coalition] candidate has held this seat for the last 5 years — and not even a single development came into my village during that time. But my spirits and my soul are certainly for the *Barisan* because *Barisan* holds our leadership. But I look at the representative here — 5 years — during the election, as a candidate, he came to us and promised this and that After he won, we never saw him again.

Kedaik is cut-off from development. If Kedaik people choose 46 it is very apt. If I do not choose 46, I am not human anymore [*saya bukan manusia lagi*]. That's how angry I feel . . . but if people want to label me, go ahead, **because our people are not from America, not refugees from Vietnam, or fugitives from Kampuchea: We were born here . . . I am very angry, really angry.** [emphasis mine]

B. *The Case of Everyday "Dispossession" in Kampung Mencupu, Pekan, Pahang*

The *Batin* of Kampung Mencupu is better known among his peers as *Batin Glamour*, a nickname for his apparent gift and talent in being able to entertain friends on a long journey with an endless repertoire of witty *pantuns* (Malay rhymes). When I met up with him, accompanied by Long Jidin, the articulate leader of POASM, Pahang, sometime towards the end of 1990, it was under a different set of circumstances.

Apparently the good *Batin* had just found out that about 3 acres of land which had always been a part of his village area were granted by the Pekan district Land Office to a Chinese for the purpose of building a sawmill. The *Batin* was furious because the Chinese claimed that he was the legal owner of the land, and that he applied for it sometime in October and had to "give money" (*kasi wang*) to the S.O. (Survey Officer) from Pekan. What angered the *Batin* was that one month earlier (i.e. September), he had already submitted an application to the Pekan district Land Office (supported by the JHEOA) for 142 acres of the village land the Orang Asli had been occupying to be given personal land titles (*geran tanah*), divided among 36 of the villagers. As is often the case with Orang Asli "occupied" land, the whole area was already recommended by the JHEOA to be gazetted as an Orang Asli "reserve," but the legal process never took place. Hence it did not have any legal status except as a "reserve proposal" (*cadangan tanah rezab*), and nor would such a status carry any legal document for its residents to keep or show as proof. As a result, encroachments on such "proposed reserves" have been a common occurrence, resulting in dispossessing the Orang Asli of the land on which they had stayed for generations. Encroachers and dispossessors would carry with them legal documents as evidence of their ownership supposedly granted by the Land Office.

In the case of *Batin Glamour* and his Kampung Mencupu people, the "sawmill" case was the third encroachment. The second time was when one of his villagers lost a small part of his cultivated land to a Malay claimant. The first encroachment was in the old village, at Lubuk

Puteri, when a whole village had to move wholesale to their present site, 1 kilometer away, at Kampung Mencupu.

The following represents the narration by the *Batin* :

In the beginning during the time of *Datuk* Badarillah as the first Director of the Orang Asli Affairs for Pahang and Trengganu, the Orang Asli of Mencupu village were residing at Lubuk Puteri. We were there since the 50s ... then sometime in the 60s, *Datuk* Badarillah came to our village — to see how we were making a living. After a while, he gave us about 5,000 rubber seeds, so the Orang Asli planted rubber.

As the story is told and retold, *Datuk* Badarillah apparently said:

“This is Orang Asli reserve land; you do whatever you want with it. If you require seeds of any kind, I can give.”

When in the beginning, he gave us rubber seeds; Orang Asli planted and planted, until they grew big and bore returns. Then came the Chinese and the Malays, and they said that they had *geran* — “This land,” they said, “is not *Cik*'s land” [*Cik* is a polite term of address, equivalent to “Mr”]. “It's my land. *Pak Cik*'s land is not here, but there” [*Pak Cik* is a polite term for an elderly male]. “If you don't believe, this is the evidence [*bukti*]” [showing the plan from the Land Office].

So Orang Asli ... being the frightened type [*jenis penakut*], especially when people had evidence ... we ran to kampung Mencupu.

But when we sneaked out to tap the trees [*curi-curri potong*], they had the cheek to threaten to sue [*saman*] us saying:

“You have no rights to tap these rubber trees!” — but Orang Asli were the ones who planted them.

We brought the matter up to the Department of Orang Asli Affairs, even to *Datuk* Najib [currently Minister of Education in Malaysia] ... nothing came out of it ... until now. *Najib* said: “I'll look into the matter.”

The second time round, the owner himself came. He said: “I want to have a look at my land here.” He brought with him a plan and showed me his land: “This is my land — I have applied and already paid the fees [*bayar hasil*]. He was Malay ... when I looked at the plan, I saw that the land that he applied encroached on Orang Asli cultivation there — *cempedak* trees, *rambutan* — everything.

I told him: “*Cik*, if you want to live around here, please find another area, not a place already occupied by Orang Asli ... Please don't take [*ambik*]... apply for another site.” “Hey no way, *Cik*, I have already made my application! No way,” he said. “If you want, you can move elsewhere.”

So recently I applied [referring to the application for the land titles for his people] ... then this Chinaman came along and said: “I have applied TOL [temporary occupancy license] here.” I said, “Hey friend, I applied earlier!” He replied: “How should I know? The land Office approved this; I want to build a sawmill.”

So I went to see the official [*pegawai*] at the Land Office, *Tuan Haji* A.D.O. [Assistant District Officer] in charge of land there — but he too couldn't do anything ... nothing was resolved.

He said: “Orang Asli land, anybody is entitled to apply because Orang Asli land has not been gazetted by the government — only proposed reserve — proposed reserved land, anybody can apply.”

I went to consult JOA, JOA said, “Wait, we will bring this matter to the higher authorities ...,” but until today, nothing ...

We Orang Asli go back and forth; we should just leave everything, go back to what we were [*balik asal*] — that's it!

If this land problem is not resolved, till the day we die, Orang Asli will never progress, never never, Orang Asli will not progress. For as long as the land situation is like this, it's going to be difficult. You can form any association you want ... this ... that ... anything ... even UMNO [The dominant Malay party of the Ruling Coalition in government] ... for as long as the land question is not resolved, don't bother!

What clearly creates constant chaos [*huruhara*] among the Orang Asli is this — say at the Land

Office, if Orang Asli land is only categorised as proposed reserve, then Orang Asli land will not be sketched on the plan. So whoever applies for land, when he sees that everywhere else has been marked, but this one [i.e. Orang Asli land] is not, then he will apply here — here is “blank” [*kosong*] proposed reserve — he can apply even though people here already own a lot of rubber plots [*kebun getah*]. So they take our rubber trees and when we tap them they want to sue us “This is my rubber!” they said. But Orang Asli were the ones who planted them

Bit by bit, the land will be lost!

What we apply, the land office does not mark, when it is not marked, applications overlap [*bertindih*] . . . this is what is making me . . . so uncertain about everything . . . so uncertain Before, all this was Orang Asli land but I blame JOA because they never gazetted these Orang Asli lands

If Orang Asli cannot get back this land, then that's it . . . but whatever it takes, if we cannot get back this land, I will call all the Orang Asli in the village to go and move to Pekan town. There's no more place, here — the jungle, they have taken, better live as squatters in town, its easier! [*Dah tak ada tempat, hutan pun dia dah ambik, baik duduk merempat di bandar, senang!*]

Yes, I mean it! the people of Mencupu have all agreed — they said if people want this land, take it . . . we'll go and live in *bandar* Pekan . . . wait and see.

I tell you that day [referring to the latest “sawmill” encroachment] if I was not around, there would have been war [*perang*] because of the land encroachment [*pencerobohan tanah*]. The villagers put a lot of pressure on me — so I consulted the *Jabatan* [JOA] and got them to support our application — then other people also applied, and now the Chinese got it.

So the village people [*orang kampung*] were angry with me — they asked me: “What did you do, *Batin*?”

One of them had already sharpened his *parang* [a long knife]. It was glistening [*berkilat*]: “Mark my word . . . if *Batin*'s head does not fall today” [*Hari ni kalau tak jatuh kepala Batin, tengok!*], he said.

Then they argued among themselves . . . this and that, finally we said, “Okay better if we ‘make co-operation’ [*buat pakatan*] among ourselves, if not this thing will never be resolved.”

You see, there was also this S.O. [Survey Officer] from Pekan. [In the past, he used to chide me, saying: “Let's see how smart this new *Batin* is.”]

Anyway, as I said, if I had not been around that day, the S.O. would have been slashed [*tetak*]. I told him [the villager whose land was affected by the second encroachment]:

“Don't do this . . . this is the way of ‘deviant teaching’ [*ajaran sesat*], if we can, let us not follow it. let us *ikhthiar* [‘resolve by ways of reason and rational thinking’] other means — we *ikhthiar* — but not through *tetak-menetak* [i.e. killing].”

That day was real havoc [*kucar-kacir*] — everything was happening, it was really dangerous. That day, had I not been around . . . it would have surely happened . . . a sure death . . . that old man with the *parang* . . . he was already shivering [*ketar*]. . . . I was almost his victim too

I said: “You don't *tetak* me . . . who knows, if you *tetak* me, I may like to *tetak* you back”

Yes, that was a dangerous [*bahaya*] day. . . .

It is not the fault of the Orang Asli here. Day and night, the Orang Asli here are really hardworking [*rajin*] . . . anytime. But when threatened [*tergugat*] even how little . . . that's what will happen Orang Asli have been got at so many times already [*Orang Asli ni dah banyak kali terkena*].

That's why I tried to contact POASM [referring to why he wanted to see Long Jidin]. The YB [*Yang Berhormat*, a popular term to describe the local political leader who is the ‘People's Representative’ to the State Assembly] he doesn't know anything! If I were to inform him, it would only go through his left ear and come out through his right ear. He wants us only when he is *susah* [i.e. referring to the election period when politicians are ‘in trouble’ because they have to campaign for votes’ among the Orang Asli].

You know, Che Hamid, the Security Officer at Pekan always asked me: “Could you, *Tok Batin* advise the Orang Asli, since you are a *Batin*, so that they will not always shift from one place to another [*berpindah-randah*]?” So I replied: “Che Hamid, sure I can advise the Orang Asli on this

matter. But this thing that always makes the Orang Asli want to *pindah*, it's not because Orang Asli want to *pindah*, but after people encroach on their land, they are forced [*terpaksa*] to *pindah*. That has always been their way [*itu cara dia*]. The thing that the Orang Asli cherish [*sayang*] most is land. Orang Asli are not always *berpindah-randah*, not so What you always hear about them *pindah* is when people "take his rights" [*ambik hak dia*], then only he moves away. Orang Asli, on the other hand, are the "frightened type" — people show them a piece of paper, with nothing on it — even cheating them — they already get frightened. If they say: "*Pak Cik*, this land does not belong to *Pak Cik*. We have already filled out our application" — that's enough [no need to show any more evidence] for the Orang Asli to 'run away' to another place."

So I told Che Hamid, if you want to see the evidence, please come to my village, I can show you the place. You know, everywhere I go, I don't have any other story to tell — it's always about land, land only.

That day, the three of us drove to the Cini Lake area to report the matter to the YB with the hope that he could do something about the plight of *Batin Glamour's* village. The latest information is that the "sawmill" project apparently never took off, since the grant was a T.O.L. (Temporary Occupancy License); as for the earlier-encroached land, the land title claims by the outsiders remained valid. As for the application by the *Batin* and his villagers for the land *geran*, they are still waiting for the Pahang State government to come up with a clear policy of granting private land titles to Orang Asli. Via the grape vine, we heard that the state government has just made a decision to allow Orang Asli in Pahang to liase their personal applications for *geran* directly with the Land Office without having to go through the JOA. What this is going to mean for the *Batin* and his people is yet to be seen.

But the Pahang Orang Asli have by now already been used to the state's rhetorics and promises. Indeed, sometime before *Batin Mencupu's* latest episode, on the day that the Prime Minister graced RPS Kedaik, the MB (Chief Minister) of Pahang, painted an unexpectedly glowing picture of the Orang Asli — land relations in Pahang, which was reported in the media as follows:

Any Orang Asli intending to dwell in Pahang is welcome to do so as there is plenty of land in the State, *Menteri Besar* Tan Sri Haji Mohamad Khalil Yaakob said today.

He said each Orang Asli in Pahang **owned** an average **16 ha** of land compared to three hectares for other families.

"Pahang does not restrict the distribution of land to only its people but also to anybody who applies, **including the Orang Asli**, irrespective from which state they come from," he said during the Prime Minister's visit to the Orang Asli regroupment Scheme in Kedaik

He added that it was the State Government's wish to see that **everybody** in the state owned a piece of land." [emphasis mine] [*New Straits Times*, 7th September 1990]

C. *The Orang Asli of Bukit Tunggul, Selangor: Making Way for a Golf Resort*

As regards cultivation it should be the ultimate objective to replace the present system of shifting agriculture with some system of **permanent agriculture**

The basic requirements for settled agriculture are a sufficiency of food crops and a dependable cash crop, probably **rubber**

This requires a degree of **permanency of occupation**, an advance in agricultural technique and

the choice of suitable sites. Definite plans should therefore be formulated to provide the necessary land for this in place where the aborigines are willing to settle. Although traditions should be observed and **enforced settling avoided at all costs, no encouragement should be given to the perpetuation of their present nomadic way of life** [emphasis mine] [Section 2.iii (b), *Statement of Policy Regarding the Administration of the Orang Asli of Peninsular Malaysia*, 1961]

Orang Asli in this country should change their **nomadic attitudes** [*sikap berpindah randah*] so as to be able to enjoy fullest the development efforts of the government. Secretary-General for the Ministry of Internal Affairs, Datuk Wan Sidek Wan Abdul Rahman said that if such attitudes were discarded, there was no reason why all the development provided for could not be enjoyed at the same level with the rest of the general community in the country. [emphasis & translation mine] [*Mingguan Famili*, 19th November 1989]

Deputy Home Minister Datuk Megat Junid Megat Ayub has appealed to the Orang Asli to allow the private sector to develop their land if it can guarantee their economic well-being.

He said the economic benefits could be shared by everyone who owned the land

The Government has instructed the Orang Asli Affairs Department to identify other suitable land in the country for such joint ventures with the private sector.

"These projects are not meant to chase out the Orang Asli but for their own benefits," he said. [emphasis mine] [*New Straits Times*, 7th September 1990]

For the *Batin* of Bukit Tunggul, Selangor, and the 35 households of his *Temuan* people, their past experience drives home a totally different set of realities and truths, as opposed to the ones officially proclaimed in the above. Since the 50s, his people have to come to terms with the fact that whenever they try to evolve a permanent way of life, they have always been prevented from doing so. Back in 1950, his people had started a sedentary agriculture-based community in what is now the site of the National University (*Universiti Kebangsaan*), subsisting on the cash crop, rubber and orchard cultivation of *durian* and *cempedak*, with each family having access to about 8 acres. However in 1974 they had to be relocated to make way for the new university, with compensation paid ranging from only RM300 to RM800 per family. At Bukit Tunggul, the authorities built them new homes on about 350 acres of government land. Here they had to start life anew. With the provision of rubber seedlings and fertilisers by RISDA, they grew rubber and whilst waiting for the rubber trees to bear latex, they cultivated maize, chillies and egg plants. As usual they also grew fruits such as *durian*, *rambutan*, *cempedak* and the like. After 20 years at Bukit Tunggul, they have turned a part of the land into a mini rubber estate, with families having a share of about 3-5 acres each (averaging a monthly income of more than RM300 per family). The good *Batin* also claimed that in a good *durian* season (*musim*), 10 of their best trees could bring an income of RM20,000.

By 1994, they received news that the Bukit Tunggul Golf Club was constructing an exclusive Golf-cum-bungalow Club Resort in the area. Again they would have to be relocated. When I first visited him, his people were still residing in Bukit Tunggul village, waiting for the move to be finalised, and the choice of the new site to be decided upon and approved by the relevant authorities. Meanwhile, developers had already moved into the village area, bringing in their labourers (about 200 foreign workers from Bangladesh and Indonesia) and heavy equipment. These workers would work and remain in the area for the duration of the project.

A labourer's line, adjacent to the village was constructed to house them. The *Batin* complained that by virtue of the fact that the project was right at their doorstep, "they should have given us work!" However only very few of the Orang Asli had found work there. Some of his people had however sought contract work outside, laying down cables, earning about RM25 a day, with meals provided for by their contractors. They would only have to work for 5½ to 6 hours a day and would be finished by 2 noon. At the resort project site, they claimed that the rates were cheaper (RM23 a day); meals were not provided for and they had to work for a longer duration, finishing late by about 5 in the evening.

For the *Batin* and his kinsmen, the waiting period was the most frustrating time. Outsiders came in and out freely encroaching on their sense of space and territory. As more of the village land was bulldozed, the village environment too increasingly deteriorated, as the *Batin* lamented:

Now we wait and wait. While we eat, they push [*tolak*] the land. Our drinking water is now dirty [*kotor*]. Before when this area was green and hilly, the water was pure and clear.

The situation was made worse by the delay in ascertaining the whereabouts of the new location and having it officially approved by the authorities. Already, according to the *Batin*, some of his kinsmen, after collecting their compensation, had "sulked" away (*merajuk*) and gone back to "scattered living" (*hidup berselerak*); The *Batin* was unsure how much longer he and his kinsmen had to wait:

They said they want to find a new site — but where is it? Not yet approved [*lulus*], they said. Then, the second time round, they told me — it was approved. Then later, another time, they came to me and said: "Not approved!" So which one is true? My feelings are such that if no site could be approved, it's best that for those of us who have to be shifted, throw us back to the mountains [*gunung-ganang*]! But don't blame us anymore — don't let the government accuse us that we *Batins* collaborate with the communists!

When I visited the *Batin* again, this time accompanied by the new president of POASM, he told us that the authorities had finally found a new place for them at kampung Kercau, in the vicinity of a former mining area, near Semenyih. He had been to see the place, and commented that:

I've seen the place. I can't say that it's nice [*elok*] because it's not. It's isolated, steep and hilly, in the middle of a former mining crater ... the sands have become porridge-like earth, sandwiched between two high mounts on both sides. They will "push" the land from these mounts to fill up to the stones and sand, and on this will be the foundation of our homes and our agricultural project.

The Bukit Tunggul Golf Resort had thus far only paid compensation for the 70 acres of mini rubber estate but nothing yet for the fruits trees and the rest. The *Batin* was told that the rest of the compensation would be settled later after their new homes were built. They were

promised a replacement of 250 acres (less 100 acres than their old area), with 5 acres allocated for agricultural plots for each of the 35 households. They were also promised a personal land title to these lots. All in all, 20 acres were to be put aside for the construction of the houses 35 houses for the relocated community. Altogether, RM1.2 million was supposed to be put aside by the Company to expedite the development of the new area. But there was still confusion in the Orang Asli community whether or not the above funds would include a proportion of the compensation for their fruit trees that was still owing to them. The *Batin* said that there “is nothing in black and white yet.”

Meantime as the *Batin* reflected on the past personal experience of his people in trying to evolve a permanent community, he mused:

We're always being shifted about [*asyik ke pindah saja*]. . . . Before the government said these Orang Asli always shift, shift, shift and shift, from hill to hill, from hill to hill [*Orang Asli ni selalu pindah pindah ke pindah pindah ke pindah bukit ke bukit bukit ke bukit*]. Now it's the government that wants to shift the Orang Asli. How can this be? [*Mana ke jadi ?*] What is right? [*Mana yang betul ?*] The government instead is making the Orang Asli shift. How can we permanent? [*mana nak tetap ?*] Now how can we ever succeed? [*Sekarang mana nak berjaya ?*] Just as we're about to tap the rubber, we have to move [*Baru nak menoreh, dah pindah*].

The POASM leader also commented:

While *Mamak Batin* begins his new home in remote Kercau, the *durian* will take 5 years to bear fruits. This is what surprises me — why don't these people retain the Orang Asli in the same area. They should have offered them the bungalow each costing RM250,000 . . . much more than the compensation that's paid to them. Whether they want to stay or not, that's a different matter, but at least the value that they'll get is not like the compensation that they've been paid. By right they should have demanded for a bungalow lot . . . ask as a share partner. The problem is that we never know of their planning — all of a sudden, “*Batin*, you've to move out!” “On what title, on what basis, are you squatting [*menumpang*] here, *Batin*?” they asked. This is what we're fighting for — our status on the land is never secure — we only have rights as “tenants-at-will” [*hak menduduki saja*], it means that we are no different from those illegal immigrants from across the sea. “You can only stay here in Malaysia but when I chase you, you have to go home” [*Kamu boleh duduk Malaysia saja tapi kalau saya halau, kamu kena balik*]. That roughly sums up our status to the land. Like these people, already they've been shifted twice. These people here are no less like illegal immigrants . . . everywhere victimised [*sana, sana, sana . . . anianya*].

D. *Making Way for the New (Sepang) Kuala Lumpur International Airport: The Aftermath of Relocation (Reflecting on a Remembered Orang Asli Village, Kampung Busut, Sepang, Selangor)*

The special position of aborigines in respect of land usage and land rights shall be recognised. That is, every effort will be made to encourage the more developed groups to adopt **a settled way of life** and thus to bring them economically into line with other communities in this country. **Aborigines will not be moved from their traditional areas without their full consent.** [emphasis mine] [Section 1(d), *Statement of Policy Regarding the Administration of the Orang Asli of Peninsular Malaysia*, 1961]

We are responsible for the Orang Asli from the womb to the grave. We take care of him if he falls

sick or if his mother needs to go to hospital or even if his son drops out of school. Anything that touches the Orang Asli is our business. [Jimin Idris, Former Director-General of the Department of Orang Asli Affairs, cited in *New Straits Times*, 11th July 1988]

The government has officially announced that a new international airport will be built in the district of Sepang, in Selangor state.

[T]he government's proposal to implement this mega project has met with different reactions from various sectors. For those who are directly affected, i.e. those who have to be relocated, they have their own feelings and views, which differ and are full of questions. There are those who are for it and those who oppose the idea bitterly, while there are some others who are non-committal, preferring to wait for subsequent development. All these responses emerge on the basis of precaution, taking into account what this would mean in terms of their livelihood and opportunities for the future . . .

What should be given utmost priorities are the sentiments, needs and future of the inhabitants of this village, to whom should be accorded their rightful place, with due justice, responsibility and commitment. [translation mine] (Part of the Memorandum submitted by the Orang Asli villagers of Kampung Busut, Sepang)

If the previous case portrays the predicament and frustration of the *Batin* of Bukit Tunggul and his kinsmen while waiting to be relocated, the following story focuses on the aftermath of relocation, this time, as it affects the Orang Asli villagers of Kampung Busut, part of the site of the new Kuala Lumpur International Airport, now under construction in Sepang, in the state of Selangor.

Kampung Busut is probably one of the oldest Orang Asli village around. Its inception could be dated to the years before 1810 which makes it more than one and a half century old. It went through and survived the various phases of the country's history including the invasion by the Japanese and the war against the communists during the Emergency. In 1946, as part of the British anti-communist drive, Kampung Busut was heavily bombed causing substantial losses and damages of houses and property in the area, but no compensation was paid by the British to the affected villagers. It was only on the eve of Independence in 1957 that the Orang Asli were finally able to "officially" return to the village for good. From 1960 onwards, with government assistance, through the role of the JHOEA, development started to come into Kampung Busut, and through RISDA, rubber replanting was introduced so as to make the community into a self-sustaining settled community. By 1966, a primary school was also built to ensure the education of the children in the community, which later on gave way to a new building costing RM50,000.00. In 1975, the main land area of the village, a size of 891.05 acres was officially gazetted to further enhance the permanent status of the village community. By 1988, through RISDA, a further 150 acres of land were allocated to the community for the planting of rubber and palm oil based on a group replanting system (*Tanaman Semula Berkelompok*). The project was broken up into 3 phases which was completed by 1991. With the help of various development agencies, other activities also came in such as the rearing of "farm cows" (*lembu sawah*) and small businesses. Indeed by 1991, when the Village Action of Kampung Busut was formed to represent the voices of the villagers against the impending relocation directive by the state, Kampung Busut was by no means an underdeveloped or "nomadic-based" Orang Asli village. It had the basic amenities of piped water and electricity, a public hall, a new school, a

road, and two rubber smallholder processing centres. As a matter of fact, in 1990 it was even declared by RISDA as the best rubber processing centre in Sepang. An UMNO village branch was also opened up in Kampung Busut in 1989, which further linked the community politically to the district and the wider state political processes. By 1990, the Orang Asli Association, POASM, also opened up its own village branch here. It was interesting but not surprising to note that the village was also nominated by the district and state-based political leaders as a “model village” (*kampung contoh*) for the purpose of tourism. Demographically, by 1991, the village population was estimated to be 400 people with about 70 families, which continued to increase from year to year. By the time of relocation, 3 years later in October, 1993, the move involved 85 households from Kg. Busut to the new site — Kampung Busut Baru, Ceding, Selangor.

A rough estimate of the income levels would show that with an average household income between RM700-RM1,000 a month (even the lowest income earner would make RM400 a month), Kampung Busut was not a poor village. Arief bin Embing, a successful Orang Asli entrepreneur who was a regular visitor to the village estimated that the total gross income of the whole community would be around RM60,000 per month. For apart from rubber and oil palm, there was continuous income generated from other sources of agriculture such as fruits, sugarcane and yams. The youth segment of the population was also particularly active; they even successfully applied for 215 acres of land from the Sepang district office for the purpose of growing oil palm.

It was understandable why it was such a difficult decision for the villagers to make with regard to being relocated to a new site. It took almost 3 years of negotiating with the authorities before the move finally eventuated. But the whole affair which started with so much optimism and hope however ended up in much disappointment and sadness for the community.

Firstly, on the question of compensation. Already being Orang Asli, they are governed by a specific Act 134 i.e. the Aboriginal Peoples Act of 1954 (Revised in 1974) [Hooker 1991; Chua Kim Wah 1990/91] in which, they would not be compensated for the loss of land (however “Reserved” or “Gazetted” is its status), but only for the trees. Thus even though all in all, 2.4 million Ringgit of compensation was paid off to the community, there was much dissatisfaction with regard to how the authorities calculated the value of their trees. Thus when individuals started to compare among themselves what they had received in relation to their respective resources (i.e. trees), certain unevenness and discrepancies occurred. The problem was that no standardised or centralised checklist was provided by the authorities to facilitate the personal calculation of one’s own “trees” and “different types” of trees. As the chairman of the Village Action Committee, Ramli, reflected:

Wherein lies the mistake in the payment of the compensation? It is the evaluation of the compensation: we never knew the *harga* [price] even though in the Memorandum we put down the *harga*, say how much for *petai* or *durian* per tree, etc.

He also felt that “our people accepted the compensation under some pressure.” Sometime early September, 1993, about a month before the relocation took place, a meeting was called “in a hurry” (*secara tergesa-gesa*) without any formalised announcement or invitation to expedite the payment of the compensation.

The acceptance of the compensation payments by the villagers was interpreted by the JHEOA as the readiness of the villagers to move and their agreement to the relocation site. In actual fact the Village Action Committee at that time was still concerned about the lack of “basic facilities” (*kemudahan asas*) and other amenities in the new area and wanted more time so as to ensure that “everything was ready” before being relocated. Indeed Ramli had even received a letter from the Managing Director of the company which spearheaded the airport project, (i.e. the KLIA or Kuala Lumpur International Airport Bhd). According to Ramli:

The decision when to move was the ultimate directive by the JOA not by the Managing Director of the KLIA [*Datuk Jamilus*] because I received a letter from him saying that: “If the relocation site is ready with regard to basic facilities and other amenities, **it is hoped** that the people of Kampung Busut will shift.” “It is hoped” [*Diharap*] ... and “if” [*Sekiranya*] ... what do these words mean? So I replied the letter requesting the *Datuk* for more time until all the basic facilities, such as water, electricity and a good road are ready. Then our committee will gladly direct our people to move. In the end, the final directive came verbally [*arahan cara mulut*] came from the *Jabatan* [i.e. the Department of Orang Asli Affairs]. Our *Jabatan* merely *melepas batuk di tangga* [literally: “to release one’s cough by the steps”; a Malay proverb which implies “half-hearted action”] so that when the Orang Asli have shifted, they will be relieved, no more responsibilities [*dia senang, lepas tangan*] — what they would report upstairs is that: “Everything is resolved [*Semua telah selesai*]!” Yes, the *Jabatan* could have delayed the move ... so the *Jabatan* did not fulfil its role [*jadi Jabatan tak main peranan*].

Another village activist, Dewi bin Malam, also the secretary of the Village Action Committee, added that:

probably a few of the JOA *pegawai* could have “frightened” [*menakut-nakutkan*] the Orang Asli ... Some of the Orang Asli informed me that they were told that if they did not shift, these rights would be given to other people [*sekiranya tak berpindah, hak ini akan diberi kepada orang lain*] i.e. the rights to the new land ... “Those who don’t shift will forfeit their rights and they’ll just be left behind!” That’s the extent to which they went to frighten us!

But Ramli also admitted that once compensation was paid, the seeds of disunity were also sown into what was once a co-operative and united community.

Before ... all the Orang Asli in Kampung Busut were fully behind the committee; but soon after the compensation was paid, they became “intoxicated” [*ghairah*] and “forgot themselves” [*dah lupa*] — they couldn’t control themselves [*latah*] when seeing thousands of Ringgit in front of their eyes ... so they all shifted chaotically [*tonggang-langgang*].

Indeed the final choice of the new site (now named as the “new” Busut village, or *Kampung Busut Baru*), was never the choice of the Action Committee. In the beginning of their negotiation with the authorities, they thought that they could have a say in the choice of the new

site; as Dewi recollected:

They did not agree to the present location — they all agreed to the area near Bukit Baja in Dengkil. Our people went to see it — that was their first choice. The contours of the land were suitable [*tinggi rendah tanah sesuai*], adequate water supply — no environmental degradation and the soil fertile [*subur*] for agriculture Then we were told by the YB and the D.O. [District Officer] that there was a better plan: No need to open up a jungle area [*tak perlu buka kawasan hutan*]. No need for that, they said. Then they took us in a bus to survey another area, then we agreed to 1,500 acres of an established oil palm estate area but half of the area was already earmarked for Perang Besar Industrial Estate, the twin city of Kuala Lumpur. The idea was for the authorities to purchase a ready-made estate. Then another estate was suggested — Sungai Tumbuh Estate — but that place was also going to be developed into a port . . . by that time, the villagers began to lose heart [*tawar hati*] We felt that we were played out since we wanted what we first suggested in the very beginning . . . then we were shifted to Ceding in the big forest reserve of Kuala Langat.

Ramli asserted that the Rural Department Planning (*Perancang Luar Bandar*) of the Ministry of Rural Development

diverted their plan to the swamps . . . that the JKR [Public Works Department] and the Rural Planning people were prepared; they said that they had architects — they had engineers who could overcome the problems of swampy land so that it could be well-drained — they gave us their assurance [*jaminan*].

But sadly, almost a year after having shifted to the new area, all the above promises and assurance had come to nought. Nothing was as yet done about the drainage system. During the rainy season, the area was easily flooded. It would take only one hour of heavy rains for the water to flood and overflow into the houses. Piped water and electricity were as yet unavailable, and the main road leading to the village needed repairs and upgrading. Ramli commented that:

It is impossible that these houses are built by the Rural Planning according to the plans approved by the JKR or the engineers. I really don't know — but the cement is with holes, broken [*semen bertubang pecah*], as for the roofing, every heavy rain, it leaks for sure . . . *indah kabar dari rupa* [a Malay phrase to describe something which is nicer "heard from a distance" rather than "seen in close proximity"] . . . from outside it looks nice . . . even the public hall leaks, the foundation is weak. My spirits are almost broken . . . but not yet broken . . . and not for lack of trying. If the authorities don't like me, it's fine . . . it will not be a "wound" [*kudis*] in my body . . . it will not weaken me My wishes are for my people to live in some comfort even when it rains. As it is, the houses seem nice, but not happy to live in . . . we have to keep shifting around the mats, the pillows [*Rumah ni seakan cantik tapi duduk tak senang . . . beralih tikar . . . beralih bantal*]. There is no drainage system . . . the drains in front of the house are filled up with earth whenever it rains . . . so the water overflows into the house.

All in all, a total funding of 2.7 million Ringgit was promised to be put aside to develop the area and for subsistence (payable at RM150.00 per family per month during the duration of "waiting"). Apart from the houses, they were also supposed to be allocated 2 acres of land for

their fruit orchard, and about 7 acres or so for the main agricultural lot. But according to Ramli and Dewi, the promise (*janji*) was that “before relocation, everything would be ready” (*sebelum pindah, semua dan siap!*).

In addition, in the dilemma of waiting they had to disperse and try to find work outside; no longer were they self-sustaining on the land as before.⁷⁾ Apart from the swamps and uncleared land, they were in the dark as to the allocation of their individual plots and the status of the land. These factors hampered their efforts to start working on the land themselves, as explained by Ramli:

We don't even know where the boundary of “our land!” The committee was keen to start something agricultural but we couldn't. If we want our people to do something on the land, we must know what particular lot belongs to the individual, his individual rights, then they will feel motivated Once we can ascertain the individual rights then we can request the Agricultural Department people to come in — to suggest what is suitable to grow, etc. But now there is no place — yes there is a place but where exactly? All we know at present is the compound in front and at the back of the house. When will the agricultural project take place, we don't know. We don't want to make a statement that we pretend to know what we don't really know!

Both Ramli and Dewi remembered well the promises by the authorities. Dewi reflected that

there is something I can recall uttered by the Deputy Minister of Rural Development at that time, Yasin Kumari. He said to the villagers: “Don't cry No need for you here to cling to [*peluk*] your five trees, sobbing away. . . . I don't want to leave! I don't want to leave!” That's how he said it. “There,” he said, “50 oil palm trees await you! So you want to weep over your 5 trees here?” So the people's spirits rose [*naik semangat*]. They felt that the government was really concerned [*prihatin*]

Ramli also confirmed the above by saying:

He promised us like this: “As soon as you shift there, cultivation [*kebun*] will begin!” That's what *Encik* Yasin Kumari assured us when he made his speech — that as soon as we are relocated, everything will be there [*segala-galanya ada*]. Had it been anywhere else, he said, the people would be rolling in the field, out of sheer joy [*orang-orang tu akan bergolek-golek di atas padang kerana kesukaan*].

And as old Kampung Busut became only a remembered village, Dewi could not help but felt a tinge of sadness, as he lamented:

I was overcome by a feeling of grief because much was not completed as had been promised So much of what we've been fighting in order to improve their livelihood has come to nothing. Actually their life just requires that little bit more improvement to be at par with the development of the old

7) In an interview, Dewi reportedly said: “Try to imagine our situation. Before we worked on our own palm oil trees but now we are coolies in other people's estate” [*Harian Metro*, 19 April 1996].

place. Now what I feel most sad is that we have to start from a very uncertain stage of development. We have to start again from a period that we have left behind, as if the Orang Asli are starting life from scratch We want our people now to wear neckties, with a language which is elegant — if possible we want to be able to speak the language of better-educated, not still struggling [*terkial-kial*] at the level of basic economic needs or trying to find work and so on.

What I am sad is that not only did we lose our former livelihood, but the provisions of the new site are inadequate; education is affected — yes, there is a school, but the effects of the relocation have altered the situation The land is unsuitable, but because no other alternative was provided for by the government, we were forced [*terpaksa*] to accept it We were forced to accept it.

The most poignant fact about the whole aftermath was that it left a deep sense of hurt and a feeling of being betrayed by their own “protectors”:

What I am certain of is that after the Orang Asli have shifted, nobody seems to care anymore. Orang Asli are left in desperation to fend for themselves in order to find solutions to their problems. Till today, there’s nobody we could approach. When we approached the Kuala Langat JOA [because we have now shifted to Kuala Langat area], their people said: “We don’t know. Why don’t you ask headquarters?” Then we referred back to Sepang, only to be told: “You’ve now shifted to Kuala Langat. Your *pegawai* [official] is now there!” So presently, no one seems to co-operate here. It seems that now if that the Orang Asli have actually shifted, they don’t want to listen our current problems anymore . . . they want to run away from realities.

On the 7th November 1994, with the Malaysian General Elections just around the corner, the Chief Minister of Selangor came to address the Orang Asli populace residing in the general district. But against the past personal experience of the old Busut folks, the rhetorics of the MB’s following proclamations on Orang Asli development and the state’s concern for their well-being, came across rather empty and superficial:

. . . I want to congratulate the Orang Asli community here, i.e., a community which has shifted from the old village in the International Airport Sepang area, and *tuan-tuan* [gentlemen] and *puan-puan* [Ladies] have all been resettled in this area, at Busut Baru. I am sure that *tuan-tuan* and *puan-puan* feel comfortable in this new area with its beautiful flowers [referring to the school garden], and its “lovely equipment” [*alatan yang indah*], and efficient infrastructure, provided for by the government . . . and the road that has been built All these reflect that the government pays a lot of attention to the Orang Asli community not only in this village but also throughout Selangor, and the nation where Orang Asli have been given recognition, and **encouragement to leave the old ways . . . and enter a modern way of life . . . to play a role as progressive Malaysian citizen, to be a Malaysian citizen (“rakyat Malaysia”) as other citizens who are more advanced . . .** [emphasis mine]

The new president of POASM, Majid Suhut, in his visit to rally the community’s support for the Association, however, drove home into their consciousness a different set of realities and “truths” regarding the Orang Asli situation, as part of his unwritten speech reads:

In the old village, Kampung Busut Lama was able to actualise a very viable economy such that the income levels could go as high as four figures, but when you are shifted here, your incomes deteriorate, and you don’t have proper work What I observe is the negligence and the lack of concern on the part of the relevant authorities when planning for the resettlement and development of the Orang Asli.

So I don't consider Orang Asli as anti-development; till now they are still waiting for development, but the real problem is that where Orang Asli live in the proximity of urban areas, they will be the victims of development — they will be shifted elsewhere — the example is here. From an area which is comfortable [*selesa*], they have been moved to a swampy land, with an infrastructure that is unsystemetised and underdeveloped

Orang Asli don't have to blame other people. Orang Asli have to blame themselves for not being united — for not wanting to co-operate. The strength of our spirit is not at a level that we could be proud of Because we are a minority, and we are not united, that is why the authorities pay scant attention to us What I see in Selangor today really needs full attention because Orang Asli here are facing big problems as Selangor is developing at such a fast pace but Orang Asli have been peripheralised [*tersisih*] from such development, and they have become victims of development So we must unite . . . if not, all our life, we will be marginalised by development and neglected by the authorities who deal with our problems.

The problems in Selangor are at a critical stage and should not have occurred what with the government today which is so viable, and I feel that under the leadership of Dr. Mahathir. . . . If I'm not mistaken, over the news last night, he asserted that there should not be any race marginalized from the development in Malaysia . . . from enjoying its fruits of development But what we see today, is clearly the reverse. So where is the reality of his statement . . . is development aimed at the people who can only be seen, or is it possible that these Orang Asli are not **visible** [*tidak dilihat*] to those at the top because we are a minority group, a small group [*golongan kecil*]. . . . But if we follow the text of Dr. Mahathir's speech, it is clear that he does not want a single race left behind by the current of development which is enjoyed by the country. But what we see is different [*berbeza*] from what he says

The problems of Kampung Busut Baru should be shared by all because it will not only be Busut Baru alone which will face this problem One day, it is not impossible that other villages too will face the same problems as Kampung Busut . . . so we must unite. The Association [referring to POASM] is important.

E. *Confronting the State: Re-negotiating for Space and Orang Asli Identity (The Case of the KLIA Highway Encroachment in Kampung Tampoi, Dengkil, Sepang District, Selangor)*

The reminder by the new president of POASM, Majid Suhut to the relocated Kampung Busut folks that other Orang Asli villages would also face similar problems is obviously not without basis. By about early 1995, another area, an established 60 year old Orang Asli village, Kampung Tampoi, in the vicinity of Dengkil, Selangor, found itself standing the path of the proposed Kuala Lumpur — Shah Alam — Nilai interchain of the new KLIA (Kuala Lumpur International Airport) highway. Altogether about 42 acres of the village land would be affected; involving 13 houses (which had to be demolished) and 22 owners of cultivated land (hence destroyed crops such as oil palm, rubber and fruit trees would have to be compensated). The village was not only an original Orang Asli village (*Kampung Asal*), but its land area had already been gazetted as an Orang Asli Reserve Area. The *Batin* recalled that: "This is a *Kampung Asal* from way back . . . when everything was still jungle . . . it was reserved during the time of my dead father (*arwah ayah*). Before there were 250 acres . . . but now it's less, the government (*kerajaan*) took 50 acres to make a *loji air* (reservoir) . . . only as a gift (*sagu hati saja*), now there's about 200 acres left." With 42 more acres (some of which were government land "occupied" by Orang Asli) to be appropriated for the highway, the villagers would be left with lesser still.

Again, as in the case of the Kampung Busut situation, in the earliest Memorandum submitted by the Village Development Committee (JKKK), the villagers also bowed dutifully to the development wishes of the state:

[W]e . . . the local inhabitants . . . are not opposed to the government's policy for the sake of progress or to advance the development of the State and also Sepang district.

At the same time, we demand justice [*menuntut keadilan*] together in the current of progress [*arus kemajuan*], in the form of compensation, relocation of proper housing and agricultural area.

In their earlier meeting with the authorities (headed by the Lembaga Lebuh Raya Malaysia, i.e. The Malaysian Highway Authority or LLM, and mediated by the JHEOA), the village JKKK immediately requested for a 50 acre replacement of their land in one Ladang Ampar Tenang Estate but only to be told by the JHEOA officials that it would be a long and time-consuming process, and suggested that those affected be quickly relocated in the adjacent area before addressing to the question of land replacement. It was understood that the LLM had a dateline to follow, i.e. to ensure the completion of the proposed highway before the launching of the New Kuala Lumpur International Airport in 1997, in time for the much-publicised 1998 Commonwealth Games to be hosted by Malaysia. The authorities were therefore anxious to settle legal matters arising from the compensation which are stipulated in the Act 134 rather than the issue of replacement of land which the Act does not provide for in relation to Orang Asli Reserves.

At the village level, two young Orang Asli leaders headed the representation of the Orang Asli. Ilam, inexperienced and with only primary education behind him, being the chairman of the village JKKK, suddenly found himself in the midst of negotiations to represent his people, confronting the state and corporate officials. Yusoff, the POASM representative for Dengkil, with some experience in small business but not in leadership or organisation, also found himself having to accompany Ilam to meet officials or attend meetings. Overnight both of them became involved, conscientized and politicised in the Orang Asli-state contestation. But as negotiations gained momentum, it was obvious that the Bukit Tampoi villagers did not want a repeat of the Bukit Busut aftermath. Ilam and his village committee decided that POASM should "officially" come in to represent their case. Negotiations had apparently reached a stalemate with the villagers protesting against the "secrecy" of the bases of the evaluation of their compensation (as in the case of the Bukit Busut situation), hence refusing to accept the payments. They were also unhappy with the authorities for delaying the re-building of their new houses and finding the proposed "house sites" (*tapak rumah*), whilst they waited anxiously for the impending demolition of their trees, houses and land.

Suddenly Bukit Tampoi found itself in the news. Some of the local vernacular started to focus on its plight. TV3 also came to visit the village and interviewed both Ilam and Yusoff and other villagers. The new POASM president, also found himself faced with a test-case not only of his leadership but more than that, of what the Bukit Tampoi issue would symbolise in the context of the struggle of POASM and Orang Asli as a whole. The villagers however

braced themselves solidly behind Ilam, Yusoff and the POASM president. Indeed, in one of the early meetings held in the village with JHEOA officials, the villagers refused to go on with the meeting in the absence of the POASM president who was apparently “not officially invited” by JHEOA. It is interesting to note in the following, some of the exchanges between Ilam and one of the JHEOA officials on that day, whilst they were waiting in the village hall:

- Ilam: Encik says POASM does't have to attend
- JHEOA: There's no need for POASM! POASM does't play a part [*peranan*] It's not involved in meetings But we are a Department [*Jabatan*] . . . Like now in this kind of situation . . . [with LLM]. We are formed by the government, not formed by POASM. So the Department must do something
- Ilam: We people are afraid that without our Association, there's nothing in writing for our side . . . trouble for us later.
- JHEOA: Because we have a Department, any statements made with the Highway Authorities will be recorded in the minutes — no need to make a letter of Agreement — It would be different if the Orang Asli do not have a Department . . . but we have one
- Ilam: That's what we have really hoped for the Department to do but the Department hasn't shown very much [*Jabatan tak menunjukkan apa-apa*].
- JHEOA: Like us in the Department, if there are problems, we emphasise on compensation . . . even the houses, we asked for the Highway Authorities to build them first . . . that is what we prioritise [*utamakan*]. No written Agreement [*Perjanjian*] but all will be recorded in the minutes.
- Ilam: That's why the villagers don't want this resolved like Bukit Tunggul What's going to happen next . . . like Busut Baru?
- JHEOA: Bukit Tunggul, we have fought to get a 5 acre title grant each
- Ilam: It's not that we don't want to shift but the houses are not ready, how?
- JHEOA: Don't start again with “We'll shift when the houses are ready.” We've got everything already . . . but a bit slow, so they get anxious.
The future of Bukit Tunggul is more assured than other villages . . . the first in Malaysia But in Bukit Tampoi's case, we don't want to say much because you have an Association
- Ilam: They're afraid because there's nothing in writing . . . because promises, promises, all verbal only [*sebab janji, janji mulut saja*] I also feel doubtful [*curiga*].
- JHEOA: Whatever they've promised the Department — that's considered as an agreement.
- Ilam: Promises that's not kept [*Janji yang tak ditunai*] . . . that's the problem.
- JHEOA: What's not kept . . . what's not done?
- Ilam: The money's still unresolved . . . the sites not confirmed

If Ilam found himself confronting authority, Yusoff, in a meeting between POASM leaders and the new Minister of National Unity and Community Development (the Ministry to which JHEOA is attached), found himself articulating to the Minister the “plight” of the Bukit Tampoi people, as in the following:

My name is Yusoff, representing the Executive Council [Majlis Tertinggi] POASM, Selangor. There is a matter which I would like to report here, so I hope that Paduka Menteri [addressing the Minister of National Unity and Community Development] will care to listen. This problem has been going on for the last 7 months, i.e. the problem of land acquisition in the Sepang district. What we have seen is that Sepang is an area which is really developing — it has 13 Orang Asli villages which are very close to the KLIA projects, and recently we faced a very critical problem, which involves the highway passing through Kampung Tampoi, and encroaching on about 40 acres of its land. What is at issue

here is that the compensation given is not at par with what's grown on the land. For example, oil palm trees, about 98 trees, 15 years old, on almost two acres of land, the LLM is only going pay RM2,000/... and whether this also includes the *durian* trees, we don't know [they have already prepared the cheque, but the villagers refused to accept]... because we asked the LLM to provide us with a list of their evaluation of the trees — but they have not given it to us: they said it's "government's secrets" [*itu rahsia kerajaan*]. As far as we know, only those that threaten the security of the country are government's secrets. But they said — "that's government's secrets!" — they could not let us know the price evaluated for each type of crop — they only gave us the total sum only — so, "98 oil palm trees, 15 years old, 10 *durian* trees, 20 years old... here you take this cheque amount RM2,000."

So we feel that we have been manipulated [*dipermainkan*] — and the consultant for the project, United Engineering, they said: "We've paid you the best" [*Kita dah bayar yang paling patut*]. In terms of the value of land in Sepang, nearly 1 acre will fetch a price of RM150,000 [this was communicated to me by the Datuk Sarip, the YB himself]... So the example that I gave, 98 oil palm trees on 2 acres of land being valued at only two thousand Ringgit It is a problem, where is justice [*keadilan*]?

If we consider, we are not blocking the highway from passing through — we have already agreed in our meeting that we will only agree to the value of the compensation at the time of payment. Another problem is the issue of the houses affected by the highway — about 13 houses in all. What is at issue is that we have asked for the land sites to be replaced, but the District Officer said no — "the land cannot be replaced" [*tak dapat ganti tanah*]. We did not ask for the 40 acres to be replaced, we only wanted 7 acres of land to replace the land sites of the houses that will be demolished; but he couldn't give.

United Engineering promised to build us the houses ... during the first meeting. They assured us: "You people just wash your hands — we promise you, once the houses are built, we will give you money [i.e. compensation for the trees affected] — then you move in."

But now, when they discussed with us — they asked us again — "Where do you want to move?" So we showed them where we want to move — next to Pekan Dengkil, just outside our reserve land. [Actually from the very beginning, in our first meeting with the YB, he said he supported our move — "We want to bring in Orang Asli together into the development of the extension of Pekan Dengkil. Datuk agreed wholeheartedly!"]

But when we went to the Land Office, the D.O. said:

"How can we give to Orang Asli — we can't. Under what status can we grant it [i.e. the land] to the Orang Asli?"

So I said, "If you can't grant the land to us on the basis of our status as Orang Asli. . . then grant it to us on the basis of our status as rakyat [citizens] Malaysia . . . that's good enough!"

But he said, "No, it can't be done . . . **because Orang Asli will always be Asli.**" [emphasis mine]

In the same meeting, Yusoff's concern was also taken up by Bah Tony, a former president of POASM, who addressed the Minister in the following way:

With regard to land, this is a crucial issue for the Orang Asli . . . but as *Datin Paduka* has said, if we can, we should not pressure [*desak*], but it appears that we may not have a choice — we have to put "pressure" if not Orang Asli will forever be victims of development. So I feel that as the *rakyat* [citizens] of Malaysia, Orang Asli have the rights to development and they should not be marginalized from development. As such I feel that this land issue must be resolved as quickly as possible especially in areas which are experiencing rapid development, such as in Selangor, in Bernam valley, and others. These areas have a lot of Orang Asli . . . and because Orang Asli's land do not have *geran* [title] — so they normally become targets [*sasaran*]. So when the land is taken, on what ground can the Orang Asli hold on to the land? What more to replace the land — they will say — "there's no

basis!"; "there's no status!" "There's nothing!" This I feel is a real sense of injustice matters such as these should be resolved as quickly as possible, if not **only the name is Asli — but the rights are not there** [*nama saja Asli tetapi hak tu tak ada*].

Meanwhile there was news that the authorities were willing to give a further 33% increase to the original compensation offered for the trees on the affected land. Later it was revealed that this increase was only for the compensation of oil palm trees and LLM confirmed that based on their consultation with the Evaluation Office (Jabatan Penilaian dan Perkhidmatan Harta), the LLM Authority felt that it had "no basis" (*tidak mempunyai asas*) to increase the compensation further for other types of cultivation. The village JKKK was also unhappy with some of the previous tactics of the Authority to entice the acceptance of the increased compensation amongst the villagers via "private means" (*secara sulit*). The villagers wanted a more "equitable compensation" (*pampasan yang setimpal*) in accordance with the current market value, especially on their reserved land which was not being replaced. They also made comparison with a Chinese landowner who lived adjacent to the village and whose 6 acres of land and cultivation had been compensated more than RM700,000 by the same Authority. They however agreed to the Authority's offer to pay RM25,000 compensation for every house that had to be demolished and be responsible for constructing their own houses with the above funds. The Authority would further pay cash compensation to the "owner" of the land in the reserved area which would be the new "house site" (*tapak rumah*) and ensure the provision of basic amenities there. There was however no further compromise on the 33% compensation issue, and the Authorities prepared to issue cheques for the respective compensation recipients to be distributed by the JHEOA Sepang.

There was however a final legal hitch. The villagers refused to accept the payments until a legal eviction order was issued by the District Land Office. The issue of such an eviction would be the correct legal procedure to be followed by authorities for that would indicate that their reserved land had already been legally revoked. It would appear that whilst all these negotiations had been going on, POASM had sought the help of the Bar Council and was duly provided with free legal assistance. In this sudden turn of events in which POASM, with the mandate of the village JKKK and the Bukit Tampoi village community, were prepared to turn the issue into a legal "test case," the JHEOA was caught in a predicament. All this while, the JHEOA officials were merely playing the role of "a middleman" (*orang tengah*), as they themselves readily admitted. They were essentially mediating the interests of the authorities to ensure that the whole affair would be conducted efficiently, causing no hitch to the schedules of the proposed highway and the mega airport plans of the state. When there were delays in negotiations, and when POASM seemed to have had the offer of legal consultation from the Bar Council, the new Director-General of JHEOA himself came to the village on the 4th March 1966 to make a verbal offer to the villagers an amount of RM50,000 as compensation for every acre of land affected by the highway. It was later learnt that the offer was made without involving the LLM, and might have possibly been made to put on record that the *Jabatan* was "concerned" about the "plight" of the Orang Asli. It is also possible that the gesture was to ensure that the

POASM and the villagers withdraw from their legal pursuits, hence from making the whole affair and the Department's role public. For when the above offer was referred by the village JKKK to the POASM's president, the Department's last-minute and face-saving gesture was politely refused. In a scathing letter to the POASM president, the new Director-General accused the former of having his own "personal agenda" and noted that:

You mentioned that the Orang Asli there are determined to bring this case to court, not to gain further increase of payments but to assert the Orang Asli's dignity [*menegakkan maruah Orang Asli*]. My reading here is that the Orang Asli want the Malaysian society [even the world] to be exposed about the "plight" or the status of the Orang Asli people who are alleged to be oppressed [*terhimpit*] in this country and not given proper treatment [*tidak diberi layanan yang sewajarnya*].

The letter was passed on to the Bar Council which subsequently came to the defence of the POASM's president, arguing that it was out of his "concern" "to protect the interests of the Orang Asli" "which had prompted him to seek a legal opinion on their rights in the matter." They ended by admonishing the Director-General — "since it is also your function to see that the Orang Asli are treated fairly, we cannot understand your attitude to our client's effort to help the Orang Asli achieve that end."

The final episode of the above case is yet to be known. But it would appear that the authorities, frustrated with the delay (and what with the village JKKK still refusing to officially accept the cheques) had already decided to move in with a show of "force." With its heavy equipment and accompanied by a squad from the FRU (Federal Reserve Unit), they came to "push" (*tolak*) the land. In this initial phase, they concentrated only on the government land lying outside the Orang Asli reserve which the Orang Asli had occupied and cultivated. No untoward action however occurred and the villagers were told by their leaders to keep calm and not resort to any resistance for fear of any backlash, manipulation or misreporting. On that same day, the TV news coverage carried the announcement made by the Ministry of National Unity and Community Development that various state governments in the country were working out a system of giving individual ownership to the Orang Asli population. Nothing was reported about the Bukit Tampoi incident. Not long after, the Orang Asli, in the presence of their legal advisor and POASM, decided to "ritualise" their "acceptance" of the cheques from the authorities but not before being acknowledged and put on record that the acceptance was made "with objection" (*dengan bantahan*). Soon after, the rest of the affected Orang Asli land (i.e. the reserved land) was finally "pushed," even though some grace period was given to rebuild the new houses before the existing ones were demolished. A notice of Proposal to revoke the affected reserved land was "found" in circulation, but it was not actually exhibited in a public place for the villagers concerned to see and respond (which apparently should be the usual procedure observed so as to facilitate any forthcoming objection by the affected party or public). Theoretically, the document was only a Proposal and could still be contested. The Proposal cited 24th June 1996 as the date for the registration of any official objection against it. On that day POASM, assisted by its legal advisor, formally registered their objection against the

Proposal. The Bukit Tampoi case has since been handled by the Bar council, in which the Human Rights Sub-Committee has appointed a Panel of lawyers to study and if necessary, help the Orang Asli pursue their rights lawfully.

Conclusion

The above case studies demonstrate that the utilisation of the anthropological data based on subjectivities could be a useful method in gauging the internalisation or deconstruction of dominant discourses among the subjugated, or in ascertaining the on-going dynamics of contestation between a dominant discourse and the making of a counter-discourse. It is important however that the terrain on which the “subaltern speak” is not universalised or located in a vacuum. It is crucial to give these subjectivities their own historical specificities and political economy, beyond the theoretical confines of the “weapons of the weak” [Scott 1985]. Thus pertaining to the empirical concern of the study, the emergence of Orang Asli new subjectivities should not be understood as lying outside the evolving Orang Asli — state contestation discourse throughout history, right from pre-colonialism (“Malay feudalism”), through colonialism until the current post-colonial period [see Zawawi 1996]. In addition, post-colonial developmentalism has brought about specific implications in the state-capital-Orang Asli relations. It has not only exacerbated the “dispossession crisis,” part of which has been captured in the new Orang Asli subjectivities articulated by the various subjects, but it also poses its own problematic with regard to the question of Orang Asli identity in the present Malaysian nation-state. I suggest that both these elements of “dispossession” — one economic, the other, a socio-cultural process of “othering” (denied belonging or of being disappropriated from indigenusness) have become interwoven into the poetics of the emerging Orang Asli subaltern discourse.

The contents of these new subjectivities certainly demonstrate the Orang Asli's abilities to deconstruct the prevalent “official” image about themselves, such as their alleged affinities towards a “nomadic” life, and indeed their so-called “anti-development” ways. Far from it, in their minds, it is the state and officialdom which are forcing them to be “nomadic” and which deny their own self-sustaining efforts towards development, notwithstanding the rhetorics of benevolence and economic integration which these authorities officially proclaim. Central to the whole question of Orang Asli welfare and protection is the very role of the *Jabatan* (the JHEOA) itself. The various episodes presented above testify the Orang Asli's vindication of “their” *Jabatan*, its role and even its existence with regard to the protection and well-being of their community. From being a facilitator of social control of the Orang Asli during the colonial and post-colonial decades of the states' confrontation against communism, the *Jabatan* has now become a mediator of post-colonial developmentalism in the encounter between Orang Asli and State-Capital interests. Indeed, the final straw in this Orang Asli-JHEOA relations climaxed recently in a public proclamation by Arief Embing (the POASM leader of Kuala Langat) when he asserted an outright rejection of JHEOA, as reported in the vernacular:

Frankly, I feel that it is best for JHEOA to be abolished [*dibubarkan*] for we can live, and probably better too without their existence.

Maybe many will regard my statement as being too extreme but I am not afraid, for I feel that I am speaking the truth. Ask every Orang Asli in this district and I believe that you'll get the same answer. [translation mine] [cited in *Harian Metro*, 19 April 1996]

Since discourses not only transmit "cultural content" but also "power relations," and in the latter, not only "relations of oppression and subordination" but also "relations of resistance," the new Orang Asli subjectivities also express a new political assertion in the making. The image of Orang Asli's passivity has already been taken to task elsewhere [see Leary 1995].⁸⁾ In the above case studies, it is evident that the political consciousness and conscientisation of the Orang Asli subjects are at the crossroads. Spearheaded by POASM, the Orang Asli-state/JHEOA relations seem to have taken a new turn. In many aspects, the relationship has become more confrontational, and the legal battlefield may prove to be the future arena of

- 8) The recent Deli incidence, on 26th April 1993 in the Jahai settlement of Kampung S. Manuk, Kelantan, in which three Malay land "encroachers" were killed on the spot by the Jahai, was a spontaneous act provoked by a heated argument and the persistence of the "outsiders" in wanting to claim Jahai land as their. Apparently a cholera outbreak had forced the community to move elsewhere for a month but only to come back to a cleared land, claimed and dispossessed by others. It seemed that their thatch-huts [*pondok*] were not regarded as legitimate houses by the encroachers [See Kuttan 1995: 5 also Nicholas 1996: 170]. The trial dragged on for a few years and only ended recently, with the case being dismissed for lack of evidence. On the Jahai's "violent" response, Majid Suhut, the POASM president commented in the following way:

What I say is that the soul of the Orang Asli is soft [*lembut*]. You know... those in the past, they preferred to give way [*mengalah*] — they liked to withdraw [*merajuk*] — for them wars [*peperangan*], conflicts [*bergaduh*], they would rather avoid. They preferred to turn back ... turn back ... In the old days, Orang Asli referred to it as *zaman pelanggar* — when outsiders came in and conflicts ensued, they would shift ... shift ... shift ... but there was a limit [*had*]. When they couldn't do anything more — when their own being was threatened, then, as in the Kelantan case, that's it ...

Those people came to attack... they said that the Orang Asli had robbed them of their land, but in actual fact those Orang Asli fell ill because of *cholera* outbreak. So at that time, they shifted to a different place. When the outbreak was not as threatening, they came back ... they noticed that their area had been disturbed [*dah kena usik*]... and their *pondok* were not there anymore. So after they moved back to stay there, those outsiders came and accused them [the Orang Asli] as encroachers; so they replied: "Why should we encroach, this is our original village [*kampung asal*]!" Then the outsiders retorted: "There was nothing! When we came here, there was no village!"

So the Orang Asli told them what had really happened — after that it got very heated — the outsiders brought in the *parang* [long knives], but these people [the Orang Asli] could anticipate what was coming, so they were ready [apparently two to three times already, they had *mengalah*] but this time round, they were ready... like soldiers, lining left and right. One of them, wanted to get at the *Batin*, so he was the first to fall, struck down by the blowpipe ... Then another one came to attack, he too fell down, then a third one ... the rest were overcome ...

Three of them died ...

That means that in this case, they couldn't do anything more.

Sure they are guilty for killing ... from that angle, they are guilty. But this thing is like Private Adam's case ... Why did he start shooting? It's the same ...

contestation for the Orang Asli in order to counteract the dispossession crisis. Even though it is still too early to predict, the Bukit Tampoi case may very well be the first test of its kind for this emerging Orang Asli "subalternism" in its attempt not only to contest the "hegemony" of the dominant discourse but also in re-negotiating Orang Asli space and identity in the current context of the Malaysian nation-state.

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Glossary for — Abbreviations used in the text

A.D.O.	: Assistant District Officer
DARA	: Pahang Tenggara Regional Development Authority
JHEOA/JOA	: The Department of Orang Asli Affairs
JKKK	: Village Development Committee
KLIA	: Kuala Lumpur International Airport
LLM	: Malaysian Highway Authority
MB	: Chief Minister of a State
POASM	: Orang Asli Association of Peninsular Malaysia
RISDA	: Rubber Smallholders Development Authority
RPS	: Re-groupment Scheme for Orang Asli
TOL	: Temporary Occupancy Licence
UMNO	: Dominant Malay Party in the Ruling National Coalition
YB	: "Yang Berhormat," term for political leaders who are peoples' representatives to the State Assembly or the Parliament

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