

**DISCRIMINATION IN AFFIRMATIVE ACTION  
IMPLEMENTATION: THE CASE OF IN SEMAI-ORANG ASLI IN  
PERAK, MALAYSIA**

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M.A. (HUMAN RIGHTS)

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**ABSTRACT**

This study aims to examine the relationship between affirmative action policies with special regard to land rights and its impact on the Orang Asli, the indigenous peoples of Peninsular Malaysia.

It attempts to assess specifically the discriminatory effects in the implementation of affirmative action policies for the Malay Bumiputra community, vis-à-vis that of the Orang Asli.

Interviews and focus group discussion involving about 70 people were conducted with Orang Asli from 4 communities in Perak. They have stated overwhelmingly that land is of paramount importance to their lives. The direct correlation of land to life is unambiguous to all the Orang Asli. They assert the land belongs to them through traditional methods that are founded on a historical basis.

The findings of this study indicate that they are in need of greater protection through better legislation and government policies in order that their human rights are protected. There was deep disappointment that they have been left out and their poverty was stark in comparison to others. Their main worry continues to be the unceasing encroachment on their traditional lands by private companies, with the cooperation of the government agencies, namely the Forestry Department.

The lack of political will and action by the JHEOA has hugely impacted on the lives of the Orang Asli for half a century now, especially on matters pertaining to land rights. The meagre 15% land gazetted in favor of the Orang Asli reflects their vulnerability and appalling state of affairs.

The lack of land recognition points to this reality. The government policy for the majority Bumiputra community, the Malays, with 4.7 million hectares gazetted as Malay Reservation Land, proves that it is possible to protect land for a particular community, effectively. This 3:1 ratio in favor of the Malays of per capita land gazetted is without doubt discriminatory, forcing the land rights of the Orang Asli to be further compromised.

The human rights of the Orang Asli has suffered as their rights are closely linked to the land they live on and live off. Discrimination in protecting their land rights through affirmative action is a serious impediment to their progress as a peoples.

**KEY WORDS: MALAYSIA / AFFIRMATIVE ACTION / LANDRIGHTS /  
ORANG ASLI / DISCRMINATION**

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